

U.S. Department of Justice

Office of Juvenile Justice and Delinquency Prevention

National Institute for Juvenile Justice and Delinquency Prevention



Juvenile Restitution

2-Year Report of the National Evaluation

Executive Summary

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September 1983

This report was prepared by the Institute of Policy Analysis, Eugene, Oreg., under Grant Numbers 77-NI-99-0005 and 79-NJ-AX-0009 from the National Institute for Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the Department of Justice.

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NCJ-87615

Introduction

The National Juvenile Restitution Initiative was launched in 1978 to address two concerns long considered important by juvenile justice planners and practitioners: the development of meaningful alternatives to the incarceration of young offenders, and the provision of redress to the victims of crime. Restitution—a sanction which makes offenders directly accountable for the damage they cause—was viewed as a potentially practical option. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) made more than \$23 million available for a nationwide demonstration program.

Copies of the program announcement were sent to more than 10,000 juvenile justice organizations and agencies across the United States, and eventually grants were awarded for 41 separate projects in 26 States, Puerto Rico, and the District of Columbia. Six of the grants went to state-wide agencies, which, in turn, funded 50 local-level projects. Altogether, the juvenile restitution initiative provided support for 85 programs—all but a few of which were created as a direct result of Federal funding.

One of the major goals of the initiative was to develop information concerning the cost-effectiveness of restitution and its impact on juvenile offenders and the juvenile justice process. To address these concerns—and other research questions involving restitution—the Institute of Policy Analysis was selected to evaluate the initiative.

The evaluation is divided, essentially, into two major components. The first compo-

nent, designed to assess the unique impact of restitution on both offenders and victims, involves the use of classic experimental research designs in six project sites: Ventura County, Calif.; Dane County (Madison), Wis.; Oklahoma County (Oklahoma City), Okla.; Clayton County, Ga.; Ada County (Boise), Idaho; and Washington, D.C. In these sites, eligible offenders were randomly assigned into "treatment" and "control" groups. The treatment group comprised those referred to the OJJDP-funded restitution project, and the control group was made up of those receiving other dispositions. In some instances, secondary random assignments were made within the treatment group to evaluate selected program components. The data for this portion of the research have been collected and currently are being analyzed; reports should begin appearing early in 1983.

This report focuses on the second segment of the evaluation. It deals with the initiative as a whole and consists of an assessment of its accomplishments according to short-term performance measures. Based primarily on data collected through a management information system installed at each site, the report includes information on the types of offenders and offenses; the types of victims; the types of restitution ordered and completed; the proportion of referrals who successfully meet the requirements of their dispositions; and the proportion who commit new offenses while still in the project. The data span 2 full years of Federal funding for each project and fully document the activities of the initiative for that period.

Evaluation Results: The Initiative at 2 Years

Descriptive Data

There were three basic criteria of eligibility for referral to an OJJDP-funded restitution project: the offender must have been formally adjudicated, there needed to be an identifiable victim, and the youth must have been in jeopardy of incarceration. While additional criteria frequently were imposed at the local level, none were in contradiction to those required by OJJDP.

Although court procedures vary widely across jurisdictions, the requirement of formal adjudication is straightforward, as is the condition that there be an identifiable victim. More problematical is the provision that the offender be in jeopardy of incarceration. This eventually became a major issue in the initiative and a focal point of the evaluation. The extent to which the projects adhered to this criterion for their referrals, and the variables used in making this calculation, are discussed in this report.

Highlights

In the first 2 years of the initiative, 17,354 offenders were referred to restitution projects.

The average offender was a 15-year-old white male from a household with a \$12,000 income.

About 30 percent of the referrals were members of minority groups.

A total of 17,354 juvenile offenders were referred to the restitution projects during the first 2 years, and of these, 15,247 cases were closed before 3 years had elapsed. The number of referrals was less than was expected based on the grant applications. Several factors intervened to reduce the initiative's caseload. First, original schedules did not allow for sufficient startup time. Also, several projects seriously underestimated the filtering process of juvenile court procedures which, through dismissals, diversions, waivers, and informal adjustments, winnow out about 70 percent of all the intakes.

The average offender referred to projects in this initiative was male (89.6 percent), about 15.5 years old, and from a family with an annual household income of \$12,000. Most were white (71.6 percent), but about 23 percent were black, and hundreds of others were Chicano, Native American, or Puerto Rican. Seventy-six percent were full-time students.

The most common offense resulting in a referral to a restitution project was burglary (34.3 percent), followed by larceny (19.7 percent), and vandalism (13.2 percent). Approximately 1,000 referrals were adjudicated for assault, and more than 500 for robbery. Less than half (44.4 percent) of the referrals were first-time offenders with no known police contacts, and more than 1,000 (6.5 percent) had at least six prior offenses. The average offender in this initiative had 1.4 priors.

Highlights

More than half of the referrals had at least one prior offense; more than 1,000 of the offenders had at least six priors.

Most of the referrals had committed serious crimes such as arson, large burglaries, robbery, or assault.

More than 30 percent of the referrals would be considered serious or chronic offenders in imminent jeopardy of incarceration.

Because the initiative was targeted at youth in serious jeopardy of incarceration, it was expected that projects would serve serious as opposed to minor offenders. The framers of the initiative, however, found it necessary to balance this objective against the desire to make restitution available to a significantly large proportion of adjudicated offenders, and to test its effectiveness among several different categories of delinquents. The compromise was that the projects would give priority to serving the most serious offenders adjudicated by juvenile courts, but could accept less serious referrals as well. Excluded were offenders adjudicated for victimless offenses, status offenses, and nonnegligent homicide.

The seriousness of offenders referred to projects in the restitution initiative was measured on two dimensions: the gravity of the instant or presenting offense, and the number of prior offenses on the record of the youth. These criteria permit an assessment of the proportion of offenders in the initiative—and in each project—who were at risk of incarceration; for presumably, the more serious the offense/offender, the greater the probability of commitment. Local standards as to what constitutes "seriousness" vary, however, and there is no foolproof method of determining who would have been incarcerated.

According to the data, about 84 percent had committed personal or nonminor

property offenses, and 54 percent arson, burglary involving substantial loss, robbery, or assault. More than 30 percent of the referrals would be considered serious or chronic offenders and obvious candidates for commitment. On the other hand, 2.4 percent of the referrals (less than 500 nationwide) apparently were adjudicated for victimless crimes (e.g., substance abuse, gambling, prostitution, probation violations) and therefore would be considered inappropriate for these projects.

Highlights

The offenses resulting in referrals to restitution projects involved 18,390 victims and more than \$9.5 million in damages and property losses.

As restitution for these losses, judges ordered nearly \$2.6 million in monetary restitution, more than 355,000 hours of community service, and more than 6,000 hours of direct service to victims.

Offenders whose cases were successfully concluded paid more than \$1.5 million in cash, worked nearly 260,000 hours of community service, and performed more than 4,000 hours of direct service to victims.

The offenses which resulted in referrals to restitution projects involved 18,390 victims, about two-thirds of whom were classified as persons or households. About 25 percent of the victims were stores and businesses, and the remainder were schools or other public property. Collectively, these victims reported more than \$9.5 million in damages and property loss, but recouped more than \$3.2 million from insurance and other sources. Both the amounts lost and the amounts recovered are underestimates, since these figures were, in many instances, unknown to the projects. Mathematical projections indicated that the true loss figure approaches \$11 million.

As restitution for these losses, judges ordered nearly \$2.6 million in monetary restitution, more than 355,000 hours of unpaid community service, and more than 6,000 hours of direct service to victims. The amount of monetary restitution was based on the amount of victim loss: When the loss was known, an average of 91 percent of it was ordered as monetary restitution. (In some instances, judges were constrained from ordering that the full amount be paid since it would exceed the maximum amount, set by the project, that could be required of an offender.) In 65 percent of the cases involving monetary restitution, and in which the victim loss was known, judges ordered the offenders to repay 100 percent of the loss.

Based on data from the cases which were closed at the time this report was prepared, offenders had paid more than \$1.5 million in monetary restitution, worked nearly 260,000 hours unpaid community service, and performed more than 4,000 hours of direct service to victims. Most offenders (65 percent) made monetary restitution—either singly or in conjunction with community or victim service—and paid, on the average, \$169 apiece. Those performing community service (45 percent) worked an average of 41 hours each, while offenders on plans involving direct service to victims (about 1 percent) averaged 24 hours of such work. The amounts of restitution actually completed are about 70 percent of those ordered by judges, because some cases (1,927) were still open and others were closed after the offenders failed to comply.

Successful Completion of Restitution Requirements

The single most impressive feature of the statistics on successful completion of restitution orders is the overall rate. Of all the offenders accepted into restitution projects, and for whom restitution plans were developed, 86 percent—nearly 9 out of 10—completed the requirements successfully. The figures used to calculate this rate exclude those offenders who were re-

ferred to restitution projects, but subsequently declared ineligible.

Highlights

Of all offenders accepted into restitution projects, 86 percent completed their requirements successfully.

For even the riskiest referrals—the poorest and most serious offenders—the successful completion rate was at least 75 percent.

Among projects, completion rates ranged from 60 to 99 percent.

Another interesting aspect of the successful completion statistics is the high rate of success even among the most risky groups of offenders. While there are statistically significant relationships between successful completion and certain social background characteristics, the differences are not great. For example, the wealthiest offenders (those with household incomes greater than \$20,000) have a 92 percent successful completion rate, while the poorest (incomes less than \$6,000) have an 81 percent rate. Slightly more than 90 percent of first offenders are successful, compared with a 77 percent completion rate among those with six or more prior offenses. White offenders complete restitution at an 88 percent rate, but nonwhite minorities have an 81 percent rate. And the differences are even less with respect to age and seriousness of presenting offense.

Somewhat larger differences can be attributed to the size of the restitution order and, apparently, geography. A strong relationship exists between successful completion and size of the restitution order—including both the amount of monetary restitution and the number of community service hours. The rates of successful completion remain high for small and medium-sized orders, but tail off sharply as the amounts become extreme. Among projects, the largest differences seem to be

between urban and suburban sites. Those with the lowest rates of successful completion (between 60 and 75 percent) are in major cities such as Washington, D.C., Detroit, Chicago, and Cincinnati, while those with the highest rates (95 to 99 percent) are in suburban areas such as Quincy, Mass., and Geauga County, Ohio.

Policy Issues

In addition to the descriptive data summarized above—such as the characteristics of victims and offenders, amounts of restitution ordered and paid, rates of successful completion, and so forth—information also was collected on a number of policy issues relating to the implementation and operation of juvenile restitution programs. Much of this information was collected in the six experimental research sites, and hence was not available for inclusion in the 2-year report. However, data was assembled from all 85 sites in the initiative on in-program reoffense rates, case management options, and costs of operating restitution programs.

In-Program Reoffense Rates

The in-program reoffense rate refers to the rate at which referrals to restitution projects commit new offenses while still in the program and therefore under the jurisdiction of the court. It is important as a policy issue for several reasons. First, it provides an approximate but timely measure of the extent to which restitution is taken seriously by juvenile offenders, and hence has any deterrent effect. Second, it permits the court to monitor the credibility of a program, and take remedial action if the rate approaches an intolerably high level. And third, it provides guidelines for fine-tuning projects: if reoffense rates vary by seriousness of offense or chronicity of offenders, then courts can seek and eventually find an optimal mix of clients that allows them to serve the riskiest population while, at the same time, keeping the reoffense rate within acceptable bounds.

Highlights

The propensity of youths to commit new offenses while still involved with the restitution projects was low: on the average, about 8 percent reoffended.

While no differences in reoffense rates could be attributed to the type or seriousness of the presenting offense, youths with multiple priors were more likely to reoffend than youth with no priors.

Reoffense or recidivism rates always vary by time "at risk." In other words, the more time there is for a youth to commit another offense, the greater the probability that he will do so. This means that reoffense rates—the proportion of youths in a cohort who reoffend—increase over time. In the restitution initiative, youths remained in projects for an average of just over 6 months, and during that time about 8 percent of the referrals reoffended. For 3 months "at risk," the reoffense rate was 4 percent, and for 12 months it was 14 percent. There was considerable variation in the reoffense rates across projects, which probably reflects differences in populations and local police and juvenile court policies more than anything associated with restitution. Generally, the in-program reoffense rates were higher in urban centers than in suburban areas.

The relationships between the socioeconomic characteristics of the referrals and the in-program reoffense rates were in the expected directions: youths who were poorer, members of minority groups, male, and school dropouts were slightly (3 to 6 percent) more likely to reoffend. Interestingly, there were no differences in reoffense rates which could be attributed to type or seriousness of offense. However, there were substantial differences associated with the number of prior charges: Youths with no priors had a 10 percent reoffense rate after 1 year in a restitution project, while those with 3 or more priors had a 20 percent rate.

Options for Case Management

There are a number of programmatic options which can be exercised for the management of individual restitution cases. Two sets of options with clear policy implications involve the degree of court control or supervision over the youth, and the provision of subsidies for youth employment.

Judges ordering restitution as a disposition for juvenile offenders can structure the sentence in essentially three ways: they can order restitution as a sole sanction so that the youth has no other requirements and is freed of court supervision when restitution is paid; they can order restitution as a condition of probation; or they can commit a youth to an institution and suspend the commitment in favor of restitution. In the initiative, restitution as a condition of probation was most common with about 78 percent of referrals. About 16 percent received restitution as a sole sanction, and 6 percent had suspended commitments.

The degree of court control had a surprising impact on successful completion and reoffense rates. Contrary to expectations, successful completion rates were higher (by about 10 percent) and reoffense rates were lower (by 6 percent) among the referrals required to make restitution as a sole sanction. Moreover, those differences exist among all categories of offenders. Even when offense seriousness, number of prior charges, and socioeconomic background characteristics are taken into account, the youths making restitution as a sole sanction still have higher rates of completion and lower rates of reoffending.

While the reasons for these relationships can only be speculated on, two possible explanations may be offered. One explanation involves positive labeling, and posits that youths respond favorably to the confidence and trust indicated by an order of restitution without probation as an enforcement mechanism. Another explanation holds that the simpler the sentence, the better. It would suggest that the more requirements that are placed on a youth,

the more likely it is that the youth will fail.

Highlights

Offenders making restitution as a sole sanction had substantially higher completion rates and lower in-program reoffense rates.

Employment subsidization was largely successful: subsidized offenders had successful completion rates about 6 points higher than unsubsidized offenders.

Another case management option utilized by many projects in the initiative was the provision of subsidies for youth employment. The subsidy can be paid directly by the project to the youth for some type of public service work, or it can be offered to employers in either the public or private sectors as an incentive to hire project clients. The money earned by the juvenile offender is then used to pay restitution; usually, the youth is permitted to keep a portion of the earnings. About 75 percent of the projects in the initiative used subsidies to at least some extent. About 25 percent of all referrals received money as a result of the subsidies.

The purpose of the subsidy was to make restitution available as a disposition for all eligible offenders, and not merely those with the ability to pay. The data indicate that the subsidy had its intended effect. First, youth who received subsidies tended to constitute a more "risky" population, i.e., more minority group representation, lower family incomes, more serious offenders, and more repeat offenders. Second, these offenders had higher rates of successful completion than comparable offenders who were not subsidized. Subsidization, therefore, "works;" the question for policymakers is: Are marginally higher completion rates worth the additional cost imposed by subsidization?

2-Year Cost Summary

The analysis of costs incurred by projects in the Juvenile Restitution Initiative was undertaken with data drawn from the Financial Status Reports completed quarterly by each grantee. Six of the 41 grantees were excluded from the analysis because of truncated participation in the initiative, unavailable data at the time the report was being prepared, or, in one case, difficulty in establishing an expenditure time frame. The excluded projects account for about 11 percent of the referrals to the initiative, and 10 percent of the total expenditures.

Three clear features emerged from the expenditure data analysis. First, there was a wide range in total cost per grantee over the 2-year period, from just under \$25,000 for a small project in Ohio with 75 referrals to more than \$2 million for a statewide project in New York with 927 referrals.

Second, the grantees tended to form two distinct groups with respect to costs per case. More than half the projects had relatively low costs per referral (less than \$1,000), but seven projects had costs ranging from \$1,750 to \$2,500, and one project—eventually discontinued due to low client flow and high costs—reported expenditures of more than \$6,000 per referral.

Third, two variables which theoretically would account for differences in costs—number of referrals and time required to complete restitution—actually had relatively poor explanatory power. The correlation between expenditures and number of referrals was 0.37, and the correlation between expenditures and youths' time in projects was 0.35.

The grantees included in this analysis spent a total of \$12.6 million on 15,393 referrals during the 2-year period, averaging \$820 per case and about \$160 per case per month. If community service and victim service hours are valued at the minimum wage of \$3.35 per hour, then the amount of restitution paid by referrals to these projects totaled more than \$2 million, or about \$130 per victim. Based solely on the figures assembled for this report, it appeared to cost, on the average, slightly more than \$6 to produce \$1 in restitution—a ratio which probably will drop as more cases are closed.

Highlights

An average of \$820 was spent on each referral, but most projects spent less.

For each \$6 in expenditures, about \$1 in restitution was paid or worked.

If all the restitution ordered during this period eventually were paid, then it would cost about \$3.80 to generate \$1 in restitution. Obviously, the final figure will lie somewhere between those two ratios.

It should be mentioned that while this figure—the ratio of dollars spent to amount of restitution performed—is interesting, it is a poor indicator of cost-effectiveness or cost-benefit because it ignores treatment effects. Other treatments, it must be said, also bear costs per client, but yield nothing in terms of compensation to victims. The initiative was not, in any case, conceived as a victim compensation program, but rather as an alternative disposition for juvenile offenders.

Conclusions

The data presented in this report describe the activities of the initiative, the characteristics of its clients and their victims, the accomplishments of its projects and, at least preliminarily, the feasibility of restitution as an alternative disposition for juvenile offenders. Many questions remain, such as the impact of restitution on recidivism rates, victim satisfaction, offender attitudes, and so forth. These issues are currently being examined in six projects with experimental research designs, and the results will be forthcoming later this year. In the meantime, however, a number of conclusions can be drawn:

1. For whatever reason, restitution obviously is a powerful dispositional option for juvenile offenders. Regardless of where, how, or with whom it is used, successful completion rates remain high.

2. With per-case costs of \$820, restitution can be relatively inexpensive for juvenile courts, especially when used in lieu of incarceration or even probation.

3. Restitution can be a viable alternative to probation as demonstrated by the higher completion rates, and lower reoffense rates, for those youths making restitution as a sole sanction.

4. In-program reoffense rates averaged only 8 percent for youth who spend 6 months in projects, and 14 percent for those who spend 1 year. Thus, it appears that there is minimal risk involved in ordering restitution as a disposition for serious offenders. The results of the recidivism analyses in the experimental projects will yield more conclusive information.

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