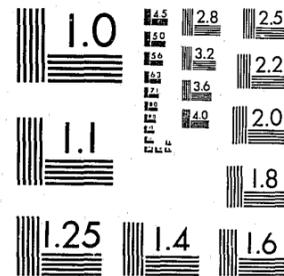


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NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS

Preliminary Report III  
An Exploratory Study of Victim and  
Offender Perceptions of the Fairness of  
Restitution and Community Service Sanctions

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INTRODUCTION

Over the past decade the use of restitution in the criminal justice system has greatly increased. More than a hundred programs have been established which place explicit emphasis on the use of monetary restitution and/or community service as sanctions for offenders. Programs exist in practically every state and operate from the pretrial through the parole phases of the criminal justice process. The National Assessment of Adult Restitution Programs (NAARP) is a state of the art review of monetary restitution and community service programs directed toward understanding how these programs operate and how they developed. After identifying where, in the United States, adult programs of this type were located, twenty projects were selected for a closer analysis. This report contains results from one component of the analysis: a survey of offenders and their victims from each of the projects.\* The survey explored perceptions of the fairness of monetary restitution and/or community service sentencing and, in addition, explored perceptions of the desirability of offender/victim contact in the process of implementing restitution/community service schemes.

RESTITUTION AND THE CRIMINAL JUSTICE PURPOSES

The United States criminal justice system lacks a clear, primary purpose but, instead, pursues multiple and frequently conflicting goals of punishment -deterrence, retribution and rehabilitation. Although a few writers have noted restitution's deterrent aspects, the concept has received most favor from advocates of the retribution and rehabilitation philosophies.<sup>1</sup> In this section the role of restitution is considered from the two latter viewpoints. Also, each philosophy is related to the notion of offender/victim contact in the restitution process.

Restitution and retribution. Disillusionment with the rehabilitation model and concern about increasing social control over offenders are factors contributing to the growing number of retributionists. In a retributive approach to sentencing the act the offender committed, not the prevention of future crimes or changing the offender, is important.<sup>2</sup> When a crime is committed, justice needs to be restored to the victim and society and for this to occur, the offender must be held accountable.

Restitution is a logical sanction for those endorsing the retribution model. When damage and harm occur, justice is due and restitution is a clear way to bring this about. The offender

\*Surveys were conducted in only nineteen of the twenty projects included in NAARP because one project declined participation in this phase of the research.

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must repay, based on damage done, the victim with either money or service.

Restitution has the potential of being a fair sanction in the societies', the victims' and the offenders' viewpoints. When a direct relationship exists between the offense and the punishment there is likelihood of both acceptance and justice. A fair restitution sanction enables the offender to understand the harm done and take responsible action through completing restitution requirements.

The growing use of restitution sanctions has been paralleled by and, to some extent, is a result of increased concern for crime victims. Victim needs, sorely neglected in the past, have been brought to attention by a variety of groups and individuals. Under the retributive approach restitution is an appropriate method to begin meeting victim's financial and psychological needs.<sup>3</sup> Justice is restored when the offender takes responsibility for past actions and repays the victim for losses. Also, there is potential for active victim involvement. In the past victims have played minor roles in the criminal justice process. Minimal information and participation was granted to victims regarding the status of the case and decisions made about the offender. In the restitution process, victims can be involved in decisions about the offender's disposition and involved in establishing a repayment amount and schedule. Offender and victim contact may be beneficial if it increases victim satisfaction, uncovers sources of conflict, or creates an understanding between the parties about the results of the offense and the appropriateness of restitution.<sup>4</sup>

Restitution and rehabilitation. Most restitution programs aim at rehabilitating the offender. From this perspective, restitution is thought to be of therapeutic use for increasing an offender's level of maturity, responsibility, and social competence.<sup>5</sup> While there are a number of rationales for the rehabilitative approach, in the area of restitution social equity theory has received the most attention.<sup>6</sup> After a person commits a harmful act against another a state of inequality exists between the parties. The inequality produces psychological stress in the harmdoer and, in order to reduce the stress, the harmdoer will be motivated to restore either actual or psychological equity in the relationship. The harmdoer may restore actual equity by compensating the victim or may restore psychological equity by justifying the harmful act. What determines whether the harmdoer will utilize compensation or justification? Equity theorists' research indicates the more a harmdoer perceives a compensation method will exactly restore equity in the victim/harmdoer relationship, the more likely the harmdoer will use that method.<sup>7</sup> If the harmdoer perceives the compensation method of repayment as either insufficient or excessive, justification is more likely to be used to restore equity.

Although the above description is a simplification of human behavior and motivation, social equity theory can offer guidelines

for sentencing offenders. If restored equity through compensation (restitution) is desired, restitution requirements should be perceived as fair by the offender. Otherwise the offender is more likely to restore psychological equity through justification techniques. Equity theorists explain this as undesirable because the offender will be left with a distorted view of past actions and the probability of the harmdoer committing the act again will then increase. Victims' perceptions of fairness must also be considered. In the victims' perceptions of the fairness of restitution are perceived by the offender as excessive, the victim may have increased the likelihood the offender will rationalize and make little or no restitution.

Equity research suggests harmdoers usually use only one equity restoring technique at a time--either justification or compensation is used.<sup>8</sup> How is it possible to increase the likelihood harmdoers will choose the compensation technique? Research has indicated that increased offender/victim contact reduces the possibility of the offender justifying the offense. Any attempt by the harmdoer to rationalize actions taken will be in disagreement with the facts. The more knowledge the offender has of the victim and the effects of the offense, the less the offender will be able to use justification techniques. Thus, from the equity theorists' standpoint, victim participation in the restitution process appears desirable although offender/victim contact should be assessed on a case by case basis to guard against producing undue anxiety in the victim or creating other adverse conditions.

#### PRIOR RESEARCH

For restitution to be effective under either the retribution or rehabilitation philosophy, it must be perceived as a fair sanction. A number of studies have been undertaken in the past addressing perceptions of the fairness of restitution sanctions. Surveys of legislators, lawyers, judges, corrections agents, and the general public have indicated strong support for restitution sentencing.<sup>9</sup> While most studies have explored perceptions toward the abstract concept of restitution, few have focused on perceptions after restitution's actual use. Only a handful of studies have included the person most directly affected by such sanctions: offenders and victims.

Most offender and victim restitution surveys have been completed as part of program evaluations. Some restitution programs routinely distribute short questionnaires to offenders and victims to assist in measuring program progress and to identify consumer needs. As an example, the Tri County Juvenile Restitution Program in St. Cloud, Minnesota, has had about one hundred offenders and one hundred victims return follow-up questionnaires in the program's first year and one-half of operation.<sup>10</sup> In this program juveniles are required to complete either monetary restitution, community service, or a combination of both. Ninety-two percent of the juvenile respondents thought the type of restitution they were involved with was fair and 82 percent thought the restitution

amount was fair. Eighty-one percent of the victim respondents thought the type of restitution the juvenile completed was fair and 78 percent found the restitution amount fair. Three independent, non-program staff research efforts were identified which included attitudes toward restitution. In 1976, Steve Chesney completed research which included drawing a stratified random sample of probation dispositions involving restitution between the months of October, 1973 and September, 1974.<sup>11</sup> Probation cases were selected from seventeen counties in Minnesota. Structured telephone interviews were used in surveying 71 offenders and 133 victims. Approximately 60 percent of each group thought that restitution, as ordered by the court was fair.

A study similar to Chesney's was conducted by Burt Galaway and William Marsella.<sup>12</sup> This study was smaller in scope and included interviews with juvenile offenders and victims. Cases were selected from one county's juvenile court dispositions involving restitution as a condition of probation for a four week period in February and March, 1976. Eight of eleven juveniles and ten of eleven victims thought the restitution sanction the youth had received was fair.

In 1978, S. A. Thorvaldson completed a study in Great Britain comparing the effects of community service on offender's attitudes with the effects of either a fine or probation.<sup>13</sup> A cross sectional, quasi experimental design was used and data was collected through personal interviews. Forty-eight offenders having community service orders, 42 fined offenders, and 42 probationers comprised the sample. The sample was selected from a population of males sentenced in the Crown or Magistrate Court in the greater Nottingham or Cambridge area. Although a chi-square analysis did not prove significant at the .05 level, social attitude scales indicated the community service group appraised the fairness of their sentences more positively than either the fine or probation group. The community service subjects were also more positive in their appraisal of the helpfulness, suitability and clearness of the sentence.

These studies indicate favorable attitudes towards both monetary restitution and community service sanctions; however, there are limitations in drawing general conclusions. This type of research has primarily been conducted in two geographic areas. Surveys of offenders having community service have mainly been limited to Great Britain while studies of perceptions towards monetary restitution have mainly been done in the state of Minnesota. Would surveys in other parts of the United States have similar results? The studies of persons completing monetary restitution are limited to restitution as a condition of probation. How do offenders and victims perceive restitution useage in pre-trial, prison or parole programs? Finally, most studies have been completed on single programs and offer no comparison groups receiving different treatment. Is restitution better applied as a sole sanction, in combination with other sanctions, along with certain program components, or at a specific point in the system?

The intent of this study was to explore offender and victim perceptions of fairness giving consideration to these questions about the use of restitution sanctions.

#### METHODOLOGY

Subjects for this study were selected from nineteen projects included in the National Assessment of Adult Restitution Programs. Projects were chosen primarily because they placed explicit emphasis on the use of monetary restitution and/or community service with adult offenders.<sup>14</sup> A selection system aimed at diversity was used in picking specific programs for study. The nineteen programs reflect diversity along the dimensions of geographic location, administrative auspices, residential or non-residential, and phase in the criminal justice system. A list of the projects and a brief description of each is included in the Appendix.

The nineteen projects are located in seventeen states and the northern, eastern, western and southern sections of the continental United States are represented. In terms of administrative auspices, five programs are under the state departments of corrections, five under a prosecutor, four under a local corrections or other local governmental agency, and five projects are administered by private, non-profit agencies. Approximately three-fourths of the programs are non-residential. Each phase of the criminal justice system is represented; four projects are pretrial in nature, eleven are at the probation level, three are at the incarceration level, and one is at the parole level.

A few additional variables help to make each project unique in the application of the restitution concept. For example, six projects require monetary restitution, eight require community service, and in five projects offenders are obligated to both. For some projects restitution is the sole program component while in others a variety of components exist. Many of the community service projects offer only placement and monitoring of community service requirements. Additional services offered by some projects included counseling, education, drug/alcohol rehabilitation, and employment related services. The type of offender the projects served include both misdemeanants and felons. Victim participation also varied across projects. Offenders from most community service projects had committed victimless crimes. Pretrial projects were likely to solicit victim input when determining monetary restitution requirements. Occasionally some of the projects utilized offender/victim contact in the restitution process. Because of the different program inputs, offenders and victims in this study will have had exposure to the concept of restitution under a variety of circumstances.

The survey was conducted by mailed questionnaire. Although this method of data collection normally brings a low response rate, the mailed questionnaire was thought most appropriate by research

staff considering the exploratory nature of this study and the estimated cost of personal face-to-face or telephone interviews for a nationwide survey with a potential sample size of 3,000 persons. Questionnaires were developed by research staff and incorporated elements from earlier offender and victim restitution surveys.<sup>15</sup>

Two questionnaires were used: one for offenders and one for victims. A copy of each questionnaire is included in the Appendix. The forms were basically the same but differed on a few demographic questions. To determine offender and victim attitudes toward the fairness of monetary restitution and/or community service requirements, a few straightforward questions were asked in each of the respective areas. The questionnaires directed subjects to only answer fairness questions when they were a part of the offender's program requirements. Thus, persons indicating monetary restitution responded to the fairness question in that area while subjects from cases involving community service were asked to respond to another set of questions. Other areas covered in the questionnaires included offenders' and victims' perceptions of the desirability of offender/victim contact in the process of implementing restitution/community service schemes, the level of overall satisfaction with the offender's treatment by the court/diversion staff, the offender's perceptions, if applicable, of the usefulness of their community service experiences, and questions asking, if they had a choice, what sanction they would choose for the crime committed.

The original version of the questionnaire was pretested to uncover possible problems with questionnaire structure, language or mailing procedures. The pretest did point to weaknesses in the questionnaire and forms were revised accordingly. The pretest also renewed concern over possible low return rates. A decision was made that, if a questionnaire was not returned in a reasonable length of time, a second mailing attempt would be made encouraging the person to respond.

Survey samples were drawn from program admissions for a three month period previous to a site visit by NAARP staff.\* Samples

\*Although the majority of survey samples were taken from project admissions for a three month period in the first half of 1979, it was necessary in some cases to make adjustments. For example, the sample for the Seattle project is taken from a three month period in 1978. In a few other projects, samples were drawn from four to six month periods because of low admissions for the intended sample period. For one program which is operated by the Minnesota Department of Corrections, two samples were drawn and treated separately in the analysis. In this restitution program, participants in prison sign contracts agreeing to make restitution but do not begin making payments until paroled. One sample was taken from those who had signed contracts in the three month span and another sample was taken of those who had completed restitution while on parole.

were either selected by research staff at the time of the site visit or else were selected by individual project staff and forwarded to the University researchers. Maximum sample size for offenders was fifty; when admissions for the three month period were more than fifty, the sample subjects were selected at random. Victims, for the purposes of this study, were defined to be persons or organizations who were victimized by the offenses for which the offender was adjudicated or, when the offender was in a pretrial diversion program, the offenses for which charges were formally filed. Victim sample sizes were limited to two per offender; when necessary, two victims were chosen at random. Unfortunately, names and addresses were not available for victims in six projects and were not available for offenders in the victim assistance project.

Data collection was devised to insure informed consent and voluntary participation as well as confidentiality of individual responses. In most cases, questionnaires were sent out from and returned to the office of the NAARP project at the University. Some project directors preferred to mail the questionnaires themselves and to have their signature appear on the cover letter. Accommodations were made to meet these requests. After about two weeks, a second questionnaire and another letter was sent to those not returning our initial form. Even with two mailings per person, the overall response rate was disappointing. The survey return rates by project are included in the Appendix.

In all, 1,016 questionnaires were sent; 661 forms went to offenders and 355 to victims. One hundred and ninety-four offenders and 152 victims returned the form. One problem encountered was simply getting questionnaires to survey subjects. One hundred and fourteen questionnaires were returned to the University because the address listed was unlocatable or because the person had moved without leaving a forwarding address. Eighty-six of the undeliverable questionnaires were intended for offenders and 28 for victims. Questionnaires were returned by 34 percent of the offenders and 46 percent of the victims who received questionnaires.

An examination of return rates by individual projects indicates striking differences. Offender return rates by project ranged from a low of 12 percent to a high of 86 percent. The highest victim return rate by project was 79 percent while, at the low end of the scale, no victims from one project responded. Although little attempt was made to analyze the reasons for these differences, subjects from diversion projects and incarcerated offenders responded at a higher rate.

Offenders responding were predominantly young, white males. Victim respondents can be roughly broken down into three types; about one-third were individual victims while the remaining two-thirds were representatives of either owner-operated or managed businesses. The majority of cases involved property crimes (burglary or larceny) against businesses. Other crimes include aggravated assault, armed robbery, arson, vandalism,

alcohol/drug related offenses, theft by check through deception, public disorder, and traffic related offenses.

Analysis of returned questionnaires was limited to frequency distributions organized in cross tables. Statistical tests of significance or associations were not attempted. Response patterns may or may not be representative of all offenders and victims from each program. Analysis, then, is at the level of pointing out trends in return rates and general views of the offenders and victims in the study.

FINDINGS

Overall satisfaction with offender's treatment by court/diversion staff. Monetary restitution and community service are used as sole sanctions, in conjunction with each other, and in conjunction with other sanctions at pretrial, probation, incarceration and parole levels. In exploring offenders' and victims' attitudes along this range of options, the parties were first asked if they were very satisfied, satisfied, or not satisfied with the offender's treatment by the court/diversion staff. Results to this question by project are included in the Appendix.

Response patterns to this question differed between victims and offenders and also between the projects. Offenders who were proportionately most satisfied with their overall treatment were at the diversion level and had requirements of both monetary restitution and community service. In three of the four diversion program surveys none of the offenders were "not satisfied" with their treatment while 38 percent of the offenders from all other programs indicated dissatisfaction.

The largest proportion of offenders dissatisfied with their overall treatment were those incarcerated and having requirements of monetary restitution. One hundred percent of the offenders from one prison project and 75 percent from a work release program indicated they were not satisfied. A request for comments was made on the questionnaire and many of the inmates obliged. Those offering comment stated that prison time and monetary restitution was an unfair, double punishment. Some of these persons criticized the projects they were in for not releasing inmates after restitution requirements had been completed. In one project offenders are employed inside the prison by private industry. After restitution requirements have been completed, these persons are required to continue paying a percentage of their wages to a victim compensation fund. Some offenders specifically criticized this practice.

No clear trends emerged in offender response patterns from community service programs. While persons from some community service projects gave very positive rankings, the majority of persons from other projects were not satisfied with their treatment.

The proportion of victims indicating satisfaction was lower than that of offenders across projects. Only one project, a diversion program which serves persons charged with felony offenses, had a large percentage (63) of victims very satisfied with the offender's treatment. In another diversion project, 82 percent of the victims were either very satisfied or satisfied. Victims of incarcerated offenders were, proportionately, the most dissatisfied with their offender's treatment.

Fairness of monetary restitution. Overall, the majority of both offenders and victims thought the offender's monetary restitution requirements were fair. One hundred and one offenders and 92 victims responded to the question on the fairness of monetary restitution requirements; the response choices offered were too harsh, fair, or too lenient. Sixty-one percent of the offenders and 60 percent of the victims thought the requirements were fair. The remaining distribution of responses, however, was reversed between offenders and victims. Thirty-seven percent of the offenders found the requirements too harsh while 39 percent of the victims thought the requirements were too lenient. Results by project are included in the Appendix.

Table 1 presents data regarding fairness of monetary restitution by phase in the criminal justice system.

TABLE 1: FAIRNESS OF MONETARY RESTITUTION BY PHASE IN CRIMINAL JUSTICE SYSTEM

	<u>Pretrial</u>		<u>Probation</u>				<u>Incarceration</u>					
	OFF.	VIC.	OFF.	VIC.	OFF.	VIC.	OFF.	VIC.				
	#	%	#	%	#	%	#	%	#	%		
Too Harsh	(4)	17	(0)	-	(14)	49	(1)	3	(19)	40	(0)	-
Fair	(19)	79	(22)	79	(14)	48	(15)	47	(29)	60	(18)	56
Too Lenient	(1)	4	(6)	21	(1)	3	(16)	50	(0)	-	(14)	44
	(24)	100%	(28)	100%	(29)	100%	(32)	100%	(48)	100%	(32)	100%

Proportionately more offenders at the pretrial level and their victims thought the restitution requirements were fair than did offenders at the probation or incarceration\* levels and their

\* The incarceration category includes a prison industry program, work release programs and a parole based program.

victims. In one diversion project survey, 69 percent of the offenders and 90 percent of the victims thought the monetary restitution requirements were fair. In another diversion project survey, four-fifths of the responding victims and all of the offenders found the monetary restitution requirements fair.

At the probation level, both offenders and victims were less likely to perceive their restitution requirements as fair. For both groups less than 50 percent chose the "fair" response. The groups were opposed, however, in that 48 percent of the offenders thought the requirements were too harsh while 50 percent of the victims thought the requirements were too lenient.

Fairness of community service. Respondents were asked to rate the fairness of the offender's community service requirements; response choices once again were either too harsh, fair, or too lenient. The results by project are summarized in the Appendix. A large number of offenders (114) answered the question on the fairness of community service requirements and, overall, 79 percent thought their requirements were fair. In addition, the large proportional support toward the fairness of requirements was similar across the phases of the criminal justice system. Table 2 presents the perceived fairness of community service requirements by the project's phase in the criminal justice system.

TABLE 2: FAIRNESS OF COMMUNITY SERVICE RESTITUTION BY PHASE IN CRIMINAL JUSTICE SYSTEM \*

	Pretrial OFFENDER		Probation OFFENDER		Incarceration OFFENDER	
	#	%	#	%	#	%
Too Harsh	(4)	11	(15)	23	(3)	21
Fair	(30)	86	(49)	75	(11)	79
Too Lenient	(1)	3	(1)	2	(0)	-
	(35)	100%	(65)	100%	(14)	100%

\*Because of the small number responding (fourteen), victim data is not included in the table.

The largest proportion of offenders who found their community service requirements fair were in programs at the pretrial phase; 86 percent of the offenders in programs at this level thought their CS requirements were fair. Offenders in programs at the pretrial level were likely to have had input in determining community service requirements. The proportion of offenders finding their requirements fair at the probation and incarceration levels was also very high.

At the probation level, 75 percent of the offenders thought their requirements were fair. All of the programs which dealt solely with community service sanctions were located at the probation phase. In many of these programs, the hours of community service are determined by the judge before the offender is referred to the project. Usually the referring judge sets the hours of community service based on the seriousness of the offense. Offenses involved are typically victimless and in many cases the hours of community service to be completed are relative to what a fine would have been.

In most programs at the incarceration phase, offenders had no participation in determining the community service requirements; nevertheless, 79 percent thought their CS requirements were fair. In residential programs, community service was more likely to be a basic ongoing requirement on the part of offenders rather than specifically related to their offense.

Only a small number of victims, fourteen, responded to the CS fairness question. In most community service projects, victims' names and addresses were unavailable. Also, community service projects were more likely to serve offenders who have committed crimes without victims. In addition, victims who did receive questionnaires may not have been aware of whether or not the offender had community service requirements. Offenders of ten of the fourteen victims who answered this question were in pretrial programs. Eight of these ten victims thought their offender's requirements were fair.

Usefulness of community service experiences. Community service placements can vary widely. Some placements require little more than busy work while others may either utilize skills the offender has, enable creativity, or be educational. Although some judges and project staff make placements according to the offense, others, instead or additionally, make an effort to match placements to the offender's interests. In order to get a general idea of offenders' attitudes toward their community service experiences, a question was included asking offenders to rate those experiences as either very useful, useful, or of little or no use. Overall results were very favorable; they are presented by project in the Appendix.

One hundred and twelve offenders responded to the question. Overall, 31 percent of the respondents thought their experiences were very useful, 40 percent thought their experiences were useful, and 29 percent thought their community service experiences were of little or no use. In all but one of the projects at least 50 percent of the respondents thought their experiences were either useful or very useful. In addition, it was not unusual for a person to comment they had or were planning to stay on as a volunteer after they had completed service orders.

Choice of a fair punishment. To secure responses in another area of interest, questions were included asking which sanction the respondent thought would be most fair for the crime in which they were involved. Choices of sanctions were monetary restitution, personal service to the victim, community service, probation, and jail or prison. The first question asked was: "If you had a choice of one of the following, which do you think would be the fairest punishment for (you) (your offender) because of this offense?" The overall results are presented in Table 3.

TABLE 3: GIVEN ONLY ONE CHOICE, WHICH PUNISHMENT WOULD BE THE FAIREST?

	OFFENDER		VICTIM	
	#	%	#	%
Monetary Restitution	(50)	29	(82)	61
Personal Service Restitution	(6)	3	(2)	1
Community Service Restitution	(64)	37	(12)	9
Probation	(48)	28	(8)	6
Jail or Prison	(5)	3	(31)	23
	(173)	100%	(135)	100%

The large majority of offenders chose one of three sanctions: community service, monetary restitution or probation. Thirty-seven percent of the offenders thought the fairest sole sanction for their offense would have been community service, approximately one-third thought monetary restitution was appropriate, and 28 percent chose probation. Few offenders chose the option of personal service to the victim and few thought the jail or prison sentence was fair.

The majority of victims, 61 percent, picked monetary restitution when given only one choice. The next largest group of victims chose a sanction of jail or prison for their offender. The remaining three sanctions received little attention from victims; only two victims thought personal service appropriate as a sole sanction.

Although 61 percent of the victims chose a punishment of monetary restitution, do victims really believe monetary restitution would be an appropriate sole sanction or is this just the sanction of most concern to them? Another question included on the offender and victim form helps to answer the above question for this group. Offenders and victims again were given the above five sanctions and asked to pick the fairest of any of the 31 possible combinations. In picking combinations, the majority of

victims included requirements of monetary restitution but in many cases in conjunction with another sanction. For example, the most popular combination (21 percent) among victims was monetary restitution and a jail or prison term. The next four most popular combinations also included monetary restitution requirements. The combination of monetary restitution, community service and probation and the combination of monetary restitution and probation each received 13 percent of the choices. Next in order were a group of victims (12 percent) who still picked a sole sanction of monetary restitution even though any combination was allowed. The fifth most popular choice was a combination of monetary restitution and community service.

When offenders were allowed to pick any combination of sanctions, about half still chose a sole sanction while the other half chose a combination of sanctions typically including either a monetary restitution or community service requirement. The most popular offender choice (23 percent) was a sole sanction of community service. The next four most popular choices were a combination of monetary restitution and probation, a sole sanction of probation, a combination of community service and probation, and a sole sanction of monetary restitution. As might be expected, less than five percent of the offenders picked combinations including jail or prison sanctions.

Desirability of offender/victim contact. Seven of the projects included in the research indicated having offender/victim contacts to aid in determining restitution requirements but normally the contact occurred in only a small percentage of the cases. However, all offenders having victims and all victims were asked whether they would want contact with the other party in determining program requirements if they were in the same situation again.

Overall, as Table 4 indicates, 72 percent of the offenders and 46 percent of the victims stated they would want to meet with the other party to determine program requirements. Twenty-four percent of the offenders and 36 percent of the victims said they would not want such a meeting. Eighteen percent of the victims did not answer this question. The results by project are summarized in the Appendix.

TABLE 4: PREFERENCE TOWARDS OFFENDER/VICTIM CONTACT IN DETERMINING PROGRAM REQUIREMENTS.

	OFFENDER		VICTIM	
	#	%	#	%
Would Want Meeting	(83)	72	(70)	46
Would Not Want Meeting	(28)	24	(54)	36
No Response	(4)	3	(28)	18
	(115)	100%	(152)	100%

In some of the project surveys offender support for meeting their victims was very strong. In six of the project surveys, 90 percent or more of the offenders would have preferred to have met their victim.

Victim responses to this question were analyzed after categorizing into the following victim types: individual victims, representatives of owner-operated businesses, representatives of managed businesses and representatives of public or non-profit agencies. Representatives of governmental and non-profit agencies were the most agreeable to the notion of meeting their offenders; 64 percent of this group said they would prefer the contact. Among individuals 51 percent said they would prefer to meet their offender. Half of the representatives of managed businesses stated they would want such a meeting. The group with the least proportional interest, 38 percent, in meeting with their offender were the representatives of owner-operated businesses. In each group of victims, about one-third of the respondents said they would not want to meet with their offender. The percentage of each group not answering the question varied although the highest percentage was among representatives of owner-operated businesses; 27 percent of this group left the question blank.

Only a small portion of offenders and victims included in this survey actually had met with the other party to determine program requirements, but when this group was asked their preference if they were in the same situation again, strong support was noted for an offender/victim meeting. Sixteen offenders and twelve victims said they actually had met the other party to determine program requirements. Among this group of persons, 85 percent of the offenders and all of the victims stated they would want to meet with the other party if they were in the same situation again.

#### SUMMARY AND CONCLUSIONS

This study involved a sample of offenders and victims from projects operating at different locations in the nation, with different administrative auspices, at different phases in the criminal justice system, and utilizing variations of monetary restitution sanctions, community service sanctions, and combinations of both. The low response rate in many projects renders representativeness questionable. The intent and analysis of the survey was, however, oriented toward general trends in offender and victim attitudes. The conclusions below are drawn from common perceptions occurring across a number of project surveys.

The largest proportion of overall satisfaction with the offender's treatment came from pretrial projects. The diversionary nature of these projects, the range of client services offered, the involvement of staff in determining and monitoring program requirements and the inclusion of offenders and victims in the decision making process probably all contributed to the greater satisfaction

among offenders who had been in diversion programs and their victims.

The survey clearly indicated the dissatisfaction created when imprisoned offenders are required to make monetary restitution. Some inmates thought restitution and prison time was an unfair, double punishment. Others thought they should be released from prison after completing restitution while some criticized the requirement that they continue to pay into a victim compensation fund after they had repaid their actual victim.

The majority of both offenders and victims thought the offender's monetary restitution requirements were fair. Overall, percentages were almost identical to those in the Chesney study although proportionately more at the diversion level thought the requirements were fair than did those at either the probation or incarceration levels. A possible explanation is the typically greater participation offenders and victims in diversion programs have in determining program requirements.

In this survey as in related surveys, the majority of offenders found their community service requirements fair. How is it that offenders generally have less input in determining community service requirements than monetary restitution requirements, yet 79 percent found the requirements fair? Perhaps it relates to the manner in which most community service requirements are determined. When the court sets the hours of community service to be completed, the decision is normally based on what a fine would have been. For example, the hours to be completed equal the fine divided by minimum wage per hour. If the fine amount is perceived by the offender as equitable (or if the fairness of the fine is not scrutinized), the number of hours of community service will also likely be accepted as fair.

When community service orders were first put into use some observers stated they would only further isolate and stigmatize offenders.<sup>16</sup> However, over two-thirds of the offender respondents in this study found their community service experiences either useful or very useful. This survey appears to indicate careful consideration in placement of offenders in community service settings brings positive results.

Results from questions asking offenders and victims to choose a fair punishment for the offender indicate monetary restitution and community service are acceptable and desirable sanctions for these two groups. However, most victims prefer restitution in conjunction with other sanctions. In this study, as in Chesney's study, a large portion of victims thought monetary restitution and a jail or prison sentence would be an appropriate punishment; offenders find this combination most unfair.<sup>17</sup> Offenders were more likely to prefer a sole sanction of community service or monetary restitution or a combination of one of the two along with probation.

Almost three-fourths of the offenders with victims in this study would have preferred to have met with their victim in

determining program requirements. The prospect of meeting their offender was not as desirable for victims although almost half stated they would want to meet their offender to determine program requirements if they were in the same situation again. The desirability of contact varied by victim type with representatives of government and non-profit agencies being most interested proportionately and owner-operators of businesses being least interested. Among offenders and victims who had previously met there was almost unanimous support for contact between the parties.

Restitution is applicable to both the retribution and rehabilitation purposes of criminal justice but for the sanction to be successful under either philosophy it must be perceived as fair. The overall findings in this study and related studies indicate both monetary restitution and community service are perceived as fair and preferable sanctions by offenders and victims. However, restitution sanctions have been perceived more positively in certain programs. The criminal justice phase programs are it appears more related to differing attitudes than the geographic location of the program or whether monetary restitution, community service or combinations of both are used. Many offenders find monetary restitution along with incarceration unfair but close to one-fourth of the victims find this combination most appropriate. Community service, in addition to being fairly applied, has been a useful experience for most offenders. Finally, the study supports the notion of active victim participation in criminal justice to the extent that many, but certainly not all, offenders and victims expressed interest in meeting the other party through the restitution process.

#### NOTES

1. The deterrent aspects of restitution are considered in: Charles R. Tittle, "Restitution and deterrence: an evaluation of compatibility," in Burt Galaway and Joe Hudson, editors, Offender Restitution in Theory and Action, Lexington, Lexington Books, 1978, pp. 33-58.
2. Patrick D. McAnany, "Restitution as idea and practice: the retributive prospect," in Galaway and Hudson, eds., Offender Restitution, pp. 15-31.
3. Joe Hudson and Burt Galaway, "Restitution and the Justice Model for Corrections," unpublished, 1979, p. 19.
4. Richard Hofrichter, "Techniques of Victim Involvement in Restitution," paper presented at the Third National Restitution Symposium, Duluth, Minnesota, September, 1979, p. 25.
5. Paul W. Keve, "The therapeutic uses of restitution," in Galaway and Hudson, eds., Offender Restitution, p. 59.
6. See, for example: Elaine Walster, G. William Walster and Ellen Berscheid, Equity Theory and Research, (Boston: Allyn and Bacon, 1978), or Elaine Hatfield and Mary K. Utne, "Equity theory and restitution programming," in Galaway and Hudson, eds., Offender Restitution, pp. 73-87.
7. Ellen Berscheid and Elaine Walster, "When does a harmdoer compensate a victim?", Journal of Personality and Social Psychology, V. 6, No. 4, 1967, pp. 435-441.
8. Walster, Walster and Berscheid, pp. 39-40.
9. See, for example: Robin Solomon Bulestein, 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; "The Need for and Acceptance of Community Restitution Centers in Virginia," Virginia Department of Corrections, Richmond, Virginia, September, 1978; Joe Hudson, Steven Chesney, John McLagen, "Restitution as Perceived by State Legislators and Correctional Administrators," Minnesota Department of Corrections, St. Paul, Minnesota, September, 1977; John T. Gandy, "Community Attitudes Toward Creative Restitution and Punishment," unpublished Doctoral dissertation, University of Denver, 1975; Peter Schneider, et al., "Restitution Requirements for Juvenile Offenders: A Survey of the Practices in American Juvenile Courts," Institute of Policy Analysis, Eugene, Oregon, June, 1977; John T. Gandy and Burt Galaway, "Restitution as a Sanction for Offenders: The Public's View", paper presented at the Third National Restitution Symposium, Duluth, Minnesota, September, 1979.

10. Robert W. Kigin, "Tri County Juvenile Restitution Program," paper presented at the Third National Restitution Symposium, Duluth, Minnesota, September, 1979.
11. Steven L. Chesney, "The Assessment of Restitution in the Minnesota Probation Services," Minnesota Department of Corrections, January, 1976.
12. Burt Galaway and William Marsella, "An Exploratory Study of the Perceived Fairness of Restitution as a Sanction for Juvenile Offenders," paper presented at the Second International Symposium on Victimology, Boston, Massachusetts, September, 1976.
13. S. A. Thorvaldson, The Effects of Community Service on the Attitudes of Offenders, Doctor of Philosophy Dissertation, University of Cambridge, 1978.
14. A complete description of the selection process is included in: Joe Hudson and Burt Galaway, "Preliminary Report I: Overview of Restitution Programming and Project Selection," National Assessment of Adult Restitution Programs, undated.
15. In developing questionnaires, reference was made to survey instruments from the Galaway and Marsella study and from the National Evaluation of Adult Restitution Programs, Criminal Justice Research Center, Albany, New York. Thanks also to Steve Chesney for his contributions in the development of questionnaires.
16. D. Flegg, et al., "Nottinghamshire Probation and After-care Service: Community Service Consumer Survey--1973-1976," unpublished, p. 1.
17. Chesney, pp. 165-166.

APPENDIX  
NAARP PROJECTS  
Project Number and Description:

- 0302 ADULT DIVERSION PROGRAM, PIMA COUNTY ATTORNEY'S OFFICE, TUCSON, ARIZONA.
- This program, which has been in operation for over five years, is non-residential and administered by the County Prosecutor. The program admits in the area of 200 persons per year and all are felons. Both monetary restitution and community service are regularly required of clients. In determining program requirements, victim involvement occasionally occurs.
- 0502 COMMUNITY OPTIONS, SANTA CRUZ, CALIFORNIA.
- Community Options is a non-residential, community service program administered by a private, non-profit corporation. The courts set the number of hours of community service and refer the client to Community Options staff. Staff arrange placements and monitor compliance with obligation. The project admits a large number of people. During a recent year, the project admitted 1,200 persons, approximately seventeen percent of these were felons.
- 0504 MARIN COUNTY VOLUNTEER WORK PROGRAM, SAN RAFAEL, CALIFORNIA.
- In some respects this project is similar to project 0502. It is a non-residential, community service program which is not involved in determining the amount of hours of community service but is involved in placement in community service sites. The program is operated by the County Corrections Agency and serves a fairly high volume of cases. Victims' names and addresses were unavailable and therefore only offenders from this project were surveyed.
- 0802 WORK PROGRAM, BUREAU OF ADULT CORRECTIONS, WILMINGTON, DELAWARE.
- The Work Program arranges community service placements for persons who judges have ordered community service in lieu of incarceration. The program is administered by the State Department of Corrections and is non-residential; offenders are on probation status. In a recent twelve month period, the project admitted 1,554 persons; eighteen percent of whom were felons. Because victim data was unavailable, only offenders from this project were surveyed.
- 1001 COURT REFERRAL PROGRAM, GAINESVILLE, FLORIDA.
- This is a community service program which is administered by a private, non-profit corporation and has been in operation for over five years. Project staff are not involved in determining the number of hours of community service but arrange placement and monitor completion of the community service obligation. Both victims and offenders were surveyed.

Project Number and Description

1102 GEORGIA RESTITUTION SHELTERS, ATLANTA, GEORGIA.

This is a state-wide system of twelve shelters operated by the Georgia Department of Offender Rehabilitation. Residents in the shelter are on probation status. The shelters are perceived as an alternative to incarceration and one hundred percent of the persons served are felons. Samples for our survey were taken from admissions to two of the shelters. One was located in Athens, Georgia and the other in Cobb, Georgia.

1604 PORTER COUNTY PACT PROJECT, VALPARAISO, INDIANA.

The PACT project is one of the newer projects included in the study. It has been in operation for about two years. This community service project is operated by a private, non-profit corporation. Most of the clients are on a continuance status--post-adjudication but prior to sentencing. Staff arrange for placement and monitor compliance with community service obligations. Only offenders from the project were surveyed.

1903 COURT REFERRAL PROGRAM, OWENSBORO, KENTUCKY.

This community service project serves misdemeanants on probation status. This project is administered by a private, non-profit corporation. Both adult and juvenile offenders are admitted to the program but only adults were included in the survey. The project is small compared to many in the study; one hundred fifty offenders were admitted in a recent twelve month period.

2001 ORLEANS PARISH CRIMINAL SHERIFF'S RESTITUTION PROJECT, NEW ORLEANS, LOUISIANA.

This is a work release type program operated by the Criminal Sheriff in Orleans Parish. All offenders in this project have both monetary restitution and community service obligations. Staff for the program are involved in both determining the amount of restitution and monitoring compliance. Persons in this program are usually in their last six months of a jail sentence.

2101 KENNEBEC AND SOMERSET COUNTIES RESTITUTION PROJECT, AUGUSTA, MAINE.

The Prosecutor for Kennebec and Somerset counties operates a non-residential, monetary restitution project for each county. Offenders are on probation status. During the recent year, one hundred ten offenders were admitted to the project, forty-three percent of whom were felons. Offenders and victims were sampled from each of the two county projects.

Project Number and Description

2502 DODGE-FILMORE-OLMSTED COMMUNITY CORRECTIONS, ROCHESTER, MINNESOTA.

A local corrections agency with jurisdiction in three counties administers this community service project. Staff are not involved in determining the number of hours of community service which is done by courts but do arrange for placement and monitor compliance with the order. Victim information was not available for this project and therefore only offenders were surveyed.

2504  
and  
2505

PROPERTY OFFENDERS RESTITUTION PROGRAM, MINNESOTA DEPARTMENT OF CORRECTIONS, ST. PAUL, MINNESOTA.

This monetary restitution project operates at the parole level and is administered by the State Department of Corrections. This is a successive project to the Minnesota Restitution Center. Restitution contracts are developed with inmates of state institutions and are then incorporated in parole agreements. Two samples were taken for this project and compiled separately. Persons, both offenders and victims, considered in project 2504 are those who have signed a restitution contract but are still in prison. Offenders and victims identified in 2505 are those who have been released from prison and have completed restitution agreements.

3301 PRE-PROSECUTION PROBATION, FARMINGTON, NEW MEXICO.

This is a pre-trial diversion program, administered by the County Prosecutor; the project is non-residential and involves offenders in both monetary restitution and community service obligations. Project staff are involved in both determining the restitution amount and monitoring implementation. Victim-offender contacts occasionally occur in this program. During the recent year all sixty-four offenders who were admitted were felons.

3404 ROCKLAND COUNTY YOUTH COUNSEL BUREAU, NEW CITY, NEW YORK.

This is a community service program which is non-residential and operates as a pre-trial diversion program. The project is administered by a non-criminal justice agency of county government. The project initially started to serve juveniles but eventually the clientele shifted so that the project is now predominantly serving young adult misdemeanants. Staff are involved in determining the number of hours of community service, arranging for placement, and monitoring completion of community service obligations.

Project Number and Description

3502 PRISON RESTITUTION COUNSELING PROGRAM, RALEIGH, NORTH CAROLINA.

This is a state-wide monetary restitution program. Restitution counselors are located at various state facilities and oversee restitution obligations of inmates who are participating in work release programs. Staff are not involved in determining restitution amounts, but are involved in monitoring compliance with a restitution obligation. Both offenders and their victims were surveyed.

4204 TREATMENT ALTERNATIVES COORDINATING CENTER, PROVIDENCE, RHODE ISLAND.

About forty percent of the clients in this program have community service obligations only, about fifty percent have both community service and monetary restitution obligations, and about ten percent have neither. The program is non-residential, pre-trial diversion, and administered by a State Prosecutor's Office. All clients are felons.

4501 TENNESSEE STATE PRISON RESTITUTION PROGRAM, NASHVILLE, TENNESSEE.

This is a monetary restitution project operated by the State Department of Corrections within the Tennessee State Prison. A private industry has been established within the prison which pays inmate employees a minimum wage. Inmates employed in this industry are required to make restitution to their victims; field staff make contact with victims to do a loss assessment. Staff of the project are involved in both the process of determining the restitution amount as well as monitoring compliance with the restitution agreement. There were eight persons in the project who were completing restitution and all were surveyed.

5108 VICTIM ASSISTANCE UNIT, SEATTLE, WASHINGTON.

This non-residential, monetary restitution project is administered by a County Prosecutor as part of a victim-witness program. Staff are involved in determining the amount of restitution but are generally not involved in monitoring compliance with the agreement. Offender addresses were not available and therefore only victims were surveyed.

5301 FINANCIAL AND DEBT COUNSELLING SERVICES, MILWAUKEE, WISCONSIN.

This project is administered by a private, non-profit corporation. Offenders are referred from the courts, corrections agents and other sources. Staff of the project make an initial assessment of the offender's ability to make restitution and report this back to the court; this is only an assessment of ability to pay, however, and does not involve a determination of restitution amount which is decided by the referral source. If restitution is ordered, project staff may become involved in monitoring compliance with the requirement. During a five month period previous

Project Number and Description

to our site visit, less than ten cases were being monitored by project staff. All of these were sent a questionnaire and their three victims. Only one offender and no victims responded; thus results are not included in survey tables.

TABLE 1: NAARP PROJECTS AND CHARACTERISTICS (12/29/78)

Proj. #	State	Type Resti- tution	Residential ?	Admin. Auspices	Phase in CJS	CONDITIONS					Annual Intake
						Vic-Off. Contacts	Functions: Deter- mine Amount	Monitor Compliance	Relative Importance MR/CS To Other Services	% Felons	
0302	AZ	Both	No	Co. Prosecu- tor	Diversion	Yes	Yes	Yes	Equal	100%	180
0502	CA	Community Service	No	Private Non- Profit Agency	Probation	No	No	Yes	More	17%	28
0504	CA	Community Service	No	Co. Correction Agency	Probation	No	No	Yes	Only		
0802	DE	Community Service	No	State Dept. of Correct.	Probation	Yes	No	Yes	Only	19%	1554
1001	FL	Community Service	No	Private Non- Profit Agency	Probation	No	No	Yes	Only	0	500
1102	GA	Both	Yes	State Dept. of Correct.	Probation	Yes	No	Yes	Equal	100%	85
1604	IN	Community Service	No	Private Non- Profit Agency	Probation	No	No	Yes	More	0	250
1903	KY	Community Service	No	Non-Profit Corporation	Probation	No	No	Yes	More		
2001	LA	Both	Yes	City Correc- tions Agency	Incar./WR	No	Yes	Yes	Equal		
2101	ME	Monetary	No	Co. Prosecu- tor	Probation	No	Yes	Yes	More	43%	122

TABLE 1: (Continued)

Proj. #	State	Type Resti- tution	Residential ?	Admin. Auspices	Phase in CJS	Vic-Off. Contacts	CONDITIONS		Relative Importance MR/CS To Other Services	% Felons	Annual Intake
							Deter- mine Amount	Monitor Compliance			
2502	MN	Community Service	No	3 County Corrections Agencies	Probation	Yes	No	Yes	More	?	
2504 & 2505	MN	Monetary	No	State Dept. of Correct.	Parole	No	Yes	Yes	More	100%	100
3301	NM	Both	No	Co. Prosecu- tor	Diversion	Yes	Yes	Yes	Equal	100%	64
3404	NY	Community Service	No	Co. Gov't.	Diversion	No	Yes	Yes	More	0	450
3502	NC	Monetary		State Dept. of Correct.	Incar/WR	No	No	Yes	Equal	82%	562
4204	RI	Both	No	State Prose- cutor	Diversion	Yes	Yes	Yes		100%	99
4501	TN	Monetary	Yes	State Dept. of Correct.	Incar	No	Yes	Yes	Equal	100%	50
5108	WA	Monetary	No	Co. Prosecu- tor	Probation	No	Yes	No	More	83%	2401
5301	WI	Monetary	No	Private Non- Profit Agency	Probation	Yes	No	Yes	Equal	50%	125

## NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS

University of Minnesota, Duluth

## OFFENDER SURVEY

1. How old are you? \_\_\_\_\_
2. What is your sex?  
 (1) Male  
 (2) Female
3. What do you consider your racial/ethnic background to be?  
 (1) White  
 (2) Black  
 (3) American Indian  
 (4) Spanish Speaking  
 (5) Asian  
 (6) Other - please indicate \_\_\_\_\_
4. Overall, how satisfied are you with the way you are being treated by the court? (Please comment on your choice.)  
 (1) Very satisfied  
 (2) Satisfied  
 (3) Not satisfied  
 Comment: \_\_\_\_\_

As part of your sentence, you were required to complete one or more of three types of restitution. Each of these three types is described below.

- FINANCIAL RESTITUTION: Occurs when you are required to pay money which goes back to victims for losses caused as a result of the crime.
- PERSONAL SERVICE RESTITUTION: Occurs when you are required to perform service to the victim. An example of a service to the victim would be repairing damage caused during a crime.
- COMMUNITY SERVICE RESTITUTION: Occurs when you are required to perform service to the community. An example of a community service would be cleaning up parks.

Letter sent to offender with questionnaire.

RE:

Dear

The School of Social Development at the University of Minnesota is currently doing a national study of adult restitution and community service programs. Twenty programs across the nation are included in the research. As part of this research, we would very much like your opinions about your experiences with restitution and/or community service.

We are sending a set of questions to a very limited number of adult offenders and crime victims in order to get a better understanding of how these programs work. The program identified above gave us permission to contact you. We will be preparing reports based on this study but will not use material shared with us in any way which would make it possible to identify you. Although there will be no direct benefits to you for participating in this research, your opinions will be of help when decisions are made about the further development of restitution and community service programs.

Your thinking about your experiences with restitution and community service is important to understand how these programs work. Your participation is voluntary, however, and neither your participation nor non-participation will in any way affect your relationship with the above program. Also, should you decide to participate, please leave a blank response to any questions which you would prefer not to answer.

If you decide to participate, complete the question form and return it to us as soon as possible in the enclosed stamped self-addressed envelope. If you have any questions about this research, please feel free to call me collect at 218/728-4245.

Sincerely,

Steve Novack

Enc.

NAARP #16

5. Check all of the following which are requirements of your sentence.

- (1) Financial restitution (Answer Section A and C)
- (2) Personal service to the victim (Answer Section B and C)
- (3) Community Service (Answer Section B and C)

\* PLEASE GO ON TO ANSWER ALL THE SECTIONS WHICH YOU CHECKED \*

SECTION A: FINANCIAL RESTITUTION

6. How much money were you ordered to pay back as restitution?  
\$ \_\_\_\_\_

The following questions concern your thinking about your involvement with financial restitution.

7. Do you think your financial restitution requirements are too harsh, fair, or too lenient considering the offense?

- (1) Too harsh
- (2) Fair
- (3) Too lenient

8. In this case, do you think the restitution requirements are fair to you?

- (1) Fair
- (2) Unfair

9. Do you think the restitution requirements, in this case, are fair to the victim ?

- (1) Fair
- (2) Unfair

\* GO TO SECTION B IF IT APPLIES OR ELSE GO TO SECTION C \*

SECTION B: SERVICE TO VICTIM OR COMMUNITY

The next questions concern your thinking about your involvement in performing services to the victim or community.

10. Do you think your service requirements are too harsh, fair, or too lenient?

- (1) Too harsh
- (2) Fair
- (3) Too lenient

11. In this case, do you think the service requirements are fair to you?

- (1) Fair
- (2) Unfair

12. Do you think the service requirements, in this case, are fair to the victim?

- (1) Fair
- (2) Unfair
- (3) Does not apply; there was no victim.

12A. How useful do you think your service experiences are to you?

- (1) Very useful
- (2) Useful
- (3) Of very little or no use

SECTION C

13. If you had a choice of only one of the following, which do you think would be the fairest punishment for you because of this offense? (CHECK ONLY ONE)

- (1) Financial restitution to victim
- (2) Personal service to victim
- (3) Non-paid work on a community project
- (4) Supervised probation
- (5) Jail or prison

14. If you could choose any combination of the following, which do you think would be the fairest punishment for you because of this offense? (CHECK ALL THAT APPLY)

- (1) Financial restitution to victim
- (2) Personal service to victim
- (3) Non-paid work on a community project
- (4) Supervised probation
- (5) Jail or prison

Different ways have been used to arrive at the amount of money an offender must repay to the victim and the number of hours of service an offender must perform. For example, some programs bring the offender and victim together to discuss the amount of money and service to be required.

15. Did you meet with your victim to decide the amount of restitution or the number of hours of service?

- (1) No
- (2) Yes
- (3) Does not apply; there was no victim (please go to question 17)

16. If you were in the same situation again and had a choice, which would you choose?

- \_\_\_\_\_ (1) I would want to meet with my victim to determine restitution or service requirements.  
\_\_\_\_\_ (2) I would not want to meet with my victim to determine restitution or service requirements.

17. Please feel free to use the space below and the back to further explain yourself on questions we asked. We would be interested in any criticisms or suggestions you have about the process you were involved in. Thank you.

Letter sent to victim with questionnaire.

RE:

Dear

The School of Social Development at the University of Minnesota is currently conducting a national study of restitution and community service programs. Twenty programs across the nation are included in the research. The program identified above gave us permission to contact you. The offender who victimized you is in this program.

Your offender's sentence included requirements to complete one or more of the following types of restitution

- Financial Restitution: Occurs if the offender is required to pay money back to you for losses caused as a result of the crime.  
Personal Service Restitution: Occurs if the offender is required to perform service to you.  
Community Service Restitution: Occurs if the offender is required to perform service to the community. An example of community service would be cleaning up parks.

As part of this research we would like you to answer some questions about your victimization and your thinking about these types of restitution. We are sending the set of questions to a very limited number of people to get a better understanding of how restitution meets people's concerns. We will be preparing reports based on this study but will not use any material you shared with us in a way which would make it possible to identify you. Although there will be no direct benefits to you for participating in this research, your opinions will be of help when decisions are made about the further development of restitution and community service programs.

Your thinking about the offender's sentence is important to understand victim's concerns. Your participation, however, is voluntary. If you do decide to participate, complete the question form and return it to us as soon as possible in the enclosed stamped self-addressed envelope. Also, should you decide to participate, please leave a blank response to any questions which you would prefer not to answer.

If you have any questions about this research, please feel free to call me collect at 218/728-4245.

Sincerely,

Steve Novack

Enc.  
NAARP #17

NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS

University of Minnesota, Duluth

VICTIM SURVEY

Some of the questions will ask for your thinking about your offender. If yours is a case where there was more than one offender, consider your overall thinking about these offenders.

1. Indicate below the type of victim you are.

- (1) Individual
- (2) Owner-operated business
- (3) Managed business
- (4) Government agency
- (5) School
- (6) Non-profit agency
- (7) Other - please indicate \_\_\_\_\_

2. Were you physically injured in any way as a result of the incident?

- (1) No
- (2) Yes

2.1 If yes, what type of professional medical attention did you receive?

- (1) None
- (2) Emergency room/doctor treatment only
- (3) Admitted to hospital for care (overnight)

3. Were there any financial losses due to damage or theft?

- (1) No
- (2) Yes

3.1 If yes, what would be an estimate of your losses, if any, after insurance payments or after stolen items had been returned to you? (Do not include any financial restitution already made or to be made by your offender in the estimate)

\$ \_\_\_\_\_

4. Overall, how satisfied are you with the way the offender is being treated by the court? (Please comment on your choice.)

- (1) Very satisfied
- (2) Satisfied
- (3) Not satisfied
- (4) Don't know how the offender is being treated

Comment:

5. Check all of the following which were requirements for the offender. (Each type of requirement was described in the letter.)

- (1) Financial restitution (Answer Section A and C)
- (2) Personal service to you (Answer Section B and C)
- (3) Community service (Answer Section B and C)
- (4) Don't know the offender's sentence requirements (Answer Section C)

\* PLEASE GO ON TO ANSWER ALL THE SECTIONS WHICH YOU CHECKED \*

SECTION A: FINANCIAL RESTITUTION

6. How much money was the offender ordered to pay back to you as restitution?  
\$ \_\_\_\_\_

The following questions concern your thinking about the offender's and your own involvement with financial restitution.

7. Do you think the offender's financial restitution requirements are too harsh, fair, or too lenient considering the offense?

- (1) Too harsh
- (2) Fair
- (3) Too lenient

8. In this case, do you think the restitution requirements are fair to the offender?

- (1) Fair
- (2) Unfair

9. Do you think the restitution requirements, in this case, are fair to you?

- (1) Fair
- (2) Unfair

\* GO TO SECTION B IF IT APPLIES OR ELSE GO TO SECTION C \*

SECTION B: SERVICES TO VICTIM OR COMMUNITY

The next questions concern your thinking about the offender's involvement in performing services to you or the community.

10. Do you think the offender's service requirements are too harsh, fair, or too lenient considering the offense?

- (1) Too harsh
- (2) Fair
- (3) Too lenient

11. In this case, do you think the service requirements are fair to the offender?

- (1) Fair
- (2) Unfair

12. Do you think the service requirements, in this case, are fair to you?

- (1) Fair
- (2) Unfair

SECTION C

13. If you had a choice of only one of the following punishments, which do you think would be the fairest for your offense?  
(CHECK ONLY ONE)

- (1) Offender makes financial restitution to you
- (2) Offender performs personal service for you
- (3) Offender does non-paid work on a community project
- (4) Offender receives supervised probation
- (5) Offender is sent to jail or prison

14. If you could choose any combination of these punishments, which do you think would be the fairest for your offender?  
(CHECK ALL THAT APPLY)

- (1) Offender makes financial restitution to you
- (2) Offender performs personal service for you
- (3) Offender does non-paid work on a community project
- (4) Offender receives supervised probation
- (5) Offender is sent to jail or prison

Different ways have been used to arrive at the amount of money an offender must repay to the victim and the number of hours of service an offender must perform. For example, some programs bring the offender and victim together to discuss the amount of money and service to be required.

15. Did you meet with the offender to decide the amount of restitution or the number of hours of service?

- (1) No
- (2) Yes

16. If you were in the same situation again and had a choice, which would you choose?

- (1) I would want to meet with the offender to determine restitution or service requirements.
- (2) I would not want to meet with the offender to determine restitution or service requirements.

17. Please feel free to use the space below and the back to further explain yourself on questions we asked. We would be interested in any criticisms or suggestions you have about the process you were involved in. Thank you.

TABLE 2: SURVEY RETURN RATES

Project #	OFFENDERS				VICTIMS			
	Forms Sent	Returned* Undeliverable	Completed** Forms Returned		Forms Sent	Returned* Undeliverable	Completed** Forms Returned	
			#	%			#	%
0302	44	2	(20)	48	34	3	(18)	58
0502	50	6	(16)	36	0	--	--	--
0504	50	?	(22)	44	0	--	--	--
0802	50	8	(8)	19	0	--	--	--
1001	38	7	(8)	26	13	2	(4)	36
1102	56	6	(15)	30	34	6	(12)	43
1604	43	8	(7)	20	0	--	--	--
1903	11	2	(6)	67	9	0	(3)	33
2001	41	4	(6)	16	0	--	--	--
2101	86	17	(18)	26	71	5	(23)	35
2502	26	5	(4)	19	0	--	--	--
2504	14	7	(4)	57	26	2	(13)	54
2505	14	0	(3)	21	16	0	(7)	44
3301	14	?	(8)	57	14	?	(11)	79
3404	37	0	(11)	30	12	2	(5)	50
3502	49	13	(22)	61	56	2	(23)	43
4204	22	?	(9)	41	20	?	(11)	55
4501	8	1	(6)	86	8	1	(1)	12
5108	0	--	--	--	39	5	(21)	62
5301	8	?	(1)	12	3	?	(0)	0
	661	86	(194)	34%	355	28	(152)	46%

\* Question marks indicate forms were sent out by project staff, not researchers. Undeliverable letters would then be returned to project staff.

\*\* Percentage of returns based on forms sent minus forms undeliverable.

TABLE 3: OVERALL SATISFACTION WITH OFFENDER'S TREATMENT BY COURT/DIVERSION STAFF

Project #	OFFENDERS						VICTIMS					
	Very Satisfied		Satisfied		Not Satisfied		Very Satisfied		Satisfied		Not Satisfied	
	#	%	#	%	#	%	#	%	#	%	#	%
0302	(9)	47	(10)	53	0		(1)	9	(8)	73	(2)	18
0502	(7)	47	(6)	40	(2)	13						
0504	(4)	20	(13)	65	(3)	15						
0802	(1)	14	(3)	43	(3)	43						
1001	(1)	12	(4)	50	(3)	38	(1)	50	0		(1)	50
1102	(3)	20	(9)	60	(3)	20	(2)	29	(4)	57	(1)	14
1604	0		(3)	43	(4)	57						
1903	(3)	50	(1)	17	(2)	33	0		0		(1)	100
2001	0		(3)	50	(3)	50						
2101	(2)	11	(8)	44	(8)	44	(2)	12	(3)	19	(11)	69
2502	0		(3)	75	(1)	25						
2504	0		(3)	75	(1)	25	0		(1)	17	(5)	83
2505	(1)	33	(1)	33	(1)	33	(1)	33	0		(2)	67
3301	(5)	63	(3)	37	0		0		(5)	83	(1)	17
3404	(4)	36	(4)	36	(3)	27	0		(2)	68	(1)	33
3502	(1)	5	(4)	20	(15)	75	(2)	11.1	(7)	40	(9)	50
4204	(6)	67	(3)	33	0		(5)	63	(2)	25	(1)	13
4501	0		0		(6)	100	0		(1)	100	0	
5108	(1)	9	(3)	27	(7)	64						
5301			(1)	100								
	(46)	25%	(81)	44%	(56)	31%	(15)	16%	(36)	40%	(40)	44%

TABLE 4: FAIRNESS OF OFFENDER'S MONETARY RESTITUTION REQUIREMENTS

Project #	OFFENDERS						VICTIMS					
	Too Harsh		Fair		Too Lenient		Too Harsh		Fair		Too Lenient	
	#	%	#	%	#	%	#	%	#	%	#	%
0302	(3)	23	(9)	69	(1)	8	0		(9)	90	(1)	10
0502												
0504	(3)	100	0		0							
0802	(1)	33	(2)	67	0							
1001	0		(1)	100	0							
1102	(6)	54	(5)	46	0		0		(2)	50	(2)	50
1604	0		(1)	100	0							
1903	(1)	50	(1)	50								
2001	(2)	67	(1)	33								
2101	(9)	53	(8)	47	0		0		(9)	50	(9)	50
2502	0		(1)	100	0							
2504	(1)	25	(3)	75	0		0		(2)	40	(3)	60
2505	0		(3)	100	0		0		(4)	80	(1)	20
3301	0		(4)	100	0		0		(7)	78	(2)	22
3404	(1)	50	(1)	50	0		0		(2)	100	0	
3502	(8)	38	(13)	62	0		0		(9)	53	(8)	47
4204	0		(5)	100	0		0		(4)	57	(3)	43
4501	(2)	33	(4)	67	0		0		(1)	100	0	
5108							(1)	6	(6)	38	(9)	56
5301	0		(1)	100	0							
	(37)	36%	(62)	61%	(2)	2%	(1)	1%	(55)	60%	(36)	39%

TABLE 5: FAIRNESS OF OFFENDER'S COMMUNITY SERVICE REQUIREMENTS

Project #	OFFENDERS						VICTIMS					
	Too Harsh		Fair		Too Lenient		Too Harsh		Fair		Too Lenient	
	#	%	#	%	#	%	#	%	#	%	#	%
0302	(3)	19	(12)	75	(1)	6	0			(1)	100	0
0502	(3)	21	(11)	79	0							
0504	(5)	26	(13)	68	(1)	5						
0802	(1)	14	(6)	86	0							
1001	(1)	14	(6)	86	0							
1102	(3)	38	(5)	63	0		0			(1)	100	0
1604	(2)	29	(5)	71	0							
1903	(2)	40	(3)	60	0							
2001	0		(3)	100	0							
2101	0		(2)	100	0							
2502	(1)	25	(3)	75	0							
2504	0		(1)	100	0							
2505												
3301	0		(3)	100	0		0		(2)	67	(1)	33
3404	(1)	13	(7)	88	0		0		(3)	100	0	
3502	0		(2)	100	0							
4204	0		(8)	100	0		0		(3)	75	(1)	25
4501												
5108							0		(1)	33	(2)	67
5301												
	(22)	19%	(90)	79%	(2)	2%	0		(10)	71%	(4)	29%

TABLE 6: OFFENDER'S PERCEIVED USEFULNESS OF COMMUNITY SERVICE EXPERIENCES

Project #	OFFENDERS					
	Very Useful		Useful		Of Little or No Use	
	#	%	#	%	#	%
0302	(6)	43	(5)	36	(3)	21
0502	(4)	29	(5)	36	(5)	36
0504	(6)	33	(7)	39	(5)	28
0802	(1)	17	(5)	83	0	
1001	(2)	25	(3)	38	(3)	38
1102	(1)	13	(4)	50	(3)	38
1604	(1)	14	(3)	43	(3)	43
1903	(1)	20	(2)	40	(2)	40
2001	(2)	67	0		(1)	33
2101	(1)	50	(1)	50	0	
2502	(2)	50	0		(2)	50
2504	0		0		(1)	100
2505						
3301	0		(3)	100	0	
3404	(1)	11	(5)	56	(3)	33
3502	(2)	100	0		0	
4204	(4)	50	(3)	38	(1)	13
4501						
5108						
5301						
	(35)	31 %	(45)	40 %	(32)	29%

TABLE 7: PREFERENCE TOWARDS OFFENDER/VICTIM CONTACT IN DETERMINING PROGRAM REQUIREMENTS

Project #	OFFENDER						VICTIM					
	Would Want Meeting		No Meeting		Didn't Respond		Would Want Meeting		No Meeting		Didn't Respond	
	#	%	#	%	#	%	#	%	#	%	#	%
0302	(9)	60	(5)	33	(1)	6	(9)	50	(4)	22	(5)	28
0502												
0504	(5)	100	0									
0802	(1)	100	0									
1001	(1)	50	(1)	50			(1)	20	(2)	40	(1)	20
1102	(12)	85	(1)	7	(1)	7	(5)	42	(5)	42	(2)	17
1604	0		(1)	100								
1903	(3)	100	0				(2)	67	(1)	33	0	
2001	(2)	67	(1)	33								
2101	(9)	64	(3)	21	(2)	14	(13)	57	(5)	22	(5)	22
2502	(1)	50	(1)	50								
2504	(4)	100	0				(8)	62	(2)	15	(3)	23
2505	(1)	33	(2)	67			(3)	43	(3)	43	(1)	14
3301	(4)	67	(2)	33			(4)	36	(2)	18	(5)	45
3404	(3)	38	(5)	63			(4)	80	(1)	20	0	
3502	(18)	90	(2)	10			(10)	44	(10)	44	(3)	13
4204	(3)	43	(4)	57			(3)	27	(6)	55	(2)	18
4501	(6)	100	0				0		(1)	100	0	
5108							(8)	38	(12)	57	(1)	5
5301												
	(83)	72%	(28)	24%	(4)	3%	(70)	46 %	(54)	36%	(28)	18%

BIBLIOGRAPHY

Ellen Berscheid and Elaine Walster, "When does a harmdoer compensate a victim?" Journal of Personality and Social Psychology, V. 6, No. 4, 1967, pp. 435-441.

Robin Solomon Bluestein, 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.

E. J. Brown, et al., "Selected Data Instruments, National Evaluation of Adult Restitution Programs, Research Report No. 2, Washington D. C., LEAA, 1977.

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

Steven Chesney, Joe Hudson and John McLagan, "A new look at restitution: recent legislation, programs and research," Judicature, 61:8, March, 1978, pp. 348-357.

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

Albert Eglash, "Beyond restitution--creative restitution," Restitution in Criminal Justice, 1977, pp. 91-99.

Burt Galaway, "The use of restitution," Crime and Delinquency, January, 1977, pp. 57-67.

Burt Galaway and Joe Hudson, "Restitution and rehabilitation--some central issues," Crime and Delinquency, October, 1972, 403-410.

Burt Galaway and Joe Hudson, Offender Restitution in Theory and Action, Lexington: Lexington Books, 1978.

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

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

John T. Gandy and Burt Galaway, "Restitution as a Sanction for Offenders: The Public's View," paper presented at the Third National Restitution Symposium, Duluth, Minnesota, September, 1979.

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

Alan T. Harland, Marguerite Q. Warren and Edward J. Brown, "A Guide to Restitution Programming," Criminal Justice Research Center, New York, 1979.

Elaine Hatfield and Mary K. Utne, "Equity theory and restitution programming," in Galaway and Hudson, eds., Offender Restitution, pp. 73-87.

Richard Hofrichter, "Techniques of Victim Involvement in Restitution," paper presented at the Third National Restitution Symposium, September, 1979.

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

Joe Hudson and Burt Galaway, Restitution in Criminal Justice, Lexington: Lexington Books, 1977.

Joe Hudson and Burt Galaway, "Restitution and the Justice Model for Corrections," unpublished, 1979.

Joe Hudson, Burt Galaway and Steven Chesney, "When criminals repay their victims: a survey of restitution programs," Judicature, 60:7, February, 1977, pp. 313-321.

Paul W. Keve, "The therapeutic uses of restitution," in Galaway and Hudson, eds., Offender Restitution.

Robert W. Kigin, "Tri County Juvenile Restitution Program," paper presented at the Third National Restitution Symposium, Duluth, Minnesota, September, 1979.

Richard E. Laster, "Criminal restitution: a survey of its past history and an analysis of its present usefulness," University of Richmond Law Review, 5:1, Fall, 1970, pp. 71-98.

Patrick D. McAnany, "Restitution as idea and practice: the retributive prospect," in Galaway and Hudson, eds., Offender Restitution, pp. 15-31.

Stephen Schafer, "The correctional rejuvenation of restitution to victims of crime," Interdisciplinary Problems in Criminology: Papers of the American Society of Criminology, 1964, pp. 159-167.

Peter Schneider, et al., "Restitution Requirements for Juvenile Offenders: A Survey of the Practices in American Juvenile Courts," Institute of Policy Analysis, Eugene, Oregon, June, 1977.

Julian L. Simons, "Basic Research Methods in Social Science," New York, Random House, 1969.

Jack C. Stillwell, "Victim-Defendant Relationships In An Adult Diversion Program," paper prepared for the National Conference on Criminal Justice Evaluation - Evaluating Alternatives to Incarceration, 1977.

S. A. Thorvaldson, "The Effects of Community Service on the Attitudes of Offenders, Doctor of Philosophy Dissertation, University of Cambridge, 1978.

Charles R. Tittle, "Restitution and deterrence: an evaluation of compatibility," in Burt Galaway and Joe Hudson, eds., Offender Restitution in Theory and Action, Lexington: Lexington Books, 1978, pp. 33-58.

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

Elaine Walster, G. William Walster and Ellen Berscheid, Equity Theory and Research, Boston: Allyn and Bacon, 1978.

Mitchell L. Wax, "The Effects of Symbolic Restitution and Presence of Victim on Delinquent Shoplifters," Ph.D. Dissertation, Ann Arbor, University Microfilms, 1977.

Mark Yantzi, "Victim-Offender Reconciliation: In Theory and Practice," unpublished research essay, University of Waterloo, Canada, undated.

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