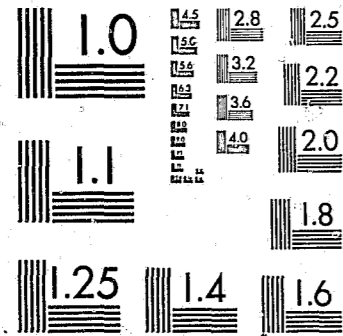


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THE MINNESOTA RESTITUTION CENTER:

Paying Off The Ripped Off

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National Institute of Justice

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Introduction

Correctional programming is receiving increased scrutiny and increasing, yet often conflicting, criticism is directed toward existing concepts and programs. The "treatment" or "rehabilitative" models of correctional programming are being criticized as lacking the elements of equal administration of justice, as ineffective, or as "soft" on the offender. At the same time, existing facilities for incarceration are being labeled as archaic and inhumane. Certain factions of the criminal justice system are actively developing community based rehabilitative programming for offenders while other segments of the system are advocating fixed minimum sentences of incarceration and a return to a clear punishment based model. This is the contemporary context of often conflicting models within which new programs in corrections must be developed.

Property Offenders

Criminal offenses have generally been divided into the two major classifications: 1) crimes against property and; 2) crimes against person. Offenses against property constitute a major portion of those offenses which are brought before our courts. Such offenses as burglary, unauthorized use of a motor vehicle, theft by check, forgery, and fraud are passive crimes without direct threat to persons but collectively, they represent the largest single grouping of crimes to be dealt with by the criminal justice system. Most of these offenses are in the "nuisance" category with dollar values ranging between \$100 and \$500.

The multi-thousand dollar theft is the exception rather than the rule. Consistent with this is the nature of the offender. He is much more apt to be the kind of individual identified by social service agencies as the "multi-problem client" rather than the "slick operator" or "professional."

This particular category also presents a very high recidivism rate. More often than not, these clients appear before the court time after time for similar offenses. The most common disposition of these cases has been probation or short workhouse or jail sentences combined with probation. Much restitution has been ordered as a condition of probation by Judges. However, in reality, little of this restitution has been effectively collected. Estimates from court units in the Minneapolis/St. Paul Metropolitan area range from 9-20% successful collection of the restitution obligation imposed by courts.<sup>1</sup> In addition, probation officers often resist the role of collection agent and impersonal computerized systems have been developed whereby offenders receive monthly computer printed bills with payments being made to the court for eventual distribution by the court to the victims.

Those offenders who persist long enough in a pattern of continued property offenses eventually frustrate the courts to the degree that incarceration appears to be the only alternative to break that particular pattern of offenses. At that point, statutory sentences averaging 0-5 years in Minnesota are imposed upon the offender who is then sent to a maximum security correctional institution.

### DEVELOPMENT OF THE MINNESOTA RESTITUTION CENTER

The Minnesota Restitution Center has been developed as another option for dealing with a particular group of offenders. The program is a residential facility. The major component of the program is the restitution contract negotiated between the victim and the offender. The offender is then paroled from the institution at the earliest possible date and returned to gainful employment in the community in order to support himself and his family and to make restitution to the victims of his offense.

The program was first conceived by Joe Hudson and Burt Galaway, then graduate students at the University of Minnesota. Two factors strongly influenced the development of the Minnesota Restitution Center program. The first was the concern for the treatment of the victim within the criminal justice system. Generally, the system uses the victim to provide information for investigating law enforcement agencies, to assist prosecuting attorneys in preparation of cases, and to testify in court. However, once the victim has been utilized for successful prosecution, there is little concern or response to his position as a victim by the criminal justice system. By definition, the victim has usually sustained some sort of loss as a result of the offense itself, and then is often required to expend time and energy working with the system to prosecute the offender. Unless the victim has insurance protection, he is left with little recourse to recover his losses. The criminal justice system itself makes virtually no response to the victim's situation.

The second motivating factor was a review of the population at the Minnesota State Prison which revealed a significant number of property offenders whose offenses represented only a relatively small dollar value and who presented no history of violent crimes or other threats against person. Most of these incarcerated offenders had prior convictions for similar crimes or had records of poor adjustment to probation supervision. However, given these factors, it still appeared that incarceration in a granite and steel facility was an "overkill" response on the part of the system toward these particular offenders. In reality, however, there were few other alternatives available. Either the number of prior offenses or the lack of successful adjustment to probation supervision in the past had eliminated additional probation as an option, leaving incarceration as virtually the only available choice.

The consideration of these two factors: 1) lack of response on the part of the criminal justice system to the victim and; 2) the placing of offenders in maximum security custody who did not represent a major danger of threat to the community, led to the development of the model for the Restitution Center program. Initial development of the plan began in early 1972. The Minnesota Department of Corrections became interested in the concept and requested that Hudson and Galaway prepare the concept as a program model to be submitted in grant form for Law Enforcement Assistance Administration (LEAA) funding under sponsorship of the Department of Corrections. The initial LEAA grant was awarded in June of 1972. The project officially opened on August 1,

1972 with the first client intake the following month. Since that initial grant, the project has received second and third year grants from LEAA. A summary of the funding for the initial three years of the project is included in the following table:

	<u>LEAA</u>	<u>LOCAL MATCH</u>	<u>TOTAL</u>
1972 Grant	\$110,000	\$47,080	\$157,080
1973 Grant	\$114,165	\$52,948	\$167,113
1974 Grant	\$108,656	\$72,438	\$181,094

With the completion of three years of LEAA Funding, the Minnesota Department of Corrections has received a Legislative appropriation to continue to operate the program as a regular unit of the Department.

### OBJECTIVES OF THE CENTER

The Minnesota Restitution Center was established to provide a diversionary alternative for property offenders at the point of incarceration in one of the state's two maximum security institutions. The program at the Restitution Center substitutes the sanction of complete restitution to the victim of an offense for the sanction of incarceration. The official sanction for the offender becomes repayment of losses to his victim and participation in the program of the Minnesota Restitution Center.

Formally, the Center's purpose is set forth in the following statement.

"The purpose of the Minnesota Restitution Center is to provide a diversionary program which furnishes an alternative to incarceration for selected property offenders utilizing the concept of offender restitution to the victims of their offenses and to provide the necessary assistance to enable the offender to meet the conditions of his parole agreement and his restitution contract."<sup>2</sup>

The objectives of the program are:<sup>3</sup>

1. To provide the means by which the offender may compensate the victims for their material loss due to his criminal actions.
2. To provide intensive personal parole supervision.
3. To provide the offender with information about his behavior and offer him the opportunity to resolve personal problems and continue to develop personal strengths and interpersonal skills through regular and frequent group and individual counseling.

4. To provide the victim with restitution to compensate for direct losses as a result of the offender's criminal actions.
5. To disseminate information regarding the restitution concept and the Minnesota Restitution Center to other Criminal Justice agencies throughout Minnesota, the United States, and Canada, and to the general public.
6. To continue to undertake valid research and evaluation of the concept of restitution in general, and this program in specific and to disseminate this data within the Department of Corrections and to other interested agencies.

#### CANDIDATE SELECTION

The Minnesota Restitution Center has established a set of eligibility criteria for participation in the program. These guidelines were established in conjunction with the Minnesota Corrections Authority (M.C.A.), the paroling body. The following criteria are used to select potential candidates for the program.

1. No more than three (3) separate felony convictions including commitment offense. More than one conviction arising out of the same act or immediate series of acts will be considered one conviction for the purpose of this criteria.
2. Not on M.C.A. parole or M.C.A. probation at the time of the commitment offense.
3. No history of dangerous behavior within five years of current incarceration as exhibited by convictions for assault, robbery, forcible sex acts, etc.
4. No detainers which are not negotiated to disposition prior to the initial hearing before the M.C.A.
5. No convictions within the institution during current incarceration for offenses which would be felonies if committed in the free world.
6. No chronic history of drugs/alcohol/chemical abuse.
7. The Center will exclude from consideration the middle class intelligent individual who has adequate social skills and resources and an absence of significant behavioral or adjustment problems such as alcoholism or drug addiction, but who, instead, has chosen to earn his living outside the law with no documented history of consistent attempts at lawful employment as his source of financial support.

8. Offenders with a severe psychiatric problem where present treatment needs are determined to be beyond the resources and structure of the program will not be considered.
9. There must be a period of no less than a year between the day a candidate would be granted parole to the Center and the expiration of his sentence.
10. The candidate's potential earning power must enable him to complete restitution with reasonable monthly payments within the remaining time of his sentence.
11. Candidates who had a gun, knife, or other dangerous weapon on their person at the time of the commission of the commitment offense will not be considered.
12. Candidates must be willing to participate in group treatment at the Restitution Center.

The selection process begins with a review of the intake files for all offenders admitted to the institution during a given month. Those offenders who meet the objective criteria including conviction of a property offense, and a prior record which would not exclude participation in the program, are selected for an interview by three staff members of the Center. All candidates who appear to be eligible meet with the staff from the Center and the program at the Restitution Center is explained to the offender. At that point, any inmate who is interested in becoming involved in the program remains for an individual interview.

During this interview the staff apply the more subjective criteria to each candidate and rank those men interviewed. These recommendations are presented to the entire staff where the final decision is made. A counselor is then assigned to each candidate selected, and the counselor meets with the candidate at the institution within the next week. In this first meeting the counselor explains the program in greater detail and begins to collect information necessary to prepare the restitution contract and the planning report. Potential candidates may turn down the opportunity to participate in the program at any point prior to their parole.

#### RESTITUTION CONTRACT

The Restitution Center contract is the most significant component of the program. It is a four party contract drawn between the victim of the offense, the offender, the staff of the Minnesota Restitution Center and the Minnesota Corrections Authority. In this mutually agreed upon contract, the offender agrees to repay the victim a set amount of money for damages or losses suffered as a result of his offense and to pay it according to a set repayment schedule. The victim agrees to accept this payment as a full settlement for damages or losses resulting from that particular criminal incident. The Minnesota Restitution

Center agrees to monitor and enforce the terms of the contract and to provide a program at the Center to assist the client to live up to the conditions of his parole and the terms of his contract. Finally, the Minnesota Corrections Authority agrees to grant parole to the client so that he may return to the community to fulfill the terms of his restitution contract.

The repayment schedule is distributed over a minimum of several months and must be completed before the offenders time on parole officially expires. It is not necessary for the offender to completely pay restitution before he leaves residence at the Center, but payments must be up to date according to the terms of the contract. The payments may be completed on regular parole status.

The process of developing the contract begins with identification of the victims through discussions with the offender, review of law enforcement reports, and review of court transcripts. The counselor then contacts each victim and explains the program at the Center to them. Every attempt is made to have the offender and the victim meet face to face at the institution in order to negotiate the terms of the contract. During this negotiation, the counselor serves as a mediator and seeks to insure that the contract is fair to both parties. In those cases where the victim is unable or unwilling to meet the offender at the institution, the counselor acts as a go-between, meeting with both parties and developing a mutually satisfactory contract. The contract is always drawn directly between the victim and the offender although, in those cases where insurance settlements have been reached the insurance company also becomes a second victim in a contract.

Victims, for any number of reasons, may not wish to participate in a restitution agreement with the offender. If such a stance on the part of the victim eliminates a particular offender from consideration for a restitution plan, the victim, in fact, holds a "veto". In order to remove the victim from this powerful position, it may be necessary to set up an account in a local bank in the name of the victim. The offender then agrees in his contract to make regular payments to that account until the figure established as proper restitution has been reached.

When the restitution is paid in full, a check is mailed to the victim. This procedure protects the offender from civil action by the victim after he is placed on parole and has completed his restitution payments. The victim has then been paid in full even though he has not been an active participant in the contract.

This contract is drawn up and signed by all parties except the Minnesota Corrections Authority prior to the offender's first appearance before the Authority within the institution. This generally occurs after three or four months of incarceration.

In the majority of cases, restitution is provided in the form of direct cash payments from the offender to the victim. It is possible, however, to develop a contract calling for direct services to be provided to the victim in lieu of cash payments.

## PLANNING REPORT

In addition to the restitution contract, a planning report is also drawn up by the offender and the Center staff. This is essentially a parole plan identifying problem areas and the planned response to these problems on the part of the offender and the Center. It also discusses his employment potential and what resources are available to assist in securing employment in the community.

## PAROLE TO THE CENTER

The restitution contract and the planning report are then presented to the Minnesota Corrections Authority along with the intake summary developed by the caseworker in the institution. Utilizing these three pieces of information as well as a personal interview with the offender, the Minnesota Corrections Authority makes the final determination if parole to the Minnesota Restitution Center is appropriate. If so, parole is granted to the offender stipulating that the restitution contract, the planning report, and the rules and structure of the Minnesota Restitution Center become conditions of parole for that particular offender.

The program at the Minnesota Restitution Center requires no special enabling legislation. Sentences for property offenses in Minnesota are indeterminate which allow the Minnesota Corrections Authority to parole any offender to the program when they deem such action to be appropriate. The entire intake procedure is completely within statutory procedures existing at the time the program was implemented.

## THE CENTER

The Center itself is located on the Seventh Floor of the Downtown Minneapolis YMCA. Each resident has an individual room. The Center also has office space, a lounge, and a group meeting room. Facilities of the YMCA are available to residents. The eleven staff at the Center include the Project Director, the Program Supervisor, four Parole Counselors who work with clients developing restitution contracts and provide individual supervision throughout their involvement in the program, four Shift Counselors who provide twenty-four (24) hour a day coverage at the Center, and one Office Manager.

Each resident at the Center is assigned a "key person" who is responsible for insuring that the needs and accomplishments of that resident are not overlooked. This counselor serves as the resident's parole agent throughout his stay at the Center and continues in that role until the resident is terminated from parole supervision in the community. There are no parole agents external to the program. This assigned counselor is able to respond to a particular resident's problems on a one-to-one basis.

The Center also has an on going group program. Twice weekly group meetings are mandatory for all residents. Transactional Analysis (T.A.) is the treatment model used within the group. Each group leader has

been trained in the principles of T.A. and the entire staff has also received training in this model to provide continuity and consistency throughout the program.

The purpose of the group sessions is three-fold:

1. To deal with day-in-day-out situations which may arise from a large group of people living in close proximity
2. To monitor, evaluate, and make decisions relative to each resident's progress in the program.
3. Help a resident look at himself and assist him to make any desired changes or adjustments in his behavior.

The group is also the vehicle in which decisions are made regarding the granting of privileges to residents and also serves as the first line disciplinary unit for dealing with infraction of Center rules.

Although the Center provides individual counseling and a group program within its own structure, clients are urged to make appropriate use of community resources for specialized needs and problems. The Center has an active liaison with several community social agencies, particularly those providing employment and medical assistance. Referrals are encouraged in cases where long term involvement is anticipated.

#### PROGRAM PHASES

Three phases are specified in the Center program. Two phases are within the premises of the Center which houses the resident portion of the program. The third is "community re-entry", in which the resident returns to live in the community area of his choice.

Each phase is designed to facilitate and measure behavioral progress. Each phase has also been designed to place more responsibility demands on the individual resident.

The first phase of the program is the "orientation phase". This is a six week phase designed to allow the client to readjust to the community, to acquaint himself with the program at the Center, and to secure employment. During this time the Center provides free room and board for incoming clients. Residents in Phase I begin with a restrictive curfew and few special privileges, but with the demonstration of satisfactory adjustment, particularly the securing of employment, those limitations are extended. During this phase, residents move from a 7:00 P.M. curfew to an 11:00 P.M. curfew and become eligible for overnights away from the Center.

At the end of this six week period residents who are successfully employed move into Phase II. This phase lasts a minimum of eight weeks but is open ended. This phase is referred to as the "responsibility phase". During this phase residents begin assuming respons-

ibility for their own maintenance in the community. They share in the costs of their room at the Center and are completely responsible for their own food costs. In addition, after the first six week phase, their first restitution payment to their victims becomes due. The residents then make one payment per month until their contracts are completed. Residents in this phase have a 1:00 A.M. curfew and are eligible to spend two days away from the Center each weekend with the approval of group. This decision is based on successful adjustment during the previous week.

After a minimum of eight weeks in Phase II, the resident is eligible to move into the community, to rejoin his family or establish a residence of his own, and enters the "community" phase of the program. Initially, he returns to the Center twice weekly to attend group sessions. After several months of involvement with the group program, the resident may drop regular group attendance and establish a conventional parole supervision plan with the approval of staff and group. The resident's counselor continues to provide parole supervision until the resident is either discharged from parole by action of the Minnesota Corrections Authority or until their sentence has expired. No recommendation for discharge from parole will be made by the Center until restitution has been completed.

#### RELATIONSHIP WITH THE COMMUNITY

The Minnesota Restitution Center has been favorably received by both the professional and lay communities. Positive coverage has been provided by community media sources. The concept of the Center appears to appeal to both the liberal and conservative elements of society. The more liberally inclined support the notion of development of an alternative to maximum security incarceration and the program structure which places only limited restrictions on the offender within the community while stressing clear expectations for remaining in the program. Conservatives find the theme of offender accountability and restitution to the victim attractive. The result has been a broad base of support with no expressed opposition to the program presented in more than three years of operation.

The community, although divided on other forms of community correctional programming, seems to be comfortable with the Minnesota Restitution Center. In order to remain attuned to the community, the Center has an Advisory Board representative of the community. The purpose of the Board is twofold:

1. To represent the community and advise the center as it develops and evaluates policy and program. The Board should help the staff of the Center to be aware of community concerns and keep the program sensitive to the needs of the community as well as the needs of the clients.
2. Assist the Center to accomplish its goals and objectives. The members of the Board make available to the Center their expertise.

community contacts, and services to help accomplish the overall mission of the program. The Board also serves as an advocate for the program in the community.

The Board has representatives from the Metropolitan area criminal justice system, business community, and professional community, as well as residents and alumni of the program. It meets quarterly for regular meetings while subcommittees and individuals work on special tasks or assignments as needs arise. The Board is not governing in nature, but rather serves to advise the program and be an advocate for it.

#### PROGRAM EVOLUTION

The actual program of the Minnesota Restitution Center has changed and developed significantly since its inception. However, the restitution contract between the victim and the offender continues to be the central focus of the program and the issue around which the rest of the program has been developed.

Program change has been essentially an evolutionary process. Initially there was little structure to the program itself with the initial thought being that the idea of offender restitution to the victims would be the primary variable supporting successful adjustment for program clients in the community. However, the program discovered very quickly that the clients had numerous other problems which needed to be responded to in order to allow clients to meet their restitution obligations. Therefore, a group therapy component was added to the program relatively early in its development. Initially the group program was primarily a "housekeeping group" and then grew into a more treatment oriented "reality therapy" based program and finally has evolved in a "Transactional Analysis" based program meeting twice a week for all clients.

As indicated previously, the Center initially had very little program structure. As the program grew, structure and program expectations became more formalized. A series of phases has been developed with clients being given expanded privileges with the passage of a certain amount of time and the completion of certain goals and objectives. In addition, the rules and expectations of the program have been organized and a consistent internal discipline system has been developed as well.

The program has moved from a open, informal setting with few demands made on residents to an organized and formally structured residential Center complete with house rules and established consequences for violations.

#### BENEFITS OF A RESTITUTION PROGRAM

There are several major benefits of the Restitution Concept. The following are some of the outstanding benefits of a meaningfully constructed restitution program.<sup>4</sup>

1. The right of the victim to be compensated for his losses as a result of criminal activity is considered to be an essential part of the program. Historically, once the criminal justice system has utilized the victim for successful prosecution of the offender, there is little consideration of the victim. A major tenet of the restitution program is the responsibility of the offender to repay the victim directly. This is a major step in considering the rights of the victim of property offenses.
2. A diversion of offenders from the expensive and often dehumanizing atmosphere of incarceration. Sooner or later, the vast majority of incarcerated offenders come out to live in society. Too often the incarceration experience has had the major effect of reinforcing the individual's original problem. The assumption in a community based program is that the estrangement of many offenders from society can best be handled under supervision within the context of the community itself. The experience of incarceration is often counter productive. An alternative which considers the victim and provides a more meaningful correctional experience for the offender is a sound idea.
3. The restitution sanction is rationally and logically related to the damages done. This is not the case in the situation where the offender is either housed in a lockup situation or placed in a relatively unstructured probation situation and the victims are largely ignored. Making restitution on a regular basis compels the offender to deal with the specific results of his crime.
4. The restitution sanction is clear and explicit with the offender knowing at all times where he stands in relation to completing goals. The offender will be in the position of being able to experience ongoing success as he moves towards the completion of his goals. Again, this is not the case when the offender is placed in a lock-up setting and the goal of "rehabilitation" is at best vague, and at worst, misleading. The same vagueness often exists in a probation agreement, with the major goal being the passage of time until the expiration of probation.
5. The restitution sanction requires the active participation of the offender. In this sense, the offender is not in the position of being the passive recipient of either "treatment" or "punishment" approaches to changing his behavior. The offender's active involvement in undoing the wrong done has the potential of increasing his self esteem and self image as a responsible and worthwhile member of society.

6. The Restitution sanction should result in a more positive response from members of the community towards the offenders. The offender should be more readily perceived as a person who has committed an illegal act and is attempting to undo his wrong. In this way, he should be seen as a person who is actively contributing to society and assuming a responsible position rather than a person who is "sick", "sinful", or "irretrievably immoral."

In addition to these more philosophical benefits of the restitution concept, there are some real financial benefits to this approach.<sup>5</sup>

1. Restitution is being made to the victim of offenses. This restitution is impossible when the offender is placed in a strictly lock-up setting and evidence has shown that the restitution requirements in a straight probation agreement have been only minimally successful.
2. Offenders placed in the restitution program are gainfully employed. As such they are paying taxes like any other worker. Instead of living their correctional experience at the taxpayers expense, they are assuming the responsible position of a taxpayer contributing toward the overall cost of governmental operation including the corrections component. Also, as wage earners, they are contributing to the overall economic structure of the community.
3. Welfare costs to families of offenders can be reduced. If an offender is incarcerated, the welfare department often must assume the responsibility for maintenance of that offender's family while he is unable to provide support. If an offender is gainfully employed, he is able to provide much of his family's support. In those cases where his ability to provide for his family is still short of actual needs, the amount of welfare assistance required is significantly less than that represented by the total inability of the offender to assist his family if he is locked up.
4. Program participants share in the cost of their own correctional experience. The program requires that participants share the board and room expenses while they are in residence at the Center. With the exception of those inmates on work release or serving under the Huber Law, clients incarcerated do not share the cost of their lock up.
5. The overall cost of the Restitution Center program has been demonstrated to be roughly equivalent to the per diem cost of a workhouse situation and significantly lower than the cost of the maximum security institution.

The combination of these financial variables creates a program that provides a more economical correctional response to the property offender. The costs are more expensive than traditional probation but the results are significantly improved. The costs are significantly less than an incarceration response.

The third type of benefit is provided by the program structure itself.<sup>6</sup>

1. The contract drawn up between the victim and the offender is an essential part of the program. It is drawn directly between the parties involved with both the victim and the offender having an active part in the formulation of that contract. The contract then becomes a condition of probation/parole. This formal contracting procedure is often not a part of other restitution attempts.
2. The program is residential which provides a great deal of control and support for the client. The program is structured so that a client may, after demonstrating a period of successful adjustment, return to his home in the community and continue to meet his ongoing restitution obligations to the victim. This residential component is obviously less structured and less punitive than incarceration but provides significantly more controls than straight probation.
3. Intensive parole/probation supervision can be provided by such a program. The 24 hour-a-day contact with staff at the Center enables the program to deal immediately with client problems. The smaller caseloads enable the workers to provide more intense and direct services to the client.
4. The program structure itself incorporates many components absent from traditional incarceration or from a straight probation program. The Center offers an ongoing group treatment program. In addition, drug and alcohol monitoring is much more efficient. The immediate availability of staff in time of crisis can often mean the difference between the resolution of difficulties quickly rather than the extending of those crises into major problems. Referrals to other social agencies are very easily accomplished in this type of program with much more control on follow through.

#### PROGRAM RESULTS

During the thirty-six (36) month period from August 1, 1972 through July 31, 1975, a total of eighty-seven (87) men have been paroled to the Minnesota Restitution Center from either the Minnesota State Prison (M.S.P.) or the State Reformatory for Men (S.R.M.). These individuals were all paroled after serving approximately four months in the instit-



ution. They were released to the Minnesota Restitution Center from the institution at their first appearance before the Minnesota Corrections Authority (MCA).

On July 31, 1975, there were approximately twenty-two (22) clients active in the program. This is a relatively low number and reflects the lack of intake during much of the latter part of the Third Year Grant. Had intake proceeded at the normal rate through the past twelve months, that figure would be significantly higher.

A total of twenty-five (25) men have successfully completed the entire program of the Minnesota Restitution Center. Successful completion is defined as remaining in the community without parole revocation until discharge from parole supervision by action of the MCA or by successful expiration of sentence. Three others were also discharged to interstate parole and another individual was transferred to regular parole supervision by action of the MCA and remains in the community. Therefore, a total of forty-eight (48) of the eighty-seven (87) men originally paroled to the program remain in the community at this time.

A total of 33 men or 37.9% of those paroled to the program have been returned to the institution for violation of the conditions of their parole. By far the largest number, 22 or 25.4% have had their parole revoked for absconding from parole supervision. Of this number, three have subsequently been involved in new felonies while they were on fugitive status but were returned on a specific parole violation of absenting rather than a new felony offense.

Only 8% of the men paroled to the program have been returned to the institution for conviction of a new felony offense. These seven men plus the three men convicted of felony offenses while on fugitive status bring the total number of program participants convicted on a new felony to 10 or 11.5% of the total number of men paroled to the program. In addition, two other men have been returned for alleged new felony offenses. No conviction was achieved in either of these cases, but evidence was sufficient to cause revocation of parole. Adding these two men whose parole have been revoked for alleged new felony to those 10 who have been convicted of new felony offenses gives a combined total of only 13.8% of all men paroled to the program having been involved in a felony offense.

The Center's goal was to maintain 60% of those men paroled to the program in the Community. At the end of this 36 month period, 55.3% of the men remain in the community, so the program is 4.7% short of its goal. The figure of 37.9% returned to the institution for violation of conditions of parole is very high. However, of those 33 men returned to the institution, 21 were returned for technical violation of parole which did not involve the commission of new offenses nor a threat to society at large. As indicated previously, most of these technical violations were for absconding. This is a direct result of a structured residential parole setting. This same structured setting provides a 24-hour-a-day supervision and much more intensive monitoring of the parolees behavior than is possible on regular parole. Therefore, the very nature of the

structure of the Minnesota Restitution Center program will result in significantly higher number of technical parole violations than would be encountered in the regular parole supervision situation.

In review of these statistics, the most impressive figures are those regarding involvement of clients of this program with new felony commitments. Only 8% have been returned to the institution for new felony commitments. Only 11.5% have been returned for new felony convictions while in the program and while on fugitive status. Finally, a total of 13.8% of the men paroled to the program have been involved in new felony convictions while in the program or on fugitive status or have had their parole revoke for alleged new felony commissions.

During the 36 month period covered by this report, \$34,704.25 in restitution was negotiated between program clients and the victims of their offenses. As of July 31, 1975, \$14,600 or 43% of this total has been repaid to victims. \$12,386.44 or 35% of that figure has been lost.

(Restitution is lost when the client returns to prison, becomes a fugitive, dies, or his sentence expires before the restitution obligation is completed.) That leaves a total of \$7,717.81 or 22% of the total as outstanding restitution. That sum represents the remaining restitution for those clients active in the program on July 31, 1975.

The average amount of restitution contracted for by the 87 men involved in the program has been \$407.

In order to evaluate the effectiveness of the Minnesota Restitution Center program random selection procedures have been followed in the research design used for the evaluation of this program with a total of seventy-five (75) offenders assigned to the experimental or restitution group and sixty-nine (69) assigned to the control or prison group. On-going follow up on these cases is being conducted.

Personal, social, and demographic characteristics of the study groups reveal that the vast majority of the offenders have been committed from the two large metropolitan counties of Minneapolis/St. Paul overwhelmingly, the commitment offense has been five years or less and most of the offenders have a history of prior felony convictions even though the majority are thirty years of age or younger.

Analysis of the characteristics of victims reveals that the largest proportion are private individuals followed by retail sales establishments and large sales organizations. The most common offense committed against individuals is burglary while forgery is the most common offense committed against corporate victims.<sup>7</sup>

Comparison of the community performance of both groups will be forthcoming in the immediate future. The research project has been designed to reveal if offenders diverted to the Minnesota Restitution Center encounter fewer difficulties in completing their parole and

commit fewer offenses after completing the program than did the control group which served straight time without the restitution contract or early parole to the Center.

A post hoc design in which the first eighteen (18) residents admitted to the Restitution Center were individually matched on crucial variables with eighteen (18) men released from the prison to conventional parole reveals that in a sixteen (16) month follow up the Restitution Center Clients had fewer parole violations, fewer new offenses, and better records of employment and school stability.<sup>8</sup>

#### PROBLEMS & ISSUES

The operation of the Minnesota Restitution Center has not been without problems and a review of the program and its results over more than three years raises many issues.

1. Originally, the Minnesota Restitution Center was established to test the hypothesis that offender restitution to victims would provide the primary and sufficient variable to reduce involvement with future criminal offenses of a similar nature. However, as the program at the Center developed, residents presented numerous problems which made it extremely difficult for them to meet the terms of their restitution contracts. The program began to add components such as group therapy programs and employment counseling, to respond to those problems. As a result, it is no longer possible to clearly determine to what extent the variable of restitution accounted for any differences that may appear between their performance and that of a control group. Other variables such as the residential nature of the program or intensive parole supervision have been introduced which obviously affect the adjustment of the residents.
2. The fact that restitution is not considered to be the sole determination of time on parole in this program means that restitution is not the sole sanction for the offender. Completing restitution does not automatically remove an offender from the controls of the criminal justice system. Therefore, the program at the Minnesota Restitution Center is not a straight restitution program, but rather a program with several types of expectations placed on participants -- restitution being only one. Serving additional time on parole appears to be a necessary compromise with the paroling authority but does not allow the concept of restitution to be used as a complete sanction substitute.

3. The original model of the Minnesota Restitution Center stressed victim-offender, face-to-face negotiation of the restitution contract. In reality, this type of direct contact has occurred in about 50% of all contracts written. Victims are often reluctant to meet with the individual who has committed a crime resulting in direct loss to them. Many are frightened of a negative experience during or after that interaction. Others are reluctant to expend one half day's time to travel to the prison to meet with the offender. Still others, while interested in receiving restitution, will not subscribe to any benefits of a face-to-face meeting and therefore will not participate in direct negotiations.

In those cases where it is not possible to arrange direct meeting, the important element of personalizing the victim to offender and the offender to the victim is not achieved. The restitution becomes a mechanical procedure for the offender without any relationship with the victim. It is this direct relationship between a crime against property and a personalized victim which should become the difference between this program and court ordered, computerized billing of offenders to eventually repay victims.

4. The Minnesota Restitution Center can have only a limited impact on the number of potential offenders who could utilize such a program. The Center is only able to handle forty (40) new admissions per year. This is only a fraction of those offenders convicted of such crimes. Somehow, the model and concept must be adopted on a broader base to have a significant impact and to provide a meaningful alternative on a larger scale.
5. Maintaining a good working relationship with the decision making body is crucial. The individual or body who controls intake must support the concept upon which the program is built and must maintain confidence that the program is accomplishing its objectives.
6. Goals for such a program must be realistic. Setting objectives which cannot be achieved sets up an obvious failure situation in the eyes of the external evaluators. The temptation to set attractive goals is great when attempts to secure funding are undertaken. However, if

a project cannot produce what it has promised, many problems and pressures are encountered. Realistic, achievable goals have a bigger long term payoff than inflated projections. Once a project has been accepted, the most meaningful evaluation is that made against goals established within the program at the outset.

7. The promise of reduced cost to the system by such a program only has meaning if an actual savings is realized someplace else within the system. Often, alternative programs are set up as cost on top of cost. The Minnesota Restitution Center is an example of such a situation. If the Center were to actually represent a savings, the operating expenses of the program should be deducted from the budget of the facilities from which clients are diverted - the Prison and the Reformatory. Such is not the case. The expenses of operating the Center are in addition to the expense of operating those facilities.
8. The profile of the offender identified as a potential candidate for the Minnesota Restitution Center program closely parallels the profile of the alcoholic offender. The majority of residents who have not been successful in the program have had significant drinking problems. Given this correlation, the program must respond more appropriately to the individual with alcohol related problems. Better services must either be structured within the program or meaningful services must be established on a referral basis.

#### CONCLUSION

The Minnesota Restitution Center is an example of a workable program model built on the restitution concept which can provide a viable correctional alternative for dealing with the property offender in the community.

Other program models, residential or non-residential, could also be developed from the same sound principles. This program has enjoyed widespread public support and has demonstrated reasonable success. It is an option to be considered by the criminal justice system.

#### FOOTNOTES

<sup>1</sup>Hennepin County Court Services.  
Ramsey County Court Services.

<sup>2</sup>"Goals & Objectives - Minnesota Restitution Center"  
Mimeograph, July 1, 1975.

<sup>3</sup>Ibid

<sup>4</sup>THE MINNESOTA RESTITUTION CENTER: A Viable Correctional  
Alternative For Dealing With Property Offenders In The  
Community. Mimeograph, May 15, 1975.

<sup>5</sup>Ibid

<sup>6</sup>Ibid

<sup>7</sup>MINNESOTA RESTITUTION CENTER - INTERIM RESEARCH REPORT,  
January 15, 1975. Minnesota Department of Corrections,  
Minnesota Restitution Center, 30 South 9th Street,  
Minneapolis, Minnesota 55402

<sup>8</sup>Ibid

APPENDIX I

SAMPLE CONTRACT

SPECIAL CONDITIONS PAROLE AGREEMENT OF  
JOSEPH RESIDENT

As special conditions of this certain parole agreement of Joseph Resident, executed on the \_\_\_\_\_ day of \_\_\_\_\_, 1975, the following conditions have been agreed to by Joseph Resident, Sam Victim, and the staff of the Minnesota Restitution Center, a program operated by the Minnesota Department of Corrections.

In addition to the terms and conditions provided in the above described parole agreement, I, Joseph Resident, do also hereby agree to the following conditions:

1. To make restitution to the victim of my offense to the total amount of Two Hundred Forty and no/100 (\$240.00) Dollars. This total amount of restitution is made up of damages to a vehicle owned by Sam Victim.
 

a. Replacement of a Transmission	\$150.00
Labor Costs of said replacement	90.00
TOTAL	\$240.00
2. To make restitution in the amount of Forty and no/100 (\$40.00) Dollars per month for a period of six (6) months.
3. To live under the direct supervision of the Minnesota Restitution Center, to honor faithfully all conditions of the planning report prepared in my behalf and to live in accordance with the rules and regulations of said program. I understand and agree that the staff of the Minnesota Restitution Center has the responsibility to supervise my parole/probation on behalf of the Corrections Board, of the State of Minnesota.
4. I understand that failure to comply with any and all of the terms and conditions of this special parole agreement, shall be grounds for the revocation of my parole. I also understand that any two (2) month delinquency in my satisfying the schedule of my restitution payments, unless I am unemployed during this period, will result in a written report to the Corrections Board.

SPECIAL CONDITIONS - Resident  
Page 2

The staff of the Minnesota Restitution Center agrees to the following:

1. To supervise Mr. Resident's parole/probation, and provide in this connection all reports required by the Corrections Board, as to Mr. Resident's continuing progress in the Restitution Center program.
2. To make recommendations to the Corrections Board as to Mr. Resident's continuance or discharge from parole/probation. In all cases, the final decision as to these matters will be solely the responsibility of the Corrections Board.

Sam Victim, the victim, agrees to the following conditions:

1. That payment of the above described restitution, shall constitute full payment of any and all obligations for which Mr. Resident was duly convicted, and sentenced to the Minnesota State Prison/Reformatory.
2. To maintain involvement with Mr. Resident to the extent that this involvement is seen as appropriate by the staff of the Minnesota Restitution Center.

Any major changes in this agreement can occur only after the formal approval of the Corrections Board.

NOTE: The Restitution Conditions of this special parole agreement are valid only as long as Mr. Resident is a member of the Minnesota Restitution Center program.

\_\_\_\_\_  
Joseph Resident #32-00-00

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sam Victim

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parole Counselor,  
Minnesota Restitution Center

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman,  
Corrections Board

\_\_\_\_\_  
Date

APPENDIX II

STATUS OF MEN PAROLED TO THE  
MINNESOTA RESTITUTION CENTER

From August 1, 1972 to July 31, 1975  
(36 Months)

Currently Active		22	25.4%
Phase I and II	9		
Community Phase	13		
Completed Program		25	28.8%
Discharged from parole	10		
Successful Expiration of Sentence	9		
Deceased	2		
Discharged to Interstate Parole	3		
Transfer to Regular Parole	1		
Returned to Institution		33	37.9%
Parole Violation - New Felony	7		
Parole Violation - Absconding	22*		
Parole Violation Rule Violation	2		
Parole Violation - Alleged New Felony	2		
Parole Violation - Transferred to Regular Parole		1	1.1%
Fugitive		5	5.7%
In Custody		<u>1</u>	<u>1.1%</u>
TOTAL		87	100%

\*Three of these men were also convicted of New Felony Offenses while on fugitive status from the Center

APPENDIX III

SUMMARY OF RESTITUTION COMMITMENTS COMPLETED AND LOST

	<u>RESTITUTION COMMITMENT</u>		<u>RESTITUTION COMPLETED</u>		<u>RESTITUTION LOST *</u>	
	Monetary	Service Hours	Monetary	Service Hours	Monetary	Service Hours
August 1, 1974 to July 31, 1975 (12 months)	\$9,233.33	0	\$7,594.00	30	\$5,536.53***	0
214 August 1, 1972 to July 31, 1975 (36 months)	\$34,704.25	2,167	\$14,600.00	595.5	\$12,386.44 (\$2,343.00)**	1,319 (780)**

- \* Restitution is lost when the client is not released from prison, or returns to prison, becomes fugitive, dies or sentence expires before the restitution obligation is completed.
- \*\* Portion of the total restitution loss which occurred because the client was not released to the Restitution Center.
- \*\*\* Effective August 1, 1974, losses incurred because client was not paroled to the Center are no longer included. Losses reflect only men who returned to the institution without completing restitution or clients whose sentence expired before restitution was completed.

APPENDIX IV  
MINNESOTA RESTITUTION CENTER  
SELECTED BIBLIOGRAPHY

**\*\*BOOKS**

Joe Hudson, and Burt Galaway, Considering the Victim; Charles C. Thomas Publishers, Springfield, Illinois; 1975.

**\*\*JOURNAL ARTICLES**

"Restitution & Rehabilitation: Some Central Issues", Burt Galaway and Joe Hudson; CRIME & DELINQUENCY, October, 1972.

"Restitution and Criminal Justice: A Minnesota Experiment", David Fogel, Burt Galaway, and Joe Hudson; CRIMINAL LAW BULLETIN: 8, October, 1972.

"Undoing the Wrong: The Minnesota Restitution Center", Burt Galway and Joe Hudson; SOCIAL WORK, Vol. 19, No. 3, May, 1974.

"The Minnesota Restitution Center", Michael S. Serrill; CORRECTIONS MAGAZINE. Vol 1, No. 3, January/february, 1975.

**\*\*NEWS ARTICLES**

"Focus on Felons Paying Back Victims"; Michael W. Fedo; THE CHRISTIAN SCIENCE MONITOR, March 17, 1973.

"Penal Program with a Twist: Criminals Repay Their Victims". Sue Hovik; THE NATIONAL OBSERVER, January 14, 1974.

"Making Good on Thefts", TIME MAGAZINE, June 3, 1974.

**\*\*UNPUBLISHED ARTICLES**

"Issues in Correctional Implementation of Restitution to Victims of Crime", Burt Galaway and Joe Hudson; American Society of Criminology, 1973, Annual Meeting, New York, November, 1973. Available from Author, Hudson, Minnesota Department of Corrections, Research and Planning, 430 Metro Square Building, St. Paul, Minnesota 55101.

"Minnesota Restitution Center", Minnesota Department of Corrections.

"The Minnesota Restitution Center: A Viable Correctional Alternative for Dealing With Property Offenders in the Community". The above two articles are available from the Minnesota Restitution Center, 30 South 9th Street, Minneapolis, Minnesota 55402.

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