

U.S. Department of Justice
Office of Juvenile Justice and Delinquency Prevention



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Restitution Improvement Curriculum:

A Guidebook for Juvenile Restitution Workshop Planners



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Restitution Education,
Specialized Training, and
Technical Assistance Program



Restitution Improvement Curriculum:

A Guidebook for Juvenile Restitution Workshop Planners

Edited by: H. Ted Rubin and Marlene Thornton
Institute for Court Management of the National Center for State Courts

May 1988



Restitution Education,
Specialized Training, and
Technical Assistance Program

U.S. Department of Justice
Office of Juvenile Justice and Delinquency Prevention

Verne L. Speirs
Administrator

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Foreword

The use of restitution as a disposition for juvenile offenders has gained widespread support from jurisdictions all across the United States. When properly designed and implemented, restitution programs hold youth accountable for their actions and at the same time respond to the needs of the victims.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) launched a National Juvenile Restitution Initiative in 1978 and since then has funded restitution programs and research and provided training and technical assistance. Since the Office established the Restitution Education, Specialized Training, and Technical Assistance Program (RESTTA), the number of juvenile restitution programs in this country has increased from a few to approximately 500.

The popularity of such programs has resulted in calls from across the country asking for guidance in developing training conferences. Consequently, OJJDP asked RESTTA to prepare this guidebook to help State and local agencies plan juvenile restitution training sessions.

Restitution Improvement Curriculum: A Guidebook for Juvenile Justice Restitution Workshop Planners is a guide to planning, organizing, and presenting conferences and workshops on juvenile restitution. It can also be used as a quick reference on restitution questions in general. The guide covers a variety of restitution issues--from funding for restitution programs to managing and evaluating them. The authors of the various chapters include many of the country's leading experts on community-based corrections, courts administration, evaluation, delinquency prevention, and juvenile restitution.

One of our goals at OJJDP is to provide useful and timely information to juvenile justice experts about programs that work. This guidebook does just that. Whether you are developing a new restitution program or seeking to improve the one you have, I believe you will find this document useful.



Verne L. Speirs, Administrator
Office of Juvenile Justice and Delinquency Prevention

Acknowledgment

The Restitution Education, Specialized Training, and Technical Assistance Program (RESTTA) is proud to offer this Model Curriculum for the organization of State and local restitution conferences. The curriculum includes complete outlines, participant work sessions, and text for overhead or slide/visual presentations in 18 areas of restitution programming. We believe it is the most complete compendium of ideas and issues on restitution practices ever published.

The Model Curriculum was compiled and edited by H. Ted Rubin and Marlene Thornton, both of the Institute for Court Management, National Center for State Courts. Mr. Rubin's long experience as a juvenile court judge, leading author in the field of juvenile justice, and thoughtful proponent of restitution is evident in this document, as is Ms. Thornton's editing skill and close attention to detail. As with all RESTTA publications, this document benefits as well from the review and collaboration of Dr. Anne Schneider of the Policy Sciences Group at Oklahoma State University, and from the attention of Paul Steiner, RESTTA Program Manager, Office of Juvenile Justice and Delinquency Prevention.

In addition to Dr. Schneider and Mr. Steiner, the editors of this volume wish to acknowledge the contributions of all those who participated in the compilation of this curriculum. Without their support and assistance, this document would not be possible.

Peter R. Schneider, Ph.D.
RESTTA National Coordinator

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Introduction

This publication has been prepared by the Restitution Education, Specialized Training, and Technical Assistance (RESTTA) Program to help State and local organizations design and execute juvenile restitution training conferences. These seminars may be conducted by State or local restitution associations or programs, juvenile justice organizations or judicial councils, victim-witness agencies, citizen groups, or other interested associations or organizations. RESTTA views these training seminars as a strong priority in its goal of expanding, strengthening, and improving juvenile restitution programs.

This publication provides detailed outlines on 18 topical restitution issue areas. Each outline (or module) contains:

- The estimated total time needed to present the module;
- A short summary of what the module is about and what the participants will gain;
- Subtopics with time allotments; and
- Program materials (such as overhead transparencies, handouts, small-group exercises, questions for discussion).

The time lengths listed for the topical presentations are approximated. Furthermore, many can be contracted, some expanded. Overhead transparency content is appended to an outline only when different from the outline content. Additional transparencies may be readily prepared using key words from any of the listings in an outline. (Overhead transparencies should be typed in upper case letters large enough for the participants to read.)

State or local presenters can use these materials as a guide or foundation for a conference presentation. It is likely that they will want to make adaptations in format and content, add additional materials, insert or emphasize concerns that are important to their particular jurisdiction, and adjust the style of a presentation to better fit their natural approach.

Alternatively, conference planners may contact the curriculum author or other professionals who have expertise in given areas to make particular conference presentations.

This publication, while extensive, is not comprehensive. The outlines cover many areas that are important nationally; they do not cover all issues that are of State or local concern at a particular time. It is expected that conference planners will include other topical areas in a workshop. State issue areas that might be programmed into a workshop include the following: the need for State juvenile code changes regarding restitution provisions, ways to address State child labor restrictions, the development of paid work opportunities in State institutions to allow for restitution payments, forming or strengthening of a State juvenile restitution association, and the question of whether juvenile and adult

restitution programs in a State or locality should be combined. Association business meetings, award ceremonies, speakers whose invitations have political or broader subject matter relevance, and related concerns should be included in a workshop agenda. (It should also be noted that because of the variation in styles of the different curriculum authors, the amount of detail used by the authors in addressing their respective topics varies from one outline to another.)

Workshop planners should select from the 18 outlines those subject areas that are most relevant for conference participants. For example, "Implementing a Restitution Program in an Urban Area" will not be pertinent to a rural State. "Restitution Programming in a Private Agency" will be valuable where there is significant interest in, and perhaps use of, private agencies as a restitution resource.

Certain topical areas can cluster and fit well as back-to-back presentations. Cluster examples include "Managing Restitution Programs" and "Evaluating Restitution Programs," or "Determining Restitution Program Philosophy" and "Improving Financial Restitution Programs."

"A National Overview of Juvenile Restitution Programs" is a natural for a conference opener. "Victim-Offender Mediation" can serve as a single focus 2-day workshop or can be used as a 3- or 4-hour workshop component.

Below are three examples of how a 2-day conference might be structured. (Of course, coffee breaks need to be interspersed within each day's program.)

A. Urban State Conference

Day #1

8:30 a.m.	Welcome and Introduction to Workshop
8:45 a.m.	Restitution: A National Overview of Juvenile Restitution Programs
10:30 a.m.	Restitution: A State Overview of Juvenile Restitution Programs
Noon	Luncheon: Judge _____: Restitution as a Critical Ingredient in the State Juvenile Justice System
1:00 - 5:00 p.m.	Funding Restitution Programs
5:30 p.m.	Reception

Day #2

8:30 a.m.	Panel: Descriptions of Three In-State Urban Restitution Programs
10:00 a.m.	Restitution in Metropolitan Areas

- 1:00 p.m. Restitution Programs for High-Risk Offenders
- 3:15 p.m. Work Groups: Ways To Expand Use of Restitution as
an Alternative to Confinement (with
feedback)
- 4:30 p.m. Association Business Meeting

B. Rural State Conference

Day #1

- 8:30 a.m. Welcome and Introduction to Workshop
- 8:45 a.m. Restitution in Rural Areas
- 10:00 a.m. Work Groups: Particular Issues With Rural Restitu-
tion and Approaches to Problem Solving
(with feedback)
- Noon Luncheon: State 4-H/Extension Service Director:
Opportunities To Further Juvenile
Restitution Through 4-H and Related
Activities
- 1:15 p.m. Improving Public Support for Restitution
- 2:45 p.m. Panel: How Public Support Was Developed by Three
Restitution Programs
- 4:00 p.m. Work Groups: Developing Action Plans To Improve
Public Support

Day #2

- 8:30 a.m. Improving Financial Restitution Programs
- 10:30 a.m. Enhancing the Community Work Service Experience
- 1:15 - 3:00 p.m. Panel: Financial and Community Work Service
Restitution in Three Juvenile Courts (In-
State)
- 3:15 p.m. Small Group Exercise: Model Program Development
- 4:00 p.m. Association Business Meeting

C. Large Conference (75 or more attendees)

Day #1

- 8:30 a.m. Welcome and Introduction to Workshop

8:45 a.m. Approaches to Restitution Programming (from Guide to Juvenile Restitution, 1985)

10:15 a.m. Legal and Liability Issues in Restitution

Noon Luncheon: Two Community Work Service Restitution Job Site Supervisors: Juvenile Work Experience, and the Working Relationship With a Restitution Agency

1:00 - 5:00 p.m. Concurrent Sessions

a. Victim-Offender Mediation

b. Funding Juvenile Restitution

5:30 p.m. Reception

Day #2

8:30 a.m. Improving Public Support for Restitution

10:00 a.m. Concurrent Sessions

a. Panel: Approaches to Financial Restitution in Three Juvenile Restitution Programs (In-State)

b. Panel: Approaches to Community Work Service Restitution in Three Juvenile Restitution Programs (In-State)

1:15 p.m. Evaluating Restitution Programs

4:30 p.m. Association Business Meeting

The inclusion of topical outlines in the workshop notebook is not recommended, as presenters may deviate substantially from an outline. Presenters may, however, want to prepare and distribute to workshop participants an outline that they have adapted and that they will follow during the workshop. If an outline is distributed to participants, it is recommended that sufficient space be provided throughout the outline to allow for note-taking.

By presenting the design and execution of a successful meeting, the Restitution Improvement Curriculum should be useful to conference planners. The outlines detailed here provide content that should prove valuable both for presenter use and participant understanding and application.

Unit A:

A National Overview of Juvenile Restitution Programs

Suggested time: 2 hours

Jean Warner
Senior Research Analyst
Policy Sciences Group
Oklahoma State University

Trainer's notes:

The trend towards the use of restitution as a sanction by juvenile courts is one of the most profound changes in juvenile justice to have occurred in the past few years. While there are some restitution programs that list their beginning dates as early as 1965, restitution was not used extensively in juvenile courts until the late 1970's.

A survey of juvenile courts, conducted by the Institute for Policy Analysis in Eugene, Oregon, in 1983 showed that 52 percent of the courts surveyed had a formal restitution program. Ninety-seven percent of the courts stated that they ordered restitution occasionally. A 1984 survey of courts by the Policy Sciences Group at Oklahoma State University identified 378 programs in all 50 States, the District of Columbia, and the Virgin Islands that used restitution regularly.

Today, all States have legislation that either specifically permits restitution or can be interpreted to permit restitution under the court's authority to order probation. Clearly, restitution is being used to a greater extent today than ever before.

The purpose of this module is to give a general overview of the use of restitution in juvenile courts today. It begins with a discussion of the goals and/or philosophies of restitution programs around the country. The module then presents various operations that were developed based on differing goals. Next, the programs are described by the services provided. These include financial restitution, community service, victim/offender mediation, other victim-oriented services, and job assistance programs. The administrative location of the program within the juvenile justice system is covered, as well as "who manages the case." Administrative issues and general policies and procedures tend to indicate the level of development or formalization a restitution program has obtained. Restitution programs are described according to how many and which administrative programs, policies, and procedures they have adopted.

10 min.

I. Introduction

- A. Overview of the session
- B. Some terms used in the session (Overhead transparency #1, see page A-10)
- C. Trend towards use of restitution is one of the most profound changes in juvenile justice in past decade
- D. Restitution was not used extensively in juvenile courts until the late 1970's

- E. 1983 survey showed 52 percent of courts surveyed had a formal restitution program; 97 percent ordered restitution occasionally
- F. 1984 OSU survey identified 378 programs in all 50 States, D.C., and Virgin Islands that used restitution regularly
- G. All States now have legislation either specifically permitting restitution or interpreted to permit restitution under the court's authority to order probation

30 min.

II. Goals and philosophies

- A. Fundamental decisions in developing a program affect the nature of the program and guide its operation
 - 1. Not made frequently; once in place, may be hard to change
- B. Goals most often mentioned (Overhead transparency #2, see page A-11)
 - 1. If the participant has a restitution program now, ask each to score these goals for his/her own program using a scale from 0 to 10: zero means that it is not a goal of your program; 10 means this goal is very important to your program. (For those participants not associated with a restitution program, ask each to write down what he or she thinks the national average was, based on the OSU survey.)
 - 2. Ask for a show of hands on how many put accountability first and how many gave punishment the highest score; how many had a score greater than five?
- C. Different philosophies (Overhead transparency #3, see page A-12)
 - 1. Accountability philosophy--emphasizes juvenile's individual responsibility (survey results: 81 percent gave score of 10)
 - 2. Treatment/rehabilitation philosophy
 - a. Some restitution programs place primary emphasis on treatment and service (score: 42 percent gave a 10)
 - 3. Victim services philosophy
 - a. Similar to accountability model (helps victim recover losses) but views victims and victims' rights as very important

- b. Distinctions--primary responsibility of a victim-oriented program is to obtain repayment for the victim (survey results: 44 percent gave 10)
- 4. Punishment philosophy--Is restitution punishment?
 - a. From offender's perspective--punishment is any requirement that imposes cost, losses, or other inconveniences
 - b. From the court's perspective--punishment is any sanction that the judge intends as punishment (legal writings support this definition)
 - c. From a proportionality perspective--punishment is any sanction greater than what was deserved, given nature of offense
 - d. Harm caused by the crime is considered to be a debt--repayment of that debt is not punishment
 - e. Definitions of punishment--it is argued that restitution is not punishment so long as it is proportionate to the harm done (survey results: 5 percent gave a score of 10) (Overhead transparency #4, see page A-13)
- D. Some implications of a program's goals:
 - 1. Victim rights or accountability models generally have larger target population than treatment philosophy
 - 2. Program components differ from one approach to another (Overhead transparency #5, see page A-14)
 - a. Victim services would not order only community work service (CWS) hours (vs. money) whereas CWS might be the preferred order in a treatment philosophy
 - b. Victim service programs devote little or no money to locating permanent, meaningful jobs for offenders, whereas accountability programs develop revolving job slots that are vacated when restitution is paid
 - c. Victim programs allocate funds to mediation, victim advocacy, maintaining contact with victims, assisting in documenting loss; whereas treatment programs allocate funds to permanent job placement, counseling, educational programs, etc.
- E. Summary of program goals
 - 1. Choice depends on the basic values of the community and court
 - 2. There is no evidence that one approach "works better" regarding victim satisfaction or recidivism

10 min. III. What services are offered?

- A. Ask participants how many are from a restitution program that offers both financial restitution and community service
- B. Financial restitution--84 percent of programs have a financial component; over 50 percent started in the 1980's
- C. Community service restitution--90 percent had community service; 33 percent (135) were started in the 1980's
- D. Twenty-eight percent had a victim services component
- E. Financial and community service is the most common arrangement, then financial, community service, and victim offender mediation

10 min. IV. Organizational choices

- A. Probation
 - 1. Judicial branch--29 percent
(judge is chief officer of the organization, then court administrator, then probation)
 - 2. Executive branch--6 percent
(reports to either the county commissioners or a State agency)
- B. Court operated
 - 1. Within the court, but separate from and equal to probation
 - 2. Reports directly to the judge
 - 3. Twenty-six percent of respondents
- C. Other (mostly private organizations)
 - 1. Private nonprofit that operates under contract with court (12 percent)
 - 2. Religious or charitable organization
 - 3. Correctional institutions
 - 4. Other

5 min. V. Who manages the case

- A. Sixty-one percent of the time, probation officer supervises restitution requirements; 25 percent of the time done by restitution counselor
- B. When restitution ordered, probation requirements are supervised 80 percent of the time by probation officers and 10 percent of the time by a restitution officer

15 min.

C. Tremendous variation in who manages the case

VI. Degree of institutionalization

A. Of those that provide financial restitution:

1. Standard procedures for transmission of payments to victim--80 percent
2. Standard procedures for monitoring payment progress--76 percent
3. Standard procedures for noncompliance--69 percent
4. Formal, written payment plan and schedule for each youth--63 percent
5. Standard procedures for transmitting payments to other funds if victim has already been compensated--27 percent
6. Twenty-three percent had all the above and 61 percent had at least 4 out of 5
7. Written criteria governing eligibility--40 percent

B. Of those that provide community service restitution:

1. Standard procedures for monitoring progress--73 percent
2. Standard procedures for noncompliance--67 percent
3. Formal, written payment plan and schedule for each youth--57 percent
4. Written criteria governing eligibility for referral--54 percent
5. Written guidelines for assigning hours by offense or offense history--37 percent

C. Of those that provide victim services:

1. Request victim damage, loss, injuries assessment--77 percent
2. Advise victim of restitution decision--74 percent
3. Advise victim of restitution progress--66 percent
4. Advise victim of all rights--45 percent
5. Provide closure with victim, following final restitution requirement--37 percent
6. Involve victim in victim-offender mediation--27 percent
7. Provide counseling, referrals, transportation, and other support services to victims--15 percent

D. Of those that provide job services programs:

1. Arrange for unpaid job slots--46 percent
2. Provide job referrals, but youth compete for jobs--35 percent
3. Have written criteria governing eligibility--34 percent
4. Arrange for paid job slots--34 percent

5. Maintain a supervised work crew--30 percent
6. Provide transportation to jobs--20 percent
7. Provide subsidized or partially subsidized work--20 percent
8. Provide job training seminars--15 percent (ranged from 1-40 hours)
9. Provide vocational training--5 percent (ranged from 1-40 hours)

E. Other services provided by programs

1. Have liability provision for damage, loss, and injuries--38 percent

10 min. VII. General policies and procedures

A. Summary of policies and procedures (Overhead transparency #6, see page A-15)

1. The Always category is hardly ever ordered as a sole sanction; yet half the courts use it as a sole sanction or as a requirement of probation
2. Eighty-eight percent Sometimes end probation when restitution is paid

10 min. VIII. Administration

A. Almost all programs (84 percent) have case record and tracking systems established and another 9 percent are in the process of establishing systems

B. Fifty-six percent have an established, management information system and only 22 percent have an established computerized data system

C. Other issues examined:

1. Restitution procedures manual
2. Policy guidelines
3. Standard procedures for assessing restitution amounts
4. Program evaluation component
5. Staff training program

5 min. IX. Use of volunteers

- A. Locating community service sites
- B. As victim-offender mediators
- C. Finding paid job slots
- D. Assisting work crew supervisors

- E. Providing direct help to juveniles (big brother, big sister)
- F. Transportation for youths to worksites
- G. Helping with office work (typing, filing, recordkeeping)
- H. Serving as board members
- I. Fundraising
- J. Publicity

10 min.

X. Public information component

- A. Recognition luncheons
- B. Supervisor of the Month awards
- C. Employer of the Year awards
- D. Thank you letters to all contributors and employers
- E. Annual banquet for the advisory board, all participating businesses, judges, and guests
- F. Project of the month (work crews select one special community project each month)
- G. Annual needs assessment (evaluation) survey of all employers, the board, and juvenile justice contacts
- H. Annual project report (distributed to project mailing list)
- I. Public information, educational brochures
- J. Press releases, stories for feature writers (special interest material)
- K. Liaison with chamber of commerce, labor unions, churches, associations, and citizens' advisory board

5 min.

XI. Conclusions

- A. Much variety--range of options
- B. New programs are being started and new components being added
- C. Exciting area with much potential for the juvenile justice system

Teaching Aids

Overhead transparency #1

Terms

Financial restitution: Offender repays victim for all or a portion of the loss

Community service: Offender makes restitution to a "symbolic" victim

Victim Service: Offender works directly for the victim

Fees: Offender pays money to a restitution account rather than directly to the victim

Overhead transparency #2

Goals

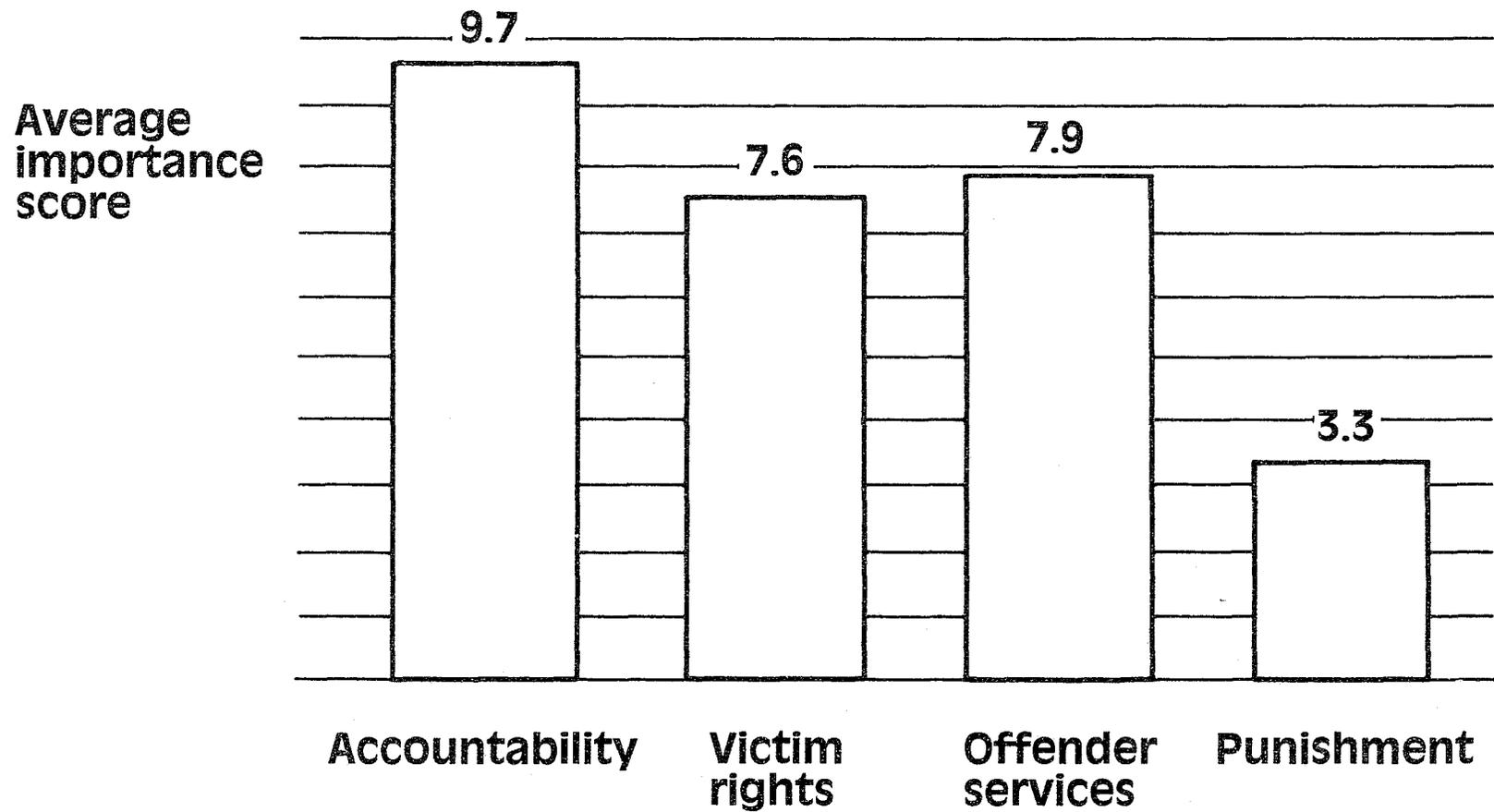
Holding Juveniles Accountable

Punishing Juveniles

Treating and Rehabilitating the Juvenile

Providing Reparations to Victims

Goals of Restitution



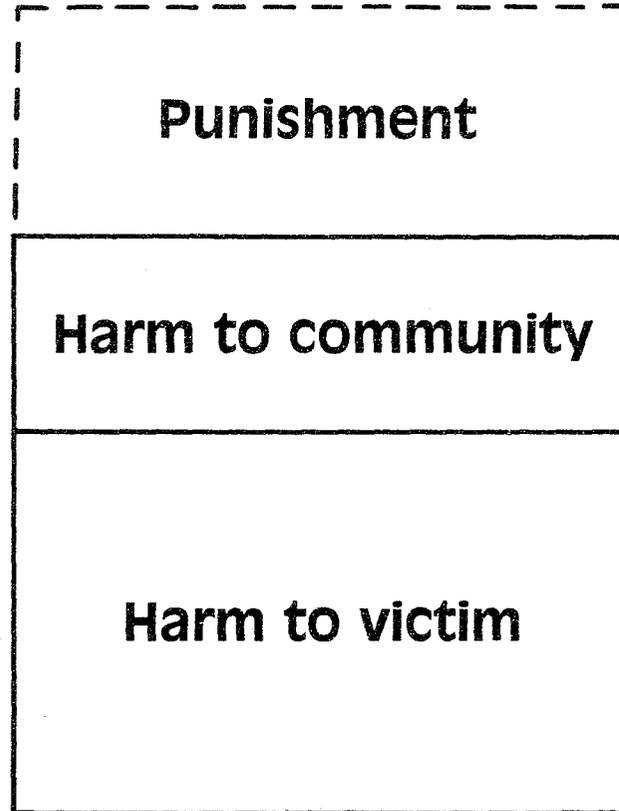
A-12

Based on responses to the 1984 Program Inventory Survey conducted as part of the RESTTA grant.

Definitions of Punishment

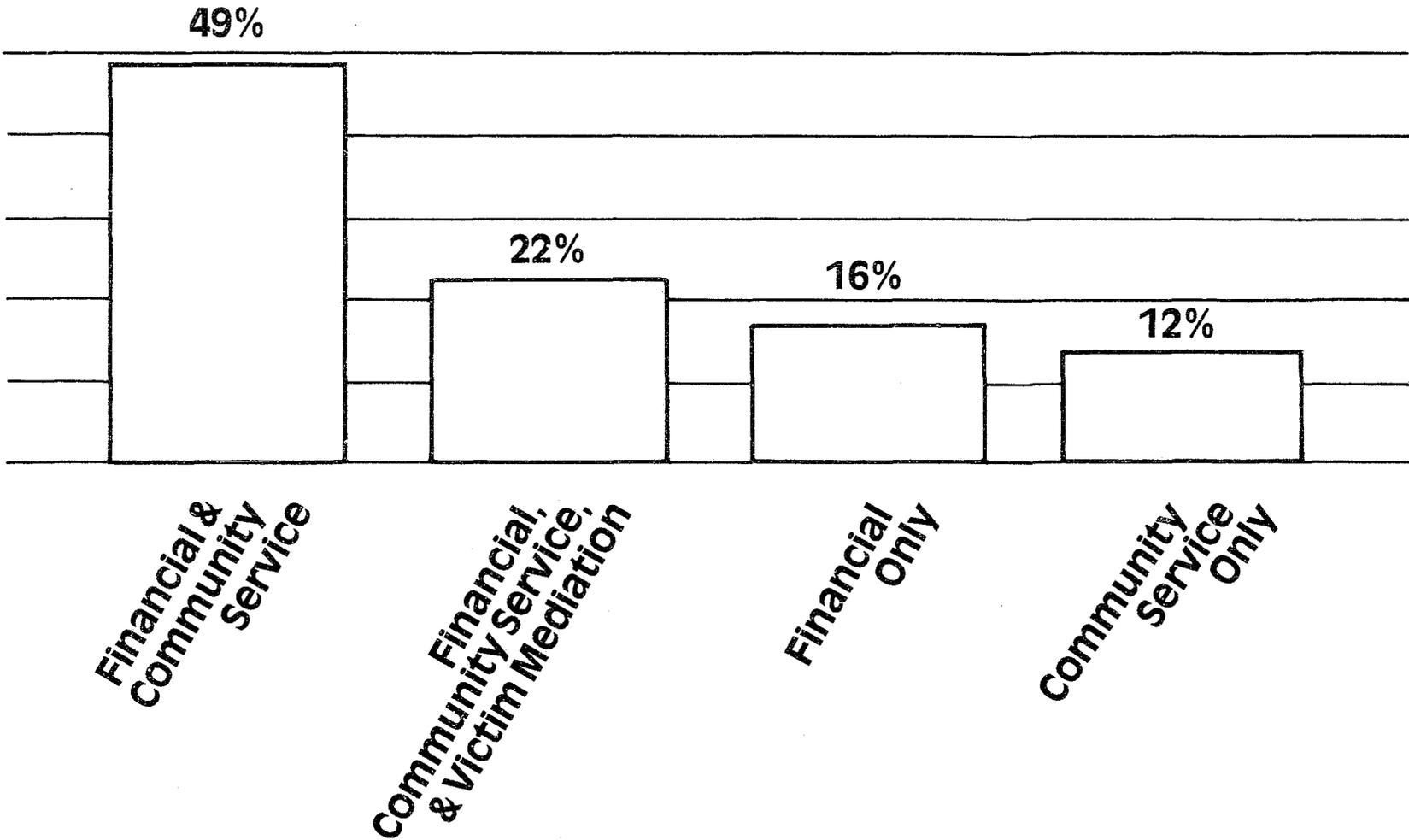
A-13

Proportionate
sanction
produces
"accountability"



Additional sanction
is punitive and is
"punishment"

Restitution Program Components



A-14

Based on responses of 170 programs to the 1984 Program Inventory Survey conducted as part of the RESTTA grant.

Overhead transparency #6

Summary of Policies and Procedures

	<u>Never</u>	<u>Sometimes</u>	<u>Always</u>	<u>Total of Sometimes and Always</u>
Are restitution project youth on probation?	6	54	40	94
Is probation ended when restitution is paid?	10	88	2	90
Does the Juvenile Court hold parents liable for the restitution?	38	53	9	62
Is restitution the sole requirement of probation?	44	55	1	56
Are fines levied in addition to restitution?	49	48	3	51
Are fines earmarked for victim compensation funds?	72	18	10	28

Unit B:

Creative Funding for Restitution Programs

Suggested time: 4 to 6 hours

John A. Herb
Restitution Program Director
Center for Juvenile Justice Training and
Research
Pennsylvania Juvenile Court Judges'
Commission

Trainer's notes:

Participants in this session will learn about the resources necessary to operate typical restitution program components including: community service, intensified financial restitution collection effort, financial restitution with job assistance or private sector employment, and public employment. In the current climate of scarce resources (and in many areas, simultaneously declining caseloads), the argument to develop the basic restitution components of the program through reassignment of existing staff will be made. For jurisdictions where that is not practical, alternative funding strategies will be reviewed in depth.

Session participants will discuss how one State stimulated restitution program development through subsidizing liability and accident insurances for program staff and clients. Also, the session will include a review of a proposed partnership between a State's transportation department and the juvenile courts (with potential for replication elsewhere).

The session will focus attention on creative alternative funding strategies including: State or local appropriation, grants, foundation support, interagency contracts, and establishment of businesses to employ program participants. Fines and costs will also be reviewed as potential sources of program funds. Finally, participants will take part in an exercise designed to generate ideas about potential resources in their own jurisdictions, and how they might be successfully approached.

This session will help participants decide what additional resources, if any, are needed to develop restitution program components that can be replicated. The basic steps of successful proposal preparation will also be reviewed. In addition, the participant's own creative fund-seeking will be stimulated through presentation of a "shopping list" of successful, innovative restitution approaches.

15 min.

I. Introduction

- A. Introduction of presenter(s)
- B. Review of session content--goals for participants (Overhead transparency #1, see page B-8)

30 min.

II. Background

- A. Overview of typical stages of program development
 - 1. Recognize need for service
 - 2. Investigate parameters of need (e.g., assess proportion of uncollected restitution)
 - 3. Select programmatic response component(s)
 - 4. Research similar operational models to replicate
 - 5. Formulate philosophy statement
 - 6. Assess workload and determine resources necessary to implement

7. Identify potential funding resources--seek support
- B. The challenge of securing funds in climate of scarce resources--mention examples of competing programs (Overhead transparency #2, see page B-9)
- C. Restitution concept is so "right" that the necessary funds, or resources already within the organization, are available to planners with persistence, creativity, and flexibility
- D. Resources needed depend on jurisdiction size and program component targeted for replication
- E. Issues related to location of program model:
(Here presenter should elicit informal exchange of pros and cons of each model) (Overhead transparencies #3A, 3B, and 3C; see pages B-10 through B-12)
 1. In-house (probation or separate department)
 2. Contracted with community organization
 3. Institutional

45 min. III. The components and resources needed

- A. Programs without employment components
 1. Community service restitution
 - a. Staff (coordinator, clerical, possibly team leader)
 - b. Public relations--brochures, volunteer recognition
 - c. Training/professional association
 - d. Miscellaneous--management information system (MIS), etc. (Presenter should lead a discussion of the Northumberland County Intergenerational Community Service Program--Handout #1, see page B-17--and other potential creative sources of funds for community service programs that might interface with the mental retardation system, this could also serve to make the "service" more meaningful)
 2. Financial restitution--intensified collection effort
 - a. Discuss value of incorporating a philosophy of making collections a case management priority (this is not in conflict with treatment stance since being held accountable is rehabilitative) (Overhead transparency #4, see page B-13)
 - b. Limited additional resources necessary--possibly MIS
 - c. Training (collection techniques--assertiveness)

- B. Emphasize that above two components could be incorporated through shifting staff responsibilities or minimal infusion of additional resources
 - 1. Development and operation of community service (a paraemployment program) is good training to prepare staff to add employment component
 - 2. Increased appropriation, grants or foundation funds may not be available; this doesn't mean it cannot be done
 - 3. Challenge--"probation staff should become sentencing specialists...community service and restitution should be an integral part of the sentencing process"

- C. Program models with job assistance/private-sector employment components
 - 1. Reasons for developing job assistance/employment component
 - a. Community service does not compensate victims for losses, resulting in victim dissatisfaction and generalized public disenchantment with the system
 - b. Many clients have no job or other means of payment, regardless of intensified collection effort
 - 2. Job training model--South Carolina
 - a. Staff serve as job skill trainers
 - b. Describe program and funding history (Handout #2, see page B-18)
 - c. Lead brief discussion of pros and cons
 - 3. Private sector--"Earn-It," Quincy, Massachusetts (Handout #3, see page B-19)
 - a. Staff serve as job developers
 - b. Importance of advisory board--describe program and funding history
 - c. Lead brief discussion of pros and cons

- D. Public sector subsidized employment
 - 1. Advantages
 - a. Ability to handle the toughest referrals
 - b. Not dependent on available private sector jobs
 - c. Not dependent on being able to motivate generally unmotivated clients to find their own jobs
 - d. Better adapted to job slot rotation than private sector employer who might be unwilling to routinely lose employees after they have been trained
 - e. Assured collection through control of the payroll

2. Could/should be implemented in conjunction with private sector employment or job training components
3. The challenge is in creatively finding (diverting) sources of funds to employ program youth in public sector employment

90 min.

IV. Potential sources of funds

A. Basic ingredients in funding regardless of the source or the project to be funded

1. Relationship with the people who make the funding decisions--it is "who you know"; develop a constituency; create an advisory board
2. Ability to prepare a sound and convincing concept paper, grant, or proposal that "sparkles," review other successful proposals, attend a grantsmanship workshop
3. Being perceived as having the ability to successfully implement the program, even if you lack a track record

B. Appropriation--State or local

1. Iowa--public employment through State appropriation (Handout #4, see page B-20)
2. Pennsylvania--statewide strategy to encourage local program development through a grant subsidizing liability and accident insurance (Overhead transparency #5, see page B-14)
3. Northumberland County, Pennsylvania--public employment component--cost partially offset by system of costs, fines, supervision fees (Overhead transparency #6, see page B-15)
4. Lehigh County, Pennsylvania--restitution credit through performance of separate community service--fund established through fines and costs collected from summary offenses (Handout #5, see page B-21)

C. Job Training Partnership Act (JTPA, PIC, etc.)/summer youth employment programs

1. Description of their basic goals
 - a. Training, not employment, which is different from CETA (except for summer programs)
 - b. Possible funding for "try-out employment" if merged with extensive job search/job training/equivalency diploma curriculum
2. Importance of developing relationship
3. Myths to overcome
 - a. Delinquent employees are more "trouble"
 - b. "If we give kids jobs for being bad..."

D. Grants

1. OJJDP formula grants
2. BJA block grant funds--50 percent match (hard or soft)
3. Federal Victims of Crime Act (VOCA) P.L. 98-473 Title II Chap. XIV, 42 U.S.C. 10601 et. seq.
4. Other creative sources--(interagency linkages with elderly or mental retardation services systems)
5. Tips on preparation of grants or proposals presenter may wish to use overhead transparencies of this or an expanded list of tips using examples) (Materials published by the Grantsmanship Center are very helpful and cover the issue from every angle)
 - a. Importance of summary--may be all that is read
 - b. Neatness, easy to read, and free of typos
 - c. Balance--avoid jargon/impressive to the reader
 - d. Only as long as necessary--avoid redundancy
 - e. Make concept "sparkle"--enthusiasm is contagious
 - f. Avoid unsupported assumptions
 - g. State concisely both the problem and the goals
 - h. Evaluation--realistic and objective
 - i. Continuation plan
 - j. Letters of endorsement and support

E. Foundation/corporate support

1. National--Edna McConnell Clark, Florence V. Burden Foundations
2. Usually best chance if local--often local foundations or subsidiaries of large philanthropic corporations are unknown--use of Taft directories

F. Creating a restitution business--Erie County, Pennsylvania

1. History--community service, private sector "Earn-It," creating a nonprofit corporation
2. Presenter should describe program (Handout #6, see page B-22), discuss replication issues, and review potential restitution yield (Overhead transparency #7, see page B-16)

G. Interagency contract--proposed Pennsylvania Litter Brigade

1. Presenter should describe program (Handout #7, see page B-23)
2. Potential replication issues

60 min.

V. Exercise (Handout #8 and instructions, see page B-24)

10 min.

VI. Review and wrap-up

Teaching Aids

Overhead transparency #1

Session Goals

Participants will:

Become familiar with the resources needed to develop restitution program components

Examine the key ingredients of successful proposal preparation

Have their creativity stimulated by discussion of some of the most innovative approaches to funding restitution programs

Have the opportunity to let their "creative juices" flow during a group exercise designed to generate alternative funding strategies

Overhead transparency #2

Typical Distribution of State Expenditures
On Services to Youth

(This overhead is a pie chart created from the following information:)

Mental retardation services	10 percent
Drug and alcohol services	3 percent
Mental health services	5 percent
Services to dependent abused children; status offender	13 percent
Juvenile justice services	8 percent
Educational programs	61 percent

Overhead transparency #3A

Pros and Cons of Program Location in System

A. In-house (probation or separate department)

Advantages:

- + Services responsive to court's needs
- + Facilitates communication about clients
- + Labels program as credible, since operated by agency of social control

Disadvantages:

- Difficult to create/modify staff positions
- Civil service, unions, politics

Overhead transparency #3B

Pros and Cons of Program Location in System

B. Contracted (services provided through community agency)

Advantages:

- + In short run probably less expensive, also potentially easier, faster to develop
- + More flexible, adaptable to changing needs than government entity
- + May be better suited to the style of jurisdiction

Disadvantages:

- Service may never become institutionalized
- May be used less, subject to whims of changing administrations
- High potential for case-related communication breakdowns
- Profit motive may interfere with quality

Overhead transparency #3C

Pros and Cons of Program Location in System

C. Institutional

Advantages:

- + Able to affect clients who would be otherwise out of circulation, and victims who would be out of luck
- + Constructive additional element in treatment regimen
- + Ease of control with captive client population

Disadvantages:

- Toughest clients to place successfully without "blowing sites"
- If State-run institution, not an easy climate to develop new program (i.e., restrictive budget, unions, etc.)

Overhead transparency #4

1984 survey of Pennsylvania juvenile jurisdiction examined
the proportion of restitution collected vs. ordered

The rates ranged from a low of 8.9 percent to 98.8 percent
(neither of the extremes had a restitution program)

The principal difference revealed: the priority attached to enforcing
collection

A philosophy that requires accountability makes a difference

Overhead transparency #5

Pennsylvania Strategy to Encourage Local Program Development

Subsidized statewide liability and accident insurance coverages have effectively stimulated the growth of restitution programs at a cost of less than \$500 per jurisdiction

\$1,000,000 in professional liability coverage and general comprehensive insurance covers all program staff-- program participants are also insured for any damages or injury to a third party, arising from a youth's negligence

Participants in community service programs throughout the State are also provided with accidental injury medical insurance

Overhead transparency #6

Northumberland County, Pennsylvania
(population of approximately 100,000)

Juvenile Court Costs/Supervision Fees System

	<u>beginning 1/1/86</u>	<u>prior to 1/1/86</u>	
Court costs	\$50.00	\$35.00	Informal disposition
	\$75.00	\$50.00	Formal disposition (where petition is filed)
Supervision fee	\$100.00	-0-	Disposition that requires assignment of caseworker or probation officer

This system, together with the collection of juvenile court-imposed fines, generated the following income:

1985 \$4,594.96

First 10 months of 1986
with supervision fees added. \$8,867.11

This income helps offset the cost of a public sector-subsidized restitution employment component

During 1984-1986 this program resulted in an average 89 percent collection rate of the total amount of all juvenile restitution ordered!

Overhead transparency #7

Erie County, Pennsylvania--Restitution Collection
(by source)

1986 (prorated to end of the year)

<u>Source</u>	<u>Amount</u>	<u>%</u>
Private sector Earn-It jobs	\$ 7,094	14
Janitorial business (8/3/86 start-up)	\$10,616	21
<u>All other collections</u>	<u>\$32,390</u>	<u>65</u>
Total	\$50,100	100%

1987
(projected)

<u>Source</u>	<u>Amount</u>	<u>%</u>
Private sector Earn-It jobs	\$11,520	14
Janitorial business	\$37,858	46
<u>All other collections</u>	<u>\$33,000</u>	<u>40</u>
Total	\$82,378	100%

This also represents a 62 percent increase in total collections!

Handout #1

Northumberland County, Pennsylvania
Intergenerational Community Service Program

A Community Service Program was developed in Northumberland County in 1972 through the initiative of probation staff and a juvenile police officer in Sunbury, Pennsylvania. The program was conceived as an action-oriented dispositional alternative for youth cited for summary offense(s) who were unable to pay the fines. For the first 11 years of operation, the program was coordinated by probation staff on a part-time basis.

Over time, staff increasingly recognized that when the community service work was of a more meaningful nature, this bolstered youth self-esteem, in addition to providing a measure of accountability. However, creating and organizing these types of work experiences consumed a greater amount of staff time. In 1983, the opportunity to address this issue presented itself. A demonstration grant was applied for and won by the probation department of the Pennsylvania Department of Aging, to expand the program and serve the county's elderly population. The Intergenerational Community Service Program was intended to make the youth's service more meaningful while lessening the elderly population's exaggerated fear of youth crime. The program coordination position was increased to full time, and a full-time team leader was added. The project was a cooperative venture by the county's Aging Office and the juvenile court from the start.

County senior action centers were established as worksites; friendly visitation at nursing homes was initiated by program youth; and youth performed odd jobs under the team leader's supervision, as a "chore service" for the county's senior citizens. Increased interaction between the generations was intended to foster mutual respect, while constructively providing the means for youth to make amends for their offenses. Secondary benefits also began to be derived in the department's alternative education program affiliation with volunteer foster grandparents.

By the time the initial grant funds were exhausted, the program was such an overwhelming success that the local Aging Office contracted with the Juvenile Court to continue the service. As such, this court-operated Community Service Program is the only known juvenile delinquency program to have been funded through the provision services to the elderly.

Handout #2

Charleston, South Carolina Juvenile Restitution Program

The Charleston, South Carolina, Juvenile Restitution Program (JRP) and the South Carolina Department of Youth Services (DYS) restitution program are combined State agency/private nonprofit model. These programs are accountability oriented, emphasizing job training and personal responsibility.

Founded in 1978 as a community service restitution program, the JRP was incorporated as a private nonprofit organization in 1981. JRP is under contract to DYS to continue restitution services to juveniles in Charleston, and to provide technical assistance statewide. Following a change in the State law, which now permits financial restitution, the program began accepting juveniles with court-ordered financial restitution.

The South Carolina Department of Youth Services began developing restitution programs throughout the State in 1980, drawing heavily on the Charleston approach. Currently, restitution programs operate in all 46 counties in South Carolina.

Youths referred to these programs are provided with a half-day job training seminar and are permitted to select their community service position from a "job bank" book kept by the program. Each youth must be interviewed by the prospective employer, who must agree to hire the youth. JRP program personnel work closely with worksite supervisors to ensure that the youths are supervised as if they were regular employees. Under the Department of Youth Services, probation staff monitor youth and work closely with the worksite supervisor to ensure completion of community service hours.

The average community service work order is 85 hours per youth. The successful completion rate usually averages between 75 and 80 percent. Program records indicate that restitution costs about \$620 per case, compared with \$950 per case per year for probation, and \$21,000 per case per year for incarceration.

Consistent enforcement is a fundamental principle of the program. Three unexcused tardies or two unexcused absences result in termination.

As a private nonprofit agency, the Juvenile Restitution Program is governed by a 15-member Board of Directors, including local business leaders, citizens, juvenile justice experts, educators, and youth service professionals. Currently, a DYS staff member is serving on the board. The board also includes one victim of juvenile crime and one youth who has successfully completed the program. These persons are elected each year by other board members.

Handout #3

Quincy, Massachusetts
Earn-It Program

The Quincy, Massachusetts, Earn-It Program is one of the oldest juvenile restitution programs in the United States and has been widely emulated. Earn-It collects more than \$300,000 per year in direct financial restitution from juvenile and adult offenders. The Earn-It staff also oversee the completion of thousands of hours of community service. Offenders complete restitution orders as a sole sanction, as a condition of probation, or as part of a split sentence. The program accepts first offenders as well as high-risk repeat offenders.

Close ties with the South Shore Chamber of Commerce allow the court to place offenders who are too young or unsuitable for private positions. Community worksites are provided by a large array of government and non-profit agencies. Offenders are placed individually, or in work crews supervised by the court's probation staff.

A full-time victim mediator endeavors to involve victims actively in sentencing, restitution determination, and overall case management. The Earn-It program is totally integrated into and administered by the court probation department. Extensive efforts are made to enforce restitution orders to encourage compliance and avoid incarceration due to failure to pay. Judge Albert L. Kramer has labeled his strategy for achieving this as "tourniquet sentencing," which refers to a gradual increase in the harshness of the sanction, rather than an "all or none" enforcement order.

Handout #4

Waterloo, Iowa
Juvenile Restitution and Community Services Work Program

The Waterloo, Iowa, Juvenile Restitution and Community Services Work Program involves financial restitution, community service restitution, and some victim services, including victim notification and loss documentation. It is administered by the judicial branch.

As a victim-oriented model, the program has a very high percentage of repayment. Parents are a source of repayment in approximately 17 percent of the cases. One of the program's goals is full reimbursement of both victims and insurance companies. The restitution requirement is fulfilled in public or private institutional placement if the juvenile is removed from the community.

State-subsidized job placements facilitate victim repayments in this county. The program has reduced reliance on State subsidies through a program encouraging juveniles to find private sector placements. In addition, innovative contracting with local government, nonprofit organizations, and several private businesses, has provided job placements for juveniles. A monthly 4-hour workshop provides youths with skills to facilitate private sector job procurement.

The program maintains a supervised work crew for Saturdays and throughout the summer to add flexibility to its community service placements. This also provides work opportunities for younger juveniles and for juveniles who do not live near any of the other job sites. A work crew consists of 7 to 10 juveniles, with 1 or 2 staff members. Two restitution staff members perform case management and program management functions. Part-time university students supervise the paid work crews, who maintain city park restrooms, mow park lawns and groom trees, among other jobs.

Financial and community service restitution can be used as a sole sanction. In these cases, no probation officer is assigned. The parents are responsible for the youth; the restitution officer monitors compliance.

Handout #5

Lehigh County, Pennsylvania
Community Alternative Work Service III Program

In Lehigh County, Pennsylvania, a subsidized employment component was added to the probation department's restitution program in 1985. The county has a population of approximately 275,000. In this unique program, it is the source of the funds used to pay youths' "wages." The probation department had been routinely collecting fines and costs on summary offense citations that had been referred to the department by district justices throughout the county when youth failed to pay the fines. Over a period of years, these funds were kept in an escrow account that grew to a present balance of approximately \$20,000.

When the program was first being conceived, a legal opinion was sought and permission of the Court and County administration was obtained to use this money as a restitution fund. The program targets youth who owe restitution and are unemployable because of age or other reasons, and thereby unable to satisfy their obligation in a timely manner. Youth referred to this component are placed in community service sites and their work "credited" toward their restitution obligation. When a sufficient number of hours of service based on the minimum wage is completed, a youth's victim is reimbursed from the fund for losses and the youth's obligation is considered satisfied. The youth receives no monetary compensation from this period of "employment." A maximum of \$600 per juvenile in restitution is earned through this component.

This component is being considered for replication throughout the State. While there are limits to potential total restitution generated through this means, there are little, if any, administrative costs associated with program operation and the model is easy to implement.

Handout #6

Erie County, Pennsylvania Earn-It Program

An employment component was first developed in 1981 in conjunction with the restitution program operated by the Juvenile Probation Department in Erie County, Pennsylvania, with a population of approximately 280,000. The name Erie Earn-It was adopted by the program from the original model in Quincy, Massachusetts, following a presentation made by Judge Kramer to Pennsylvania jurisdictions interested in replication. A community service restitution component had been in place in Erie for many years.

An active advisory board was recruited that guided the fledgling program to emphasize permanent employment rather than utilizing the job slot rotation system. In its first year, the program employed 35 youths in four businesses generating only \$6,031 in income by the youth.

Gradually, the program began to cultivate its own employment opportunities, in addition to expanding the number of private sector businesses accepting youth for employment. Beginning in the summer of 1983, the Erie Chamber of Commerce contracted with the program for cleanup throughout an annual 5-day street festival, "We Love Erie Days." In 1985, the program also began contracting for snow removal with a number of downtown businesses. In Erie, with frequent, heavy "lake effect" snowstorms, this becomes a regular employment opportunity during the winter months!

The program began to be managed by a full-time coordinator beginning in 1985, rather than a part-time responsibility of a probation department supervisor. A preemployment orientation curriculum was also developed, providing 12-14 hours of job skills training for all program candidates.

In 1986, frustration with habitual offenders, "hard to place" in private sector Earn-It employment, led to the creation of the Erie Earn-It Janitorial Service. The talents of the advisory board members and staff were utilized to form a nonprofit corporation. Beginning in August, young offenders, supervised by Earn-It staff, assumed full responsibility for the janitorial services to the entire Erie County Courthouse and an adjoining county-owned building.

During the first year, under a \$60,000 contract with the county, it was projected that 75 juveniles would be employed and nearly \$23,000 in restitution returned to victims that otherwise would have been unpaid. In the first several months, the project was so successful that the corporation was asked to add the Erie County Library as a \$5,000 addition to the contract. For 1987, negotiations were under way to take over cleaning of the Children and Youth building and the Department of Public Health office. This would increase the annual contract to approximately \$93,000.

This component generates restitution earnings in excess of its private sector employment component, which provided program youth with over \$60,000 in earnings in 1985, \$31,102 of which was paid to victims. Additionally, \$23,061 in restitution is collected and paid to victims by youth under Erie Juvenile Court jurisdiction who do not need to be placed in employment through the program.

Pennsylvania Litter Brigade

A Proposed Cooperative Effort by the
Pennsylvania Department of Transportation
And Selected Juvenile Courts in the Commonwealth

A joint venture is being planned by the transportation department and several pilot juvenile court jurisdictions throughout the State for the summer of 1987. The project entails juvenile probation departments entering into a contract with the highway maintenance districts for litter cleanup along public thoroughfares.

The transportation department provides gloves, safety vests, hard hats, litter bags, first-aid kits, and staff to conduct a session on highway safety precautions. The contracting probation department hires supervisor(s), program youth 16 years of age and older, and arranges for transportation of the litter cleanup crew(s) to and from the assigned roads. The probation department's restitution program will be reimbursed on the basis of the number of highway miles cleaned.

For the transportation department, it is a more cost-effective means of keeping the highways clean than using its own employees at an average wage of \$13 per hour. For the restitution program, it will provide employment (suited to a job slot rotation system) to youth and thereby the means to satisfy their obligation. If successful, it is anticipated that each county program could derive \$15,000-\$20,000 per year. Although there are certain overhead costs to be deducted from this amount, a significant amount of restitution, which might otherwise remain unpaid, will be realized.

The program was first begun in several areas of the State by the transportation department contracting with local educational entities as a summer job program for youth from the general population. The State's transportation department was interested in seeing the program expand. However, reservations regarding potential liability have kept the educational system's interest to a minimum. It is hoped that, in future years, restitution programs can effectively fill this gap throughout Pennsylvania.

Officials in both systems feel that this cooperative venture will maximize the impact of the funds expended. The program will keep the highways cleaner and provide for an increased proportion of crime victims being reimbursed for their losses.

Handout #8

Restitution Program Approach Selection
And Funding Strategy Development

A Small-Group Exercise

Objective:

To stimulate participants' creativity in both selecting a restitution program design to address a typical set of jurisdictional characteristics/problems and developing potential strategies to fund program implementation.

(Participants are divided into four groups. Each group is provided with the characteristics of a particular jurisdiction--Handout #8 supplement.)

Scenario:

There is very limited time, but your group has agreed to generate at least two program designs for further refinement along with accompanying strategies for funding these components. The emphasis is on creativity and idea generation. You may use what you have learned in the workshop thus far, but you are encouraged to bring your own experiences and philosophies to bear on the issues that confront your jurisdiction. You do not need to reach consensus. Each of the major options discussed should be presented. Your group is specifically charged with:

- A. Generating program design(s) that respond to the needs of your jurisdiction
- B. Defining funding strategies for the design(s) selected
- C. Developing five crucial funding and design objectives achievable within the first year

Process:

You must assess the existing situation in your county very quickly. A member of the group must be selected to record and report on your group's progress in a presentation of no more than 5 minutes. You will have only 40 minutes for the group process portion of the exercise. Obviously, you cannot go into great detail due to time constraints, but the outline of your group's report should be complete enough to be understood on its own.

The group reports will be heard immediately following the group process portion of the exercise.

(The presenter should comment briefly as the group reports are being given. Because of time constraints, this exercise and the entire session would best be conducted using a roundtable room setup, with 8 to 10 participants at each table. This will facilitate moving in and out of the group process in a minimum of time.)

Handout #8 supplement

Program Approach Selection and Funding Strategy Development
(jurisdictional characteristics)

Group #1--Prospect County

Prospect County is a jurisdiction of 350,000 residents and comprises one major metropolitan center, surrounded by several widely separated small communities and rural areas comprising half the county's population. Economically, the jurisdiction is thriving. All types of employment exist within the county, and unemployment is well below the national average.

The county government liberally funds a fairly extensive network of social services. The probation department is well staffed. The court's philosophy is heavily weighted toward rehabilitation. Substantial funds are utilized for the placement of youth in an array of facilities. Restitution and community service programs were grant-funded several years ago, but when the demonstration funds were exhausted, the projects were not continued. The court did not see its probation staff as a collection agency, and a program designed to increase restitution collection was, therefore, not a priority. However, an increasingly vocal victims' rights group within the county is demanding greater attention to victims' concerns. Recently, this group has focused on the "paltry" level of juvenile restitution collection (15 percent), which was inadvertently leaked from the department's annual statistical report and picked up by the media. The judge is concerned about the negative public relations impact and wants to respond.

Group #2--Panhandler County

Panhandler County has 300,000 residents, most of whom live in two metropolitan areas. The economy of the county has been hard hit with the decline of the steel industry. Unemployment is well above the average for the State and the Nation. The jurisdiction has a disproportionate ratio of senior citizens when compared to State averages.

The State-run regional probation department enjoys a good reputation in the community as being firm but fair. The department's budget has remained relatively intact despite cutbacks in most other social service programs. Juvenile property crimes are increasing in the county but the funds are not available to institutionalize the corresponding increase in numbers, without staff cutbacks. The chief probation officer is looking for a progressive response to the situation. However, innovation is difficult because of State bureaucratic routines. A new juvenile court judge has just been named. He has been characterized as a "lock 'em up" type. No restitution or community service programs are being used, but a supervisor has just returned from a workshop excited about these concepts.

Group #3--Potent County

Potent County is a small but growing jurisdiction. Its 120,000 residents are nearly all middle class or above. The economy is healthy and growing steadily. Several colleges are within the county and they are involved with the community, including the juvenile court. Small retail and service industries are sprouting throughout the county. The county is large geographically and predominantly made up of four widely separated middle-size towns. There are youth employment programs operated throughout the school district during the summer months.

The State-operated juvenile department is average size and fairly progressive. There are several private community-based juvenile programs in the county that are utilized heavily. The judge has indicated that he wants the restitution/community service concept pursued either in-house or in the community. The chief probation officer feels there is not sufficient manpower within the department to develop the programs. The creation of additional positions is not likely because of a conservative administration that would rather purchase services. A request for proposals directed to the private concerns within the county met with little initial enthusiasm.

Group #4--Podunk County

Podunk County's population of 80,000 is comprised of several towns of approximately 10,000 residents with the remainder a sparsely populated rural character. The economy has seen better days, but that was many years ago when "coal was king." The attitudes are conservative and many of the people are provincial. A strong work ethic is very much intact and valued. There is some growth in service and recreational industries but much of that work is seasonal.

There is a small probation staff handling both juveniles and adults that is kept busy with a steady level of delinquency despite a decreasing juvenile population. The challenge facing the department is to stem the tide of costly increasing juvenile placements. The district attorney, recently elected, won on a get-tough, accountability-oriented platform. The court is supportive of the probation department and has yielded a fair degree of autonomy to the chief. The chief's leadership qualities are also respected by the county administration. The administration is tight with the purse strings as a reflection of the lean economic times. Community service has been "dabbled" with and a few experimental cases have been successful. The proportion of restitution collected is minimal with juveniles because "work is hard enough for adults to find."

Unit C:

Restitution Programming in a Private Agency

Suggested time: 1½ hours

Richard Rhyme
Executive Director
Youth Restitution Program, Inc.

Trainer's notes:

Juvenile restitution programs in the United States are presently administered in several different ways. This presentation will examine the considerations involved in administering a restitution program in one particular manner, from the perspective of a private agency. Issues of agency structure, contracting with a governmental body, coordination with other aspects of the juvenile justice system, and an evaluation of the strengths and weaknesses of this type of administrative format will be discussed.

While restitution programs run by private agencies are somewhat uncommon, they have demonstrated considerable success with clients and have been responsible for numerous innovations in the field of restitution programming. At the end of this presentation the listener will have gained a better understanding of how a restitution program in a private agency operates, the advantages and disadvantages of this type of restitution program operation, and some of the important considerations involved in operating a restitution program from within a private agency.

10 min.

I. Introduction

A. Definition of a private agency

1. Nongovernmental unit operating with a contract to provide human services
2. Federal 501 c(3) status
 - a. Definition
 - b. How to obtain
 - c. Advantages
3. State tax exempt status
 - a. Definition
 - b. How to obtain
 - c. Advantages

B. Advantages of restitution programs run by a private agency

1. Yearly contract promotes accountability
2. Nonprofit status
 - a. Financial donations from other sources
 - b. In-kind donations
3. Increased ability to attract volunteers
4. Increased community ownership/understanding about juvenile delinquency
5. Small size
 - a. Greater receptivity to change
 - b. Client perception of nonthreatening atmosphere
6. Less expensive than government-run programs

C. Disadvantages of restitution program run by a private agency

1. Court has diminished control over services
2. Potential coordination problems with other components of juvenile justice system
3. Duplication of administrative costs
4. Potential for selective screening of clients

20 min.

II. Agency structure

A. Articles of incorporation

1. Mission statement: focus on youth problems
2. Goals

B. Bylaws

1. Statement of purpose
2. Meetings
3. Meeting rules
4. Authorization to borrow money
5. Amendments

C. Board of directors (Overhead transparency #1, see page C-9)

1. Composition
 - a. Community ties
 - b. Areas of expertise
 - c. Length of term
2. Duties and responsibilities
 - a. Relationship to executive director
 - b. Relationship to daily operations
 - c. Relationship to line staff
3. Committee structure
 - a. Executive
 - b. Assessment
 - c. Resource and planning
 - d. Ad hoc committees
4. Potential liability
 - a. Policy decisions
 - b. Staff decisions
 - c. Insurance coverage
5. Officers
 - a. Duties and responsibilities
 - b. Elections

D. Staff composition

1. Qualifications
 - a. Academic
 - b. Personal
2. Client/line staff ratio

- E. Program operations
 - 1. Policy and procedures manual
 - 2. Procedures for periodic review of manual
- F. Discussion question: What role should an agency board of directors play in the operation of a restitution program?

35 min. III. The contractual relationship

- A. Types of service that could be provided
 - 1. Restitution
 - 2. Community service
 - 3. Victim/offender mediation
 - 4. Other victim services
 - a. Information/referral
 - b. Investigation of documented loss
- B. Types of reimbursement available
 - 1. Financial
 - a. Unit-of-service contract
 - b. Fee-for-service contract
 - 2. Nonfinancial
 - a. Importance of formal service agreement
 - b. Advantages of this type of arrangement
 - c. Disadvantages
- C. Funding requests
 - 1. Process
 - a. Submission of written proposal
 - b. Oral presentation
 - c. Direct lobbying of funder
 - 1) Agency personnel
 - 2) Agency clients
 - 2. Components of a written proposal
 - a. Organizational information
 - 1) History
 - 2) Affirmative action information
 - 3) Organization chart
 - b. Explanation of planning process
 - c. Problem definition
 - d. Target population
 - e. Program objectives
 - f. Program methods
 - 1) How services will be provided
 - 2) Where services will be provided
 - 3) Anticipated impact of services
 - g. Evaluation process
 - 1) Client satisfaction
 - 2) Performance outcomes
 - h. Budget

- 1) Line item budget
- 2) Personnel schedule
- 3) Capital budget
- i. Unit of service cost
 - 1) Definition
 - 2) Computation
- j. Coordination with other existing services

D. Contract elements

1. Definition of services to be provided
 - a. Description of activities
 - b. Target population
2. Contract objectives
 - a. Specific
 - b. Measurable
3. Program methods
 - a. How services will be provided
 - b. Where services will be provided
 - c. Anticipated impact of services
4. Service considerations
 - a. Client eligibility
 - b. Referral process
 - c. Waiting lists
5. Reporting requirements
 - a. Composition
 - b. Frequency
 - c. Audit specifications
6. Payment
 - a. Method of billing
 - b. Surety bond
 - c. Excess funds
7. Budgetary components
 - a. Line item budget
 - b. Unit cost computation
 - c. Explanation of other revenue sources

E. Discussion questions:

1. What factors should a county board of supervisors consider prior to contracting out a restitution program?
2. What are some possible definitions for a unit of service in a contract for restitution services? How does that definition affect other areas of the contract?
3. What difficulties might arise if a private agency did not develop specific, measurable objectives in its contract for restitution services?

20 min.

IV. Communication with the juvenile justice system

A. Program business

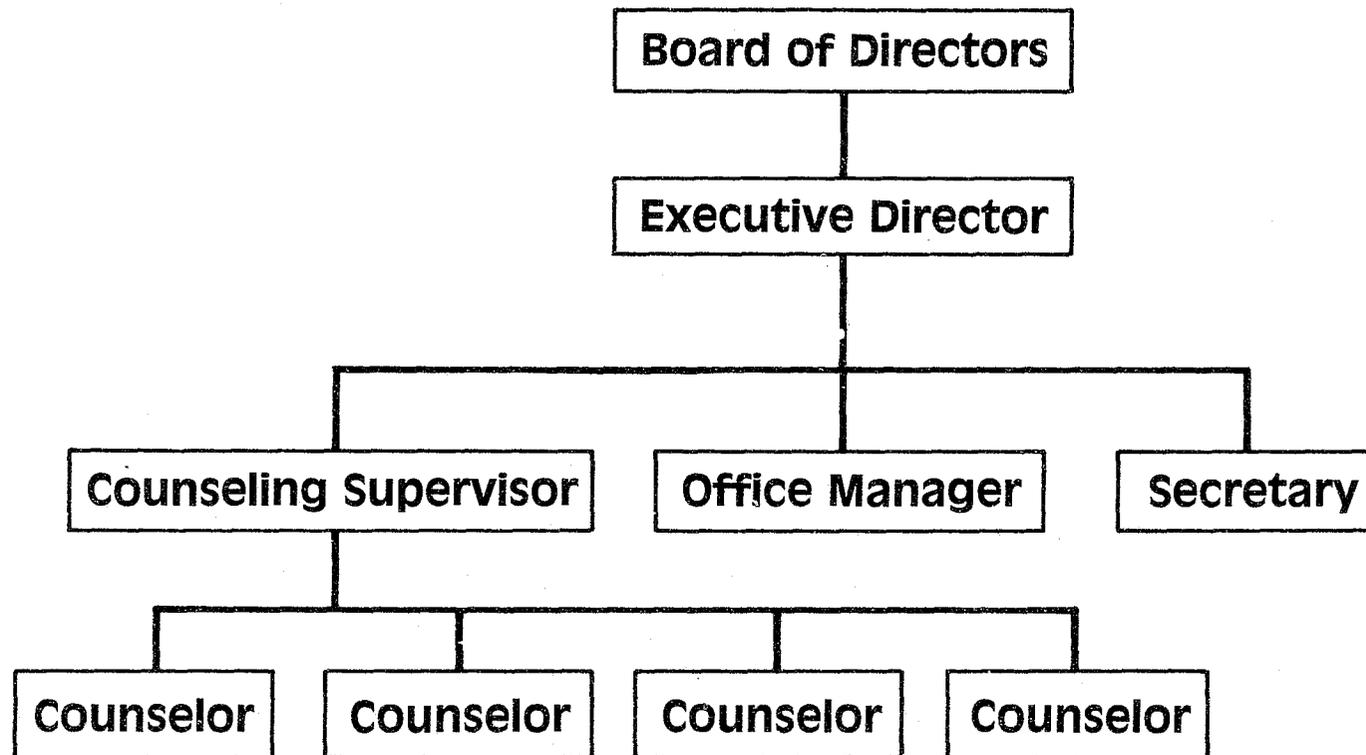
1. Key members to keep informed
 - a. Judges
 - b. Court administrator
 - c. Social service staff and administration
 - d. District attorney
 2. Methods of communication
 - a. Formal
 - 1) Written documentation of problems
 - 2) Written documentation of significant program events
 - 3) Judicial approval of program policies
 - 4) Attendance at agency board meetings
 - b. Informal
 - 1) Lunch meetings
 - 2) Phone calls
 - 3) Informal gatherings
 3. Contract liaison
 - a. Designated person inside the contracting agency
 - b. Function
 - 1) Assistance with problems
 - 2) Assistance with public relations within the system
- B. Program promotion
1. Target audiences
 - a. Agency staff
 - b. Juvenile court
 - c. District attorney
 - d. Social service staff
 - e. County board members
 - f. Victims
 - g. Job sites
 2. Types of communication
 - a. Annual report
 - b. Program brochures
 - c. Banquets
 - d. Open house
 - e. Newspaper articles
 - f. Letters
- C. Communication with other contracting agencies
1. Formal methods
 - a. Organized meetings
 - b. Joint problem resolution
 - c. Joint lobbying efforts
 2. Informal methods
- D. Discussion questions:
1. What role does informal communication play in successful administration of a restitution program by a private agency?

2. What makes a contract liaison important to a private agency that has a contract for restitution services?

5 min.

V. Review and wrap-up

Private Agency Organizational Chart



Unit D:

Restitution Policy and Procedures

Suggested time: 1½ hours

Richard Van Duizend
Deputy Executive Director
State Justice Institute

Trainer's notes:

This module focuses on the content of the manual, not the broader topic of the content of the policies and procedures, although discussions of the pros and cons of particular policies and procedures can easily be inserted. The RESTTA model policy and procedure manual can be used as a resource. The module is designed to answer the following questions:

- Why have a policy and procedures manual?
- What does a good policy and procedures manual contain?
- How can a policy and procedures manual be used?
- What process should be used to develop a manual?
- How frequently should it be updated?

10 min.

I. Why have a policy and procedures manual?

- A. To help in achieving program goals
- B. To promote fair and consistent decisionmaking
- C. To ensure proper and efficient handling of funds
- D. To facilitate understanding of the program by juvenile justice and other public agencies, funding sources, the press, and the public

45 min.

II. What should a policy and procedures manual contain?

- A. Description of your program
 - 1. Philosophy or purposes (Handout #1, see page D-7)
 - 2. Primary components
- B. Definition of persons served
 - 1. Juveniles eligible for program (Handout #2, see page D-8)
 - 2. Types of victims (e.g., agencies, insurance companies, individuals, retailers, public agencies, insurance companies)
 - 3. Involvement of parents
- C. Group exercise #1 (see page D-11)
- D. Description of each step of the process from intake through closeout using example of financial restitution (N.B. financial restitution is being used as an illustration; same detail is needed for community service and direct services to victims)

1. Intake procedures
 - a. Investigation of referrals
 - b. Initial contact with juvenile, family, and victim
 - c. Use of mediation
 2. Assessment of loss
 3. Determination and communication of juvenile's obligation
 4. Employment training/assistance
 5. Supervision of juvenile (Handout #3, see page D-9)
 6. Management of restitution payments
 - a. Method of payment
 - b. Priority of disbursement
 - c. Monitoring of payments
 - d. Followup and sanctions for nonpayment
 7. Termination of restitution agreement
 - a. Compliance
 - b. Noncompliance
 - c. Group exercise #2 (see page D-12); Handout #4 (see page D-10)
 8. Other issues
 - a. Liability of program and employer
 - b. Confidentiality of juvenile names and records
- E. Description of how the program is administered
1. Personnel
 - a. Staff needs
 - b. Qualifications
 - c. Job descriptions
 - d. Caseload
 - e. Staff training
 - f. Supervision
 - g. Performance evaluation
 - h. Volunteer program
 2. Financial policies
 - a. Funding sources
 - b. Number of clients to be served
 - c. Use of subsidized employment
 - d. Total operating costs
 3. Program management
 - a. Management data to be collected
 - b. Program evaluation
 - c. Internal and external reporting procedures
 4. Group exercise #2 (see page D-12)
- F. Description of relationship with juvenile justice system and community
1. Relationships within juvenile justice system
 - a. Judicial branch
 - b. Probation department
 - c. Police department
 - d. Prosecutors
 - e. Public defenders

- f. Others (e.g., detention center, community residential programs)
- 2. Maintaining community support
 - a. Public relations
 - b. Coordination with private contacts
 - c. Coordination in community service contacts
 - d. Confidentiality and release of information
 - e. Communication with local decisionmakers

G. Additional points

- 1. Objectives--it is helpful both in formulating and using the manual to set forth the specific objectives of each major activity (e.g., intake procedures, management of payments, maintaining community support)
- 2. Forms--all forms, formulas for assessing loss, and tables used for determining the amount of financial restitution or number of community service hours should be included in the manual

5 min. III. How to use the policy and procedures manual

- A. For initial and in-service training
- B. As a reference in day-to-day operations
- C. As a troubleshooting guide

20 min. IV. How to develop a manual

- A. Establish a development team including individuals with responsibility for various parts of the program
- B. Gather materials from:
 - 1. Other programs in State
 - 2. Comparable programs elsewhere (the Restitution Program Directory available from NCJRS can provide information on juvenile restitution programs around the country)
 - 3. The Model Policy and Procedure Manual available from NCJRS
- C. Adapt materials to your program and the way you want to do things; a manual is of little benefit unless it accurately reflects your program and environment
- D. Have other program staff review a draft to ensure its accuracy, comprehensiveness, relevance, and understandability
- E. Have it reviewed by key officials outside the program including at least the presiding judge of the juvenile/family court, the prosecutor, the public defender, the

chief probation officer, the chief of the largest law enforcement agencies, and the directors of the major social service agencies with which the program works

F. Revise to reflect comments

5 min.

V. When to update the manual

A. Whenever there is a major change in the program

B. Review at least every two years to ensure that it accurately describes the program, its needs, and its methods of operation.

5 min.

VI. Review and wrap-up

Teaching Aids

Handout #1

I. Program Philosophy

Restitution is a process whereby a juvenile offender makes either monetary payment to the victim, provides direct service to the victim, or engages in community service work. The ultimate program objective will be the provision of the type of support, supervision, and treatment that is necessary for many young offenders. The restitution program provides the court with a dispositional alternative for juvenile offenders that is both constructive and appropriate for the offense.

The anticipated result of the restitution program is to bring about an increased sense of responsibility to juvenile offenders for their delinquent acts and to restore to the victims of delinquent acts financial reimbursement for losses suffered as a result of these acts.

Program goal

1. **Juvenile accountability.** A goal of the program is to make youths aware that they are responsible for their actions; that there are consequences to them and others as a result of these actions; and, therefore, that when a wrong is done, an obligation to the community or to the victim is incurred that must be repaid. Youths are also assisted in realizing that they are responsible for any further decisions to become involved in delinquent activity and that they will be held accountable for future delinquent behavior.

II. Eligibility

The population targeted for the Juvenile Restitution Program are those youths who commit serious offenses repeatedly. Their behavior is not normally altered by regular probation and, as a result, they require more structured supervision and personal attention. These youths represent the group for whom arrest and processing in the juvenile justice system is a recurring event. This group of youth, often referred to as "high risk" or "chronic" offenders, represents a relatively small proportion of the delinquent population, but accounts for a large portion of all offenses, including violent offenses. The probation officers play a vital role in the selection of those juveniles who are appropriate for the program. It is upon their judgment that a youth is offered the opportunity to enter the program as a dispositional alternative.

Eligibility criteria

1. The youth has been adjudicated as delinquent for committing a crime against person or property.
2. The youth must have been convicted of a felony offense or have had two prior convictions.
3. The youth has a place to live in the community.
4. The youth's freedom is not being revoked for violation of probation. In the event of a rearrest and conviction, the youth is eligible on the new offense providing the prior probation offense is closed.

III. Supervision of Juveniles

Supervision of the youth is the primary responsibility of the assigned program officer who maintains the juvenile's case file, keeps a written record of the juvenile's activities; and documents all contacts with the juvenile, his parents or guardian, and job site supervisor. The program officer is expected to maintain weekly face-to-face contact with all assigned cases and to maintain weekly contact with the juvenile's job site supervisor while he is working.

The program officer is expected to keep the juvenile's parents and social worker informed about the juvenile's progress in the program. If a major renegotiation of the restitution contract becomes necessary, all parties should be notified.

An evaluation of the juvenile's job performance is to be completed by the job site supervisor whenever a juvenile leaves a job site. This includes circumstances when a juvenile is fired or leaves because his obligation is completed. Every effort should be made to review this evaluation in a meeting with the job site supervisor, the juvenile, and the assigned program officer.

IV. Termination of Restitution Agreement

Compliance. When the Restitution Agreement has been successfully completed, a celebration of sorts is in order. The victim has observed, firsthand, that the juvenile justice system works and the offender has experienced success through a plan he/she designed. The prosecutor and judge also should be regularly apprised of successes; often, they hear only about the failures.

Noncompliance. Whenever a restitution payment is past due, the offender and his/her parent(s) or guardian(s) should be called in immediately for a conference by the Program Counselor having primary case responsibility, to explore why restitution has not been paid. What happens next depends on the circumstances. The conference may get things back on track. If it becomes necessary to revise the restitution agreement, the victim should be advised of the situation and invited to participate in further discussions. It is suggested that similar processes used in developing the agreement be used. If a new plan cannot be negotiated, the victims should be advised of their options. The prosecutor should also be consulted to determine if further action will be taken, and, where the restitution agreement is incorporated as a condition of probation, the court with jurisdiction should be advised.

Group exercise #1

Have the participants take 5 minutes to jot down the philosophy or purposes of their program as they think they ought to appear in their manual and the list of components.

Then ask a volunteer to read his or her statement to the group and ask for comments and suggestions regarding comprehensibility and completeness. Repeat up to three times.

Group exercise #2

Distribute Handout #4, which shows an example of a poor procedure description. Ask for comments regarding what is wrong with the example (e.g., lack of clarity, completeness, consistency) and how it can be improved.

Monthly Report, Dakota County, Minnesota

Dakota County Juvenile Court

Restitution Program

Hastings, Minnesota

Monthly Statistics

Month of: _____ 19__

Restitution Probation Officer: _____

I. Contracts from previous month: _____
Number of referrals for current month: _____

Burnsville _____ West St. Paul _____
Apple Valley _____ So. St. Paul _____
Rosemount _____ Mendota Heights _____
Lakeville _____ Inver Grove Hts. _____
Farmington _____ Hastings _____
Eagan _____ Other _____

Subtotal

Number of cases terminated during month:

Successful: _____ No Order: _____
Fined: _____
Transfer Venue: _____
Unsuccessful: _____ Dismissed: _____
Partial success: _____ No Contract: _____
Placed: _____
No Loss: _____

End of month caseload: _____

II. Number of \$ paid of victims during month: \$ _____

By number of youth: _____

Number of \$ paid to charity during month: _____

By number of youth: _____

Number of service hours worked for victims during month: _____

By number of youth: _____

Number of service hours worked for community during month: _____

By number of youth: _____

Number of youth participating in self-restitution during month: _____

III. Year to date:

Total \$ paid to victim year to date: \$ _____

Total \$ paid to charity: \$ _____

Total number of hours worked for victim YTP: _____

Total number of hours worked for community YTP: _____

IV. Victim offender conferences held: _____

Individual victims: _____

Institutional victims, stores: _____

Unit E:

Determining Restitution Program Philosophy

Suggested time: 2 hours

Frank Woodson, Deputy Director
Cal Remington, Manager
Corrections Division
Correction Service Agency
Ventura County, California

Trainer's notes:

There is a potential for greater impact when the concept of restitution and accountability is applied to the total juvenile justice system. The purpose of this module is to provide participants the opportunity to explore the philosophy of their organization in relation to the principles and concepts of accountability.

Participants in this session will explore their organizational philosophy; i.e., rethink their present organizational philosophy and consider incorporating elements of the accountability model. They will then return to their jurisdiction and internally assess organizational philosophy with the appropriate administrators and decisionmakers.

The primary emphasis of this module is on individual and group participation with minimal lecture. A group exercise is used to stimulate group discussion and to challenge participants to rethink the juvenile court philosophy in their respective jurisdictions. Participants will be placed in small groups of four to six people, and the facilitator should assign individuals to the groups before the module begins. Individuals from the same jurisdiction should be mixed with other participants.

The success of this module is highly dependent on facilitating lively group interaction. Consequently, the selection of the facilitator is very important. Following the exercise, the module requires a testimonial for discussion regarding the restitution philosophy and its impact on the total organization. Having an individual who can speak from personal experience is crucial. If an individual is not available, it is suggested that a videotape provided by RESTTA be used for this purpose. Last, it would be advantageous if participants are asked to bring their philosophy statement from their juvenile court or probation department to the training, if that statement is available.

10 min.

I. Introduction and description of module

- A. Goals of module and what participants will learn
- B. Need to rethink current agency/department philosophy (facilitator to review Attachment #1 (page E-13) prior to the module)
- C. The following questions are posed to participants:
 - 1. Does your agency/department have a philosophy statement?
 - 2. When was the philosophy statement last updated?
 - 3. What are the primary issues or goals presented in your present philosophy statement?

D. Statement/critique concerning juvenile court/probation philosophies in the 1970's and 1980's (Overhead transparency #1, page E-6)

1. Statements reflecting criticism of juvenile court/probation philosophy
2. Facilitator will ask participants to respond to criticisms, both as individuals and as representatives of their respective agencies

45 min. II. Determining organizational program

- A. Distribute survey (Handout #1, page E-10) and give participants 5 minutes to complete it individually
- B. Group exercise (page E-19)

15 min. III. Comparison of surveys

- A. Review survey completed in 1972--Goals for Criminal Justice System (Overhead transparency #3, page E-8)
 1. Discuss differences between previous survey and priorities established by participants
 2. Discuss priority of rehabilitation and crime prevention in previous survey
 3. Discuss lack of victim issues, accountability, and offender responsibility in 1972 survey
- B. Compare results of participant survey to survey of participants attending other RESTTA-sponsored Determining Organizational Philosophy Workshops (Overhead transparency #4, page E-9)
 1. How does participant survey compare with survey of other RESTTA participants?
 2. What is basic message to be learned from comparison of surveys?
- C. Group closure
 1. Ask group to summarize exercise in comparison to other surveys--what does this mean for juvenile justice system?

5 min. IV. Testimonial concerning restitution philosophy and impact on total organization

- A. Discussion of differences in how organization relates to victims prior to change in philosophy
- B. What brought about the need to change and/or the change in philosophy?
- C. What was reaction to change within your organization?

- D. What were political benefits to your agency as a result of change?
- E. Summarize benefits organization has derived as a result of change

20 min.

V. Philosophical messages of juvenile court

- A. Message of treatment (facilitator leads discussion using material from Attachment #2, page E-15)
 - 1. Rehabilitate and prevent crime
 - 2. Assumptions of treatment approach
 - 3. "Restitution ordered because it is good for you"
- B. Message of accountability (facilitator leads discussion using material from Attachment #3, page E-17)
 - 1. First responsibility is to hold youth accountable to victim
 - 2. Assumptions of accountability
 - 3. Message of accountability

15 min.

VI. Action plan

- A. Discuss sample philosophy statement (Handout #2, page E-11)
 - 1. Describe multigoals for sample philosophy statement
- B. Suggest that participants use similar group exercise for decisionmakers in their own juvenile court jurisdiction
- C. Discussion of technical assistance and other services provided by RESTTA
 - 1. Discuss technical assistance for participants relative to developing organizational change
 - 2. Discuss general services offered through RESTTA Technical Assistance

5 min.

VII. Concluding remarks

Teaching Aids

Overhead transparency #1

Statements About the Juvenile Court and Probation In the 1970's and 1980's

The Juvenile Court's focus on the treatment model is fundamentally wrong

Probation is the stepchild of the criminal justice system

Juvenile offenders must be entitled to all due process rights

The Juvenile Court and probation cannot get a consensus on the role of probation from probation professionals

Juvenile Court and probation agencies lack clear policies to determine what types of offenders will receive punishment, treatment, or both

No clear mission statement

Probation needs an overhaul, not a tuneup

Taxpayer revolt--budget cutback

"Get tough"--lack of community support

Justice model says casework not legitimate role of probation

Researcher calls probation "standing joke"

The Juvenile Court should be abolished--it does not treat youthful offenders consistently

Probation is not effective--failure of the rehabilitation models

Treatment as an idea and method is bankrupt

Overhead transparency #2

Goals for Probation/Juvenile Court

	Group					
	1	2	3	4	5	6
Timely and uniform justice	_____	_____	_____	_____	_____	_____
Punish	_____	_____	_____	_____	_____	_____
Take responsibility	_____	_____	_____	_____	_____	_____
Rehabilitate	_____	_____	_____	_____	_____	_____
Victim satisfaction	_____	_____	_____	_____	_____	_____
Provide economical system	_____	_____	_____	_____	_____	_____
Offender accountability	_____	_____	_____	_____	_____	_____
Deter	_____	_____	_____	_____	_____	_____
Equitable probation services	_____	_____	_____	_____	_____	_____
Life and property	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____

Overhead transparency #3

Goals for the Criminal Justice System

A survey conducted in 1972 of approximately 3,500 representative operational criminal justice personnel in four States resulted in the following rank ordering of criminal justice system goals:

<u>Rank</u>	<u>Goal</u>
1.	Prevent crime
2.	Protect life and property
3.	Rehabilitate offenders
4.	Assure timely and uniform justice
5.	Punish offenders
6.	Provide equitable administration of the law
7.	Provide an economical system of justice
8.	Determine guilt or innocence of the accused
9.	Promote respect for law and the criminal justice system
10.	Reduce the desire to commit crimes

Overhead transparency #4

Results of the Goals for Juvenile Court
and Probation Questionnaire

This questionnaire was distributed to 200 professionals from early 1985 through June 1986. The group ranked the goals in the following order:

<u>Rank</u>	<u>Goal</u>
1.	Hold offender accountable
2.	Protect life and property
3.	Assist offenders to take responsibility for their acts
4.	Deter further crime
5.	Increase victim satisfaction

Special note: Rehabilitated offenders had a very low ranking by the groups. However, for some individuals it was in their top three rankings.

Handout #1

Goals for Probation and Juvenile Court Questionnaire

Read the statements below and rank statement in importance from 1 to 10, with 1 being the highest priority.

Goals of Probation Service and Juvenile Court

<u>Self</u>	<u>Group</u>
() Assure timely and uniform justice	()
() Punish offenders	()
() Assist offenders to take responsibility for their acts	()
() Rehabilitate offenders	()
() Increase victim satisfaction	()
() Hold offender accountable	()
() Deter further crime	()
() Provide equitable administration of probation services	()
() Protect life and property	()
() Other _____	()

Handout #2

Program Philosophy

Restitution is a process whereby a juvenile offender makes either monetary payment to the victim, provides direct service to the victim, or engages in community service work. The ultimate program objective will be the provision of the type of support, supervision, and treatment that is necessary for many young offenders. The restitution program provides the court with a dispositional alternative for juvenile offenders that is both constructive and appropriate for the offense.

The anticipated result of the restitution program is to bring about an increased sense of responsibility to juvenile offenders for their delinquent acts and to restore to the victims of delinquent acts financial reimbursement for losses suffered as a result of these acts.

Program goal

1. **Juvenile accountability.** A goal of the program is to make youths aware that they are responsible for their actions; that there are consequences to them and others as a result of these actions; and, therefore, that when a wrong is done, an obligation to the community or to the victim is incurred that must be repaid. Youths are also assisted in realizing that they are responsible for any further decisions to become involved in delinquent activity and that they will be held accountable for future delinquent behavior.

Attachment #1

The Accountability Model: An Historical Perspective

The current juvenile court and probation philosophy became a reality when 19th century reformers legitimately attacked the magnitude and severity of dehumanizing and barbaric punishment models. It is out of this dynamic part of our history that new concepts of treatment of the offender began to be nourished. Without question, the "treatment model" has had a profound influence on the juvenile court movement and probation practices. In the intervening years since the reformers began their revolutionary approach, treatment models became the primary philosophy guiding juvenile rehabilitation.

Juvenile justice systems emphasized and developed programs to deal with the juvenile who committed a delinquent act. This new approach ignored or diminished the role of the victim and society in its equations. The tragic result of this new movement was the disappearance and banishment of basic moral and ethical beliefs behind the punishment principle. The basic belief that was lost was the juvenile's accountability for his/her actions against the victim/society. This belief was crowded out by the legitimate zeal to eliminate barbarism. Some writers (Korn and McCorkle) have stressed that, with the adoption of the treatment model, idea of moral responsibility was undermined and/or lost.

In the 1970's and 1980's, there was serious criticism from the community, as well as from within the juvenile justice system, on the emphasis of treatment within the juvenile court system. In the book, Economic Strategies in Probation, A Handbook for Managers, the author states, "Probation today is in trouble. Its forward momentum has been slowed in recent years by skepticism about the ability to rehabilitate offenders or predict crime, by public demands for a crackdown on criminals and now by diminishing resources in the public sector." In the 1980's the lesson is clear. The winds of change are blowing full force on the juvenile justice system. Victims of crime and the public in general are legitimately demanding to be heard. The public is demanding stiffer penalties, not only for adults but for juveniles. In this environment, the public sentiment must be adhered to as fiscal resources are diminished.

Almost without exception, every juvenile court judge and probation administrator will continue to experience internal and external pressures within their organizations to modify or change their respective agency philosophies. They can deny, resist, or feel self-satisfied that their existing philosophies are the appropriate road to travel in the future. If there is not a recognition of the many forces that are seeking to alter the juvenile court philosophy, the administrators of these programs are flirting with disaster.

The time has arrived to reassess juvenile court and probation philosophies in light of new understandings, research, and programs. It is time for government agencies to explore and learn how to solve new public problems. In addition, the public demands that the administrator create new management systems and disregard the structures and mechanisms that have grown up around old problems. The need is not merely to cope with a particular set of new problems, or to disregard the organizational vestiges

of court or probation activities that, at present, appear to be cumbersome: The real task is to design a new organizational philosophy that is more functional and flexible in changing client and community needs. This type of organization places a high premium and priority on responsiveness to new information, provides a clear channel for victims to be heard, and offenders to be held accountable for their actions.

Attachment #2

The Treatment Approach

The court's first responsibility regarding juveniles who commit crime is to rehabilitate the youth and prevent recidivism. Thus, the appropriate response is the one most likely to rehabilitate. Other purposes might also be achieved, such as holding youth accountable or returning payment to the victim, but these are not considerations that guide the choice of the disposition.

Assumptions of treatment

The assumptions of the treatment/medical model include:

1. Juvenile crime is the result of social or familial problems and unmet needs of the youth.
2. If the unmet needs can be identified, then the appropriate treatment can be prescribed.
3. The treatments will be effective in rehabilitating the youth and preventing recidivism.

Rehabilitation can be achieved best if the youth's needs are met and, therefore, the appropriate response by the system to a youth who has committed a crime is the one that meets the youth's needs.

The message of treatment approach

The message regarding restitution from the treatment perspective is "restitution is good for you," and that is why the court has ordered it. Restitution and the work associated with it, as well as the interactions with the victim, is viewed as therapeutic in contributing to rehabilitation. In an accountability model, restitution is something the youth should do because it is right, because it is good for the victim, because it is fair, even if it is not necessarily good for the youth. This is not the purpose or the assumption in a treatment approach.

It should be noted that restitution programs have been established with the primary emphasis being on treatment or rehabilitation. This is not surprising as juvenile court tradition generally offers two choices of philosophy for juvenile justice: one being treatment, the other being punishment. Accountability, on the other hand, offers a third alternative that can serve as the underlying rationale for juvenile justice.

(Summarized from presentations made by Dr. Anne Schneider at RESTTA conferences and seminars in 1985/1986.)

Attachment #3

The Accountability Approach

An accountability approach to restitution arises out of a fundamentally different philosophic tradition than the typical treatment-oriented or punishment approaches. Restitution, when approached with the intention of holding juveniles accountable for their crimes, brings something different to the juvenile justice system. The primary underlying principle of an accountability approach to restitution is that the most important function of the juvenile justice system is to hold juveniles who have broken the law accountable to the victim for their behavior in a manner that is proportionate to the harm done, and to the youth's level of responsibility for the offense. This sanction should be proportionate to what the youth actually did.

The first responsibility is to hold the youth accountable to the direct victim, regardless of other possible, positive benefits such as reducing recidivism.

Assumptions of accountability

The assumptions of accountability include:

1. **Repayment:** A crime in which there is harm to the victim and the community involves a debt to the victim and the community. The offender should be required to pay that debt.
2. **Proportionality:** The sanction (restitution) should be proportionate to the harm the youth inflicted on the victim and the community.
3. **Emphasis on the offense, not on the offender:** The first response of the system should be based on what the youth did, not on what the youth needs by way of services or treatments to be rehabilitated.
4. **An end in itself:** Restitution to the victim and accountability of the offender are viewed as important goals, rather than just a means to some other end such as reduced crime or recidivism.

The message

The message of accountability to the youth is that you are responsible for what you did and you will be held accountable through reparation to the victim. The court is not doing this for you or to you. You are being required to do something for the victim.

When an accountability model is adopted, it involves a fundamental change, not only in the practices of the juvenile system, but a change in its philosophy as well. The message that is sent to juveniles differs fundamentally from the normal approach to juvenile delinquency. Restitution is seen as positive and worthwhile on its own merits, even if it does not result in rehabilitation, and even if it has no impact on recidivism or juvenile crime.

(Summarized from presentations made by Dr. Anne Schneider at RESTTA conferences and seminars in 1985/1986.)

Group exercise

When participants are broken into groups to complete the survey (Handout #1), the following steps should be taken:

1. Groups are to select a recorder and spokesperson.
2. Group members are to individually prioritize their first five goals.
3. Participants are to give a numerical value to each goal. The goal ranked highest will receive 5 points; second, 4 points; third, 3 points; fourth, 2 points; and fifth, 1 point.
4. The spokesperson will ask each member of the group for his/her rankings and will attach the numerical value to each goal. These will be added for each participant, and, at the conclusion, each goal will have a total numerical value.
5. The spokesperson will add up all points and give a total ranking based on the number of points to each goal. The goal with the highest amount of points becomes the group's number one priority, and so on until the top five goals are determined.
6. At this point the group will be given an additional 10 minutes to discuss whether or not the rankings are to be changed. At this point the participants may attempt to persuade the group to make changes.
7. After 10 minutes, if the group has not reached consensus on changes, the ranking based on numerical value will stand.

Facilitator uses overhead projector to write top five goals from each group (Overhead transparency #2)

Each group discusses rationale used in completing survey

Facilitator poses the following questions to each group:

1. Could your group arrive at a consensus?
2. Was there anything surprising about your group's responses, or the responses from other groups?
3. What goals created the most conflict within your group?
4. Do the rankings of your group create problems or conflicts for you personally?
5. Is it possible to have more than one goal, and do these goals overlap?
6. Based on your response, what does your hypothetical agency/department want most to accomplish?

Unit F:

***Legal and Liability Issues in
Restitution***

Suggested time: 2 hours

Howard F. Feinman
Attorney at Law

Trainer's notes:

Legal and liability issues are often perceived as major obstacles to the implementation and successful operation of a restitution program. The purpose of this curriculum is to identify legal issues, discuss how these issues have been addressed from a national perspective, and discuss how these issues can be resolved at the local level. The presentation will focus on national trends and appellate court decisions and statutes in the area of liability and the implementation of restitution, and will also address how local law compares with, or differs from, the national trends.

Issues to be addressed in the curriculum include:

- Liability for injuries to offenders performing community work service or paying monetary restitution;
- Liability for injuries caused to third parties by offenders performing community service or paying monetary restitution;
- Solutions for eliminating or minimizing liability problems, including legislative solutions, insurance, and waivers of liability and governmental immunity; and
- Issues involved in ordering and implementing restitution and community service, including the court's delegation of authority to probation staff, due process, equal protection and involuntary servitude issues, joint and several liability, payment of restitution to symbolic and direct victims such as charities or insurance companies, and parental liability for restitution in the juvenile court.

Since the curriculum module is often presented to a nonlawyer audience consisting of probation officers and other court personnel, the most effective means of presentation is considered to be a discussion format. However, this material can be presented in a lecture format. A questionnaire, a copy of which is attached at the end of this outline, is used to facilitate the discussion. (References in the outline to questions are to the questions on the questionnaire.)

At the end of the presentation, participants should be able to specifically identify legal and liability issues and to be able to further research and assist local legal advisors in the development of solutions to overcome any perceived legal obstacles to the implementation and operation of a successful restitution program.

15 min.

I. Introduction

- A. Legal issues set the boundaries within which policy decisions are made
- B. Discuss legal issues, to overcome obstacles that interfere with what you want to do as a program manager

- C. Force the legal advisor to find a way to do what you want to do, not to tell you that you can't do it
- D. Identify issues to be discussed
- E. Stress that law to be discussed is national trend of appellate court opinions and statutes; however, what the local judge decides is the law until the judge is reversed by an appellate court

60 min.

II. Liability (Questions #1-2, page F-10)

There are two situations where there is any potential liability: (1) a community service or restitution youth gets hurt; and (2) a community service or restitution youth hurts someone else

A. Youth gets hurt

- 1. Liability will depend on whether the youth is an employee of the State, the probation department, the nonprofit agency, or whoever is thought to be held liable
- 2. Consequences if an employee
 - a. Workers' compensation applies (facilitator should briefly discuss history of workers' compensation)
 - b. How do you decide if workers' compensation applies?
 - 1) Elements:
 - a) Employee
 - b) Injury
 - c) On the job
 - c. How do you determine whether a youth will be treated as an employee?
 - 1) State statute
 - 2) Common-law test for whether an employer-employee relationship exists
 - d. Workers' compensation benefits procedure is injured party's exclusive remedy; injured party cannot assert claim other than for workers' compensation benefits
 - 3. Consequences if not an employee
 - a. Negligence principles apply
 - b. Youth must show someone at fault in order to recover and that the fault was the cause of the injury
 - c. Potential types of fault a youth might allege
 - 1) Negligent placement, e.g., work in a dangerous environment
 - 2) Negligent maintenance of equipment
 - 3) Others

4. Defenses to liability claims
 - a. See section C.3 below
- B. Youth hurts a third party
 1. General negligence principles apply--third party will not have a successful claim in the absence of fault
 2. Elements a third party must show to recover
 - a. Duty
 - b. Breach
 - c. Foreseeable injury
 - d. Cause in fact
 3. Imputed negligence--assuming no direct negligence, if an agent (child) is acting in the scope of agency or in furtherance of principal's business, agent's (child's) negligence may be imputed to principal (State, probation department, agency), even though principal not negligent
 4. Types of liability
 - a. Failure to warn about dangerous offender
 - 1) Generally, the threat posed must be specific, i.e., either a specific injury or to a specific victim; injury should also be of a reasonably foreseeable harm to a specific third party before liability will attach
 - 2) Third party must somehow rely on probation officer or restitution worker in accepting the referral, but see Meyers vs. L.A. County Probation Department, 78 Cal. App. 309, 144 Cal. Rptr. 186 (1978), where the probation department was held not liable to an employer because an offender embezzled funds on a job even though the proceeds from the job were to be used for monetary restitution
 - 3) Claims have been made against probation officers for breach of confidentiality in disclosing offenders' records, but liability has not been found
 - b. Failure to supervise, e.g., liability for failure to confine individual prisoner on work furlough during nonworking hours when injury caused during the nonworking hours
 - c. Negligent release decision
 - d. Violation of civil rights--42 USC, Section 1983
 - e. Negligent hiring and retention of employee
 - f. Negligent entrustment to employee
- C. Defenses
 1. Foreseeability--type of harm or injury to this victim not foreseeable

2. Reliance--injured party did not rely on this information
3. Immunity
 - a. Derived from concept that the king can do no wrong and therefore government, as successor to king, has no liability; this doctrine has been substantially limited but not abolished either by statute or court opinion
 - b. Absolute vs. qualified immunity
 - 1) Absolute immunity
 - a) Total immunity--lawsuit defeated at the outset by motion for summary judgment
 - b) Usually applies to judicial or legislative acts
 - c) Sometimes applies to quasi-judicial officers exercising judicial-type discretionary decisionmaking, e.g., parole board members deciding to release offenders
 - 2) Qualified immunity
 - a) Depends on facts of individual case
 - b) Ministerial vs. discretionary acts--there is a line of cases that determines liability based on whether action is discretionary, that is, requiring personal deliberation and judgment, for which there is immunity; or ministerial, performance of a duty not involving choice or policymaking, for which there is no immunity
 - 3) Good faith defense--another line of cases determines liability based on whether acts performed in good faith or without malice for which there is immunity vs. acts performed in bad faith with malice or which are grossly negligent or reckless, for which there is no immunity
 - 4) Other requirements for immunity to apply
 - a) Act must be within scope of official's duty
 - b) Conduct must not have occurred while acting in clear absence of jurisdiction

D. Solutions to liability problems

1. Waiver of claim by offender--of questionable validity
2. Insurance
 - a. Commercial
 - b. Self-insure
3. Legislation
 - a. Juveniles performing community service are employees: Exclusive remedy is workers' compensation

- b. Juveniles performing community service are not employees: Exclusive remedy is tort claim
- c. Authorize court to require youth to pay workers' compensation premium as condition of probation
- d. Immunity to probation department and staff towards community service placement
- e. Provision for government attorney to defend State or county officers sued and for government to indemnify these officers if damages assessed, provided acting in good faith and within scope of authority

E. Actual experience shows there are very few claims made, considering the widespread use of community service and monetary restitution

20 min.

III. Constitutional issues

A. Due process (Question #3, page F-10)

- 1. Fourteenth Amendment--no person shall be deprived of liberty or property without due process--community service involves deprivation of liberty; monetary restitution involves loss of property; therefore, due process is required
- 2. Due process requirements
 - a. Preadjudication/diversion stage
 - 1) Probable cause determined by prosecuting attorney or person normally authorized to file a petition that offense was committed and that the youth committed it
 - 2) Advise of rights
 - 3) Voluntary informed decision by the youth to participate in the program and waive right to formal adjudicatory hearing
 - 4) Written consent to waive formal adjudication signed by youth and parent/guardian
 - 5) Written waiver of speedy trial
 - b. Postadjudication
 - 1) Right to counsel
 - 2) Established eligibility criteria
 - 3) Notice of claimed monetary restitution
 - 4) Opportunity for youth and counsel to be heard and to cross-examine if there are objections to amount of restitution
 - 5) Final decision by judge that cannot be delegated to probation staff
 - 6) Procedures should be fundamentally fair

B. Equal protection (Question #4, page F-10)

- 1. Before entering the order, the court must determine that the youth has a present ability to pay or is likely in the future to obtain the ability to pay

2. Enforcement of orders--the court may not revoke probation and incarcerate a youth for failure to pay monetary restitution unless it finds:
 - a. Failure to pay was willful, or
 - b. There is no available alternative to incarceration

C. Involuntary servitude

1. Community service is not considered to be a violation of the Thirteenth Amendment proscription against involuntary servitude

20 min.

IV. Scope and amount of restitution order (Questions #5-9, pages F-10 and F-11)

A. Types of offenses

1. All offenses for which youth adjudicated
2. All offenses for which youth admits responsibility, even if dismissed in plea bargaining

B. Eligible victims

1. Direct victims--aggrieved parties; direct causal connection between offense committed and injury suffered
2. Indirect victims
 - a. Insurance companies
 - 1) Split of authority as to whether insurance companies eligible to receive restitution
 - b. Charities
 - 1) Generally improper to order a youth to pay monetary restitution to a nonvictim charity
 - 2) No problem with youth performing community service for such charity
 - c. Other third party victims

C. Amount of award--depends on type of loss; easily measurable financial loss (liquidated damages, restitution for pain and suffering, and other "general damages" not permitted)

D. Joint and several liability--most States hold offenders jointly and severally liable for loss caused by criminal activity; thus, each offender can be ordered to pay restitution in amount of full loss

5 min.

V. Parental liability for restitution

A. Civil law

1. Almost every State has a statute that makes a parent liable for damages intentionally caused by a minor child

2. Victim must bring a separate action in civil court to obtain judgment

B. Juvenile law

1. Most States do not allow the juvenile court to enter an order requiring the parent to pay restitution or to enter judgment against the parent for a loss caused by the youth
2. Some States have adopted statutes that make the parents a party to the juvenile court proceeding, and, after proper notice, subject to being ordered to pay restitution or have a judgment entered against the parent for the loss caused by the child

Teaching Aids

Questionnaire

1. A restitution program operated by a court is liable to a youth who accidentally breaks his leg while on a community service work detail.

True False

2. A youth negligently injures a pedestrian while driving a van owned by a nonprofit community work service agency that he has been assigned to by the court.

- a. The court is liable to the pedestrian for his damages.

True False

- b. The nonprofit agency is liable to the pedestrian for his damages.

True False

3. A judge may order restitution in an amount to be determined by the probation staff.

True False

4. A judge orders a youth to pay restitution of \$100. The youth cannot pay this amount. The judge may order the youth be held in detention for 4 days, after which the restitution order will be dismissed as satisfied.

True False

5. A youth is charged with three counts of burglary involving different residences. Losses from the burglaries are, respectively, \$200, \$1,100, and \$300. The youth pleads guilty to the first burglary and admits involvement in the other two, which the prosecutor dismisses as part of a plea bargain. The judge may order restitution in the amount of:

- a) \$200
- b) \$1,600
- c) \$1,100
- d) All of the above

6. A judge may order a youth to pay \$100 restitution to the American Red Cross as a condition of probation for a conviction of vandalism to city parking meters.

True False

7. Jill enters a grocery store, severely beats two employees of the store and steals \$2,000. John drives the getaway car and gets \$50 for his efforts. Both are convicted. John and Jill may each be ordered to pay restitution for the full \$2,000 stolen and not recovered, plus the medical bills for both of the victims who were beaten.

True False

8. After a high-speed car chase followed by a gun battle with the police, a youth is finally apprehended for several offenses.
- a. The police agency is entitled to recover restitution from the youth for damages to the police car involved in the chase.

True False

- b. The welfare agency that paid the youth's hospital bills incurred after the car chase is entitled to receive restitution from the youth for the amount of the bills it paid.

True False

9. A judge has the authority to require a youth to serve 9 months in the State training school and to pay \$250 restitution to the victim of the youth's offense after release from the training school.

True False

Unit G:

Improving Financial Restitution Programs

Suggested time: 3 to 4 hours

H. Ted Rubin
Senior Associate for Juvenile
and Criminal Justice
Institute for Court Management
of the National Center for State Courts

Trainer's notes:

Participants in this session will be led through an extensive review of the many dimensions of financial restitution. One of the two primary forms of restitution, financial restitution, has the greatest meaning for victims. An effective approach to financial restitution combined with regularized communication with victims and the publicizing of financial restitution achievements, can help restore public confidence in the juvenile court.

This unit examines restitution procedures and policies at intake, the dispositional stage, and postdisposition. From an accountability theory, all juveniles should fully reimburse all victim claims when responsibility for an offense and loss or damages are established. While this goal is far from achievement and may never be fully accomplished, steps can be taken to improve substantially on present performance.

This workshop is directed to accomplishing the following learning objectives:

- Participant review of one's own agency's approach to the spectrum of financial restitution processes;
- Consideration of more extensive use of financial restitution at both intake and dispositional stages;
- Increased awareness of legal requirements;
- Understanding that the amount of the victim claim is not, automatically, the amount to be required for juvenile payment;
- Recognition that enhanced job finding assistance allows for setting higher restitution amounts and for greater compliance with these requirements; and
- The importance of program management skills and the use of management data.

5 min.

I. Introduction

A. Principles of financial restitution:

1. To obtain for the victim the full amount of the loss or damage caused by the juvenile offender, to the maximum extent possible
2. To obtain this repayment from the juvenile's earnings (or savings) rather than from the parents
3. To base the restitution amount to be paid on the juvenile's ability to earn (or otherwise lawfully obtain) this money within a reasonable time period
4. To make job skill preparation available to those juveniles unable to obtain employment opportunities
5. To monitor the repayment schedule on a regular

basis to provide counseling and assistance following preliminary default in order to reduce the need for formal enforcement hearings

6. To provide a range of enforcement alternatives when an enforcement hearing is necessary
7. To disburse restitution payments promptly to victims

B. Seven stages of financial restitution will be discussed:

1. Notification to victims
2. Review of victim claims
3. Recommendation of a restitution amount
4. Judicial establishment of the restitution requirement
5. Facilitating restitution payments
6. Enforcing restitution defaults
7. Disbursement of restitution payments

20 min.

II. Earlier stages for possible financial restitution

A. The police stage

1. Some law enforcement agencies arrange financial restitution as part of stationhouse adjustment/warn and release
2. Meet with law enforcement officials
3. Determine the fit between law enforcement practices and yours; it may be advantageous for law enforcement to initiate or expand restitution practice and, possibly, reduce referrals to the juvenile justice system
4. Law enforcement agencies may usefully alter their present approach to restitution to increase victim satisfaction
5. Discussion questions:
 - a. Should law enforcement adapt measures such as loss of wages or medical expenses if these measures are used with court restitution determinations?
 - b. Is it a legitimate exercise of the police function for a law enforcement agency to arrange financial restitution? To administer a paid community work service program that allows payments to be made to victims?

B. The intake stage

1. Financial restitution is used with varying frequencies in adjusting cases in different jurisdictions
2. Preferably authorized by statute

3. This is done in some jurisdictions without statutory authorization
4. Need for due process safeguards
 - a. Rights advisement
 - b. Written consent
 - c. Poverty alone should not prompt formal petition (California case)
5. Preferably, victim claims in writing and documented
6. Preferable goal: restitution in all cases of victim loss or damage
7. Use same loss or damage measures used with formal cases
8. Need for job finding assistance program
9. Written policies for receiving and disbursing payments
10. Take steps to enforce default
11. Maintain and evaluate data on compliance
12. Coordinate policies and procedures with prosecutor
13. A program that facilitates job preparation and placement allows higher restitution assessments and achieves greater compliance

3 hrs.
20 min.

III. Financial restitution with formally disposed cases

15 min.

A. Notification to victims

1. Police report is best basis for learning of probable loss or damage
2. Need for speedy dispatch of written notice to victims
3. Communication should stress that court/restitution programs are very serious regarding obtaining restitution; that last year \$_____ was collected and repaid
4. Notification as to what expenses may be compensable
5. Attached claim form should state need to enclose written receipts or estimates and provide information regarding insurance
6. Require claim notarization or include statement that content of report is declared to be true and correct
7. Use of followup mailing and/or phone call
8. Maintain data on rate of response to letters and phone requests
9. Evaluate notification approach based on data
10. Goal is receipt of 100 percent of loss statements in appropriate cases

15 min.

B. Review of victim claims

1. Staff review claims for documented accuracy; do not just take claims for granted

2. Review victim claims with juvenile/parents to explore corroboration
3. Staff may need to go back and forth between the juvenile and the victim to seek agreement on the claim
4. Two primary options where a claim remains disputed:
 - a. Face-to-face mediation between victim (if victim consents) and offender (usually a parent attends); use of community agency or church project mediators, or train your own volunteer or staff mediators; mediation has additional values
 - b. A restitution hearing conducted by a judge or referee (preferably, victim is present); hearing may be part of a dispositional hearing or conducted only on restitution issue
5. Discussion question: With informal intake dispositions, should a victim claim ever be accepted on an oral basis alone?

70 min.

C. Recommendation of a restitution amount

1. An accurately documented victim claim is not, automatically, the amount recommended to the court
2. In most States, the law requires that restitution be based on a juvenile's ability to pay or to earn funds in the reasonable future (except for Maryland and several other States, parents are not liable in a juvenile court); parents often may be liable in a civil court (Exercise #1, page G-10)
3. Discussion question: Should missing item claims be approved at their depreciated value when stolen, or at their replacement cost?
4. Several States have legislated a dollar limit on restitution payments; preferred policy does not set maximum amount
5. Juvenile should apply work earnings, allowance, or savings; parental payment may be accepted but a plan should be agreed to for juvenile repayment to parents
6. Payment, above deductible, to an insurance company turns on State law; where law is unclear, practice varies; more States now authorize payments to insurance companies (Exercise #2, page G-11)
7. Reimbursable losses direct to victim may include loss of wages and medical expenses; pain and suffering and other intangible losses that are not reimbursable
8. Discussion question: Are a victim's babysitting and transportation costs incident to appearing at a court restitution hearing compensable as restitution?
9. State laws usually provide that each codefendant is jointly and severally liable for the total damage or loss; nonetheless, juvenile courts tend to as-

sess each codefendant an equal share of the verified claim amount (Exercise #3, page G-12)

10. Research the governing law and promulgate written guidelines for restitution obligations

10 min.

D. Judicial establishment of the restitution requirement

1. It is judicial responsibility to establish the restitution requirement
2. The probation or restitution agency may obtain juvenile's agreement to the payment amount, but this agreement needs to be reviewed, ratified, and ordered by the court
3. Court may delegate establishing the payment schedule
4. Court may order restitution as a sole sanction or as a condition of probation; either approach is enforceable
5. Restitution may not be ordered for offenses that have been dismissed or not sustained unless, as part of plea bargain, juvenile or defense attorney states on record responsibility for restitution for dismissed charges (this is acceptable practice)
6. Discussion question: May restitution be ordered to be paid to a charity?
7. Unachievable restitution requirements demean fairness to the offender, increase enforcement problems, and may violate the law

10 min.

E. Facilitating restitution payments

1. Encourage juveniles to find own jobs
2. Job skills preparation classes may be needed to facilitate juvenile job finding
3. Program can facilitate private and public sector job slots for juveniles unable to obtain own jobs; this requires collaboration with private and governmental employers and may utilize a citizen advisory board
4. Community has an interest in increasing juvenile job prospects
5. Contracts may be arranged for juvenile work crews to earn restitution
6. State legislatures (Iowa, Wisconsin) appropriate moneys for juveniles to perform compensable work tasks with nonprofit or governmental organizations and, sometimes, with private sector firms
7. State legislatures (Utah) authorize juvenile courts to allocate certain fine income to pay juveniles to perform work tasks and pay victims

8. A program that facilitates job preparation and placement allows higher restitution assessments and achieves greater compliance

10 min.

F. Reducing restitution defaults

1. Realistic restitution requirements reduce enforcement problems
2. Clear messages that requirement must be fulfilled reduce enforcement problems
3. Close monitoring of scheduled payment requirements is a further aid
4. Informal approaches to facilitating juvenile job finding and payments should be initially undertaken when there is default
5. Formal court reviews of defaults may result in:
 - a. Judicial motivation for improved compliance
 - b. Modification of an unrealistic order
 - c. Substitution of community work service requirement
 - d. Extension of probation term
 - e. A disposition--such as a sentence to a local secure detention setting--this disposition requires, legally, a finding of willful failure to comply; the status of poverty is an insufficient basis
6. Written guidelines as to when a default should lead to a formal enforcement hearing should lead to more uniform procedures
7. State law should provide that juveniles committed upon reoffense to a State institution retain restitution responsibilities
8. State institutions should develop job earning possibilities so that payments continue during institutionalization
9. Parole or aftercare agencies should require and facilitate restitution payments
10. Discussion questions:
 - a. If partial restitution is made and a civil suit brought for the balance, is the restitution paid to be subtracted from the civil court judgment?
 - b. If defendant A is committed to the State but Defendant B is placed on probation, should Defendant B be required to pay the full amount of restitution?
 - c. Can an enforcement hearing be brought lawfully against a 22-year-old person who never completed restitution payments as a juvenile?

10 min.

G. Disbursement of restitution payments

1. Written policies for types of payment (cash, check, money order, etc.), who may receive payments, how quickly payments should be disbursed, and disburse-

ments to multiple victims including multiple victims when there are multiple offenses

2. Discussion question: Should probation officers or restitution agency workers be authorized to receive cash restitution payments?
3. Payment to citizen victims should take precedence over governmental victims and governmental costs incident to case processing
4. Small amounts need not be disbursed speedily
5. Larger amounts should be disbursed speedily
6. Do not defer reimbursements to achieve bank account interest income earnings
7. Discussion question: Should juveniles who are required to pay restitution also be required to pay an administrative surcharge to help defray the costs of bookkeeping, check writing, and mailings?
8. Optional in-box/out-box Exercises #1-4 (pages G-13 through G-16)

60 min.

10 min.

IV. Conclusion

Careful and comprehensive design, along with ongoing evaluation of procedures and results, leads to improved payments to victims and greater victim confidence in the juvenile justice system and increased juvenile rehabilitation

Teaching Aids

Exercise #1

Determining the Restitution Amount

Fifteen-year-old Joe entered a plea to a household burglary where he took an Italian 10-speed bicycle that was later, in turn, stolen from him. He was placed on probation for 1 year. The victim submitted a receipt for the bicycle purchase, dated 5 years earlier, for \$500. Reportedly, the bicycle was in good condition, though it had been used extensively. The replacement cost for the same bicycle today is \$800. The bicycle was not insured.

Joe is from a poor family. He earns \$15 each Saturday working at a small neighborhood grocery store, money that is applied to school lunches and clothing. He will be able to work at the store 2 days each week during the summer vacation and earn \$30 weekly.

1. Determine the victim loss: \$ _____
2. Determine that amount of the victim loss that Joe should be required to pay: \$ _____
3. Recommend a payment schedule:

Exercise #2

Determining the Restitution Amount

Jay, 16 years old, hot-wired a 2-year-old automobile. While Jay was driving, he swerved and crashed into a telephone pole. Apprehended, he entered a plea to the offense. Jay was committed to the care of a local private residential facility since he had several prior convictions.

Automobile repairs cost \$1500. The insurance deductible is \$250. Jay has no employment at present.

1. Determine the restitution amount: \$ _____
2. Recommend how much Jay should pay: \$ _____
3. List the types of information, not described here, that would help you make a more informed decision.

Exercise #3

Determining the Restitution Amount

Seventeen-year-old James and thirteen-year-old John entered a house and took a Panasonic cassette radio. This was sold on a street corner a week later for \$30. James kept \$25 and gave John \$5. The offense was handled formally for both boys since they each, separately, had a prior informally handled offense. James and John were placed on probation.

The victim, who was uninsured, submitted a receipt showing the radio was purchased a year ago and cost \$155. The boys claimed the radio did not work well and the cassette deck did not work at all.

James has a part-time job that pays him \$20 per week. John has little prospect for earning restitution.

1. Determine the victim loss: \$ _____
2. Determine the amount that James should be required to pay: \$ _____
3. Determine the amount that John should be required to pay: \$ _____
4. List the types of information, not described here, that would help you make a more informed decision:

In-box/out-box Exercise #1

MEMORANDUM

TO: Mr. Sanford, Juvenile Court Administrator

FROM: Mr. Decker, Chief Probation Officer

You asked for a report on the use of monetary restitution with intake adjustments. Last month, 120 cases were resolved at intake. Fifty cases involved property damage or loss for which restitution could be considered. Forty claims were filed. The data show:

	<u># cases victim claimed</u>	<u># cases restitution agreed to</u>
P.O. Mahoney	11	2
P.O. Monroney	9	8
P.O. Maloney	9	8
P.O. Maroney	11	3

In-box/out-box Exercise #2

MEMORANDUM

TO: Mr. Sanford, Juvenile Court Administrator

FROM: Mr. Decker, Chief Probation Officer

At your request, I have completed a 1-month study of monetary restitution following formal disposition hearings. The data show:

N = 50 cases
\$350 = average victim claim
\$250 = average probation officer restitution recommendation
\$150 = average judicial restitution order

Do you have any suggestions?

In-box/out-box Exercise #3

MEMORANDUM

TO: Mr. Decker, Chief Probation Officer

FROM: Ophelia O'Jorgensen, Probation Supervisor

You have been thinking of initiating a job skills preparation class and/or hiring a job developer to facilitate juvenile employment and monetary restitution payments. Here are recent data from my unit:

	<u>Juveniles owing restitution</u>	<u>Jobs acquired by juveniles</u>	<u>Jobs developed by P.O.'s</u>
P.O. Meyer	15	14	1
P.O. Mayer	25	2	0
P.O. Meier	13	0	0
P.O. Myer	10	5	1
P.O. Myers	25	20	5
P.O. O'Mayr	17	6	0

My staff does not have a consensus on the class or the job developer. I have told them to do their best to help get the restitution paid. Do you have any suggestions on what I should do in the meantime?

In-box/out-box exercise #4

MEMORANDUM

TO: Mr. Sanford, Juvenile Court Administrator

FROM: Mr. Decker, Chief Probation Officer

You asked for an annual report on the frequency of judicial enforcement hearings for monetary restitution default. The data are broken down by the four supervision districts:

	<u>District 1</u> Supervisor O'Jorgensen	<u>District 2</u> Supervisor Benson	<u>District 3</u> Supervisor Jensen	<u>District 4</u> Supervisor Swenson
No. of juveniles in default	50	30	115	50
No. of hearings	10	20	60	0
No. of sentences to detention	0	19	5	0
No. for which term of probation was extended	10	1	0	0
No. where community service substituted for monetary restitution	0	0	20	0

As you know, each supervisor has his or her own management style. We have encouraged this since the judges also have their own dispositional styles. Do you have any suggestions?

Note: This Inventory of Present Financial Restitution Practices may be disseminated to participants for completion prior to the workshop or handed out for completion early in the workshop. It may be used as an alternative to the In-box/out-box Exercises, or may be used following these exercises. It should be explained, using flip chart or transparency to record responses.

Inventory of Present Financial Restitution Practices

Note: Answer these questions using your most careful judgments regarding financial restitution practices in your juvenile court jurisdiction.

1. Intake stage

_____ percent of all such cases with victim loss/damage where financial restitution was agreed to and paid in full

2. Judicial disposition stage (formally disposed of cases)

_____ percent of all such cases with victim loss/damage where financial restitution was ordered and paid in full

3. At all stages

a. _____ percent of victims who fail to file a claim when it is believed loss or damage was sustained

b. The most frequent reason a victim fails to file a restitution claim is (check the most appropriate answer):

_____ the system's failure to provide effective notification to victims

_____ victims have low expectations of receiving restitution payments

_____ Other (specify) _____

c. Financial restitution is most generally based on (check the most appropriate answer):

_____ the amount of the victim's claim

_____ the juvenile's ability to pay

_____ the parents' ability to pay

_____ a compromise between the amount of the victim's claim and the juvenile's (or parents') ability to pay

d. _____ percent of victim claims are exaggerated or incorrect

e. _____ percent of juvenile estimates of ability to pay are understated or incorrect

f. _____ percent of victim claims have adequate documentation on initial receipt

g. _____ percent of disputed victim claims requiring resolution by mediation or judicial hearing

h. The most common standard used in ascertaining victim loss is
(check the most appropriate answer):

original purchase price depreciated by the length of ownership

original purchase price not depreciated by the length of ownership

replacement price depreciated by length of ownership

replacement price not depreciated by length of ownership

Unit H:

Jobs for Juveniles

Suggested time: 2 to 6 hours

Dr. S. Gordon Bazemore
RESTTA Technical Assistance Coordinator
Pacific Institute for Research and Evaluation

Trainer's notes:

Although this curriculum draws upon experiences of other youth employment efforts in suggesting do's and don'ts of good work programs, it is based primarily on strategies and approaches drawn from the experience of juvenile restitution programs. As such, it is designed for use primarily by restitution program managers and is not intended as a comprehensive guide to youth employment.

A major premise of this training is that the best approaches evolve locally and are somewhat unique to each community. Thus, while trainers should suggest strategies and solutions that have worked elsewhere (this manual provides many examples), much of the learning should come from group brainstorming exercises and discussion. The facilitator's primary role is to raise issues, provoke discussion, and keep participants moving toward the next step in resolving problems and implementing a job assistance strategy.

The purpose of this curriculum is to provide an overview of the wide range of successful job assistance strategies employed by restitution programs around the country. Most programs eventually use several strategies to help restitution clients secure employment; it is thus less useful to discuss programs that illustrate particular models than to describe several approaches that are often used in the same program.

One emphasis of the curriculum is choosing a strategy to successfully initiate job assistance in a variety of local communities with the goal of gradually building a comprehensive approach. Since there is no one best way to proceed in each community, a key assumption is that the best initial approach is a strategy attuned to community strengths and weaknesses that takes advantage of local resources and builds strong public support.

In addition to an appreciation of basic principles and a sense of the "theory" of job assistance (JA), by the end of the workshop trainees should:

- Be able to discuss several JA strategies that have proven successful in restitution programming;
- Be able to identify appropriate public and private employers of restitution referrals in their communities as well as work projects that could be done by youth crews;
- Be able to assess local resources and choose a strategy for starting out;
- Identify examples (and characteristics) of good work projects and organize a work crew for one local project;
- Identify steps and techniques to approach employers and support groups in their own communities;

- Understand do's and don'ts of working with various types of employers; and
- Be familiar with common obstacles in youth employment and have initial strategies for solving.

5 min.

I. Job assistance in restitution programs

A. Definition of job assistance

For purposes of this training, job assistance will be used as a general term that includes all activities having to do with finding employment for a client (in this case, a juvenile offender); specifically, job assistance includes:

1. Job development--working with public and private employers and other agencies to promote job opportunities for certain client groups or a specific client
2. Job orientation--counseling, role playing, and other activities focused on job discipline
3. Job readiness--remedial assistance in basic skills such as reading and writing
4. Job search--resume writing, interviewing skills

B. Reasons for investing in job assistance

1. The need to educate employers and citizens to support hiring young offenders
2. Ensuring that poor youths have an opportunity to earn money to pay restitution and that other youths cannot use the excuse of having no income
3. Preventing court delays due to noncompliance
4. Some offenders will have special difficulties finding jobs on their own (being offered a slot by the program may serve as an incentive for some others to find a position on their own--reserving limited job slots for more difficult clients)
5. Monitoring restitution and setting realistic payment schedules is more efficient if the program has some control over the source of earnings (program managers can be assured that restitution is not being paid by parents or through theft)

20 min.

II. The restitution experience in employing juvenile offenders

A. Range of strategies

1. Program descriptions (facilitator or panelists briefly discuss real examples of the three strategies listed below; also briefly discuss costs, funding, staffing, placement procedure, advantages/disadvantages)

2. Sources of variation (Overhead transparency #1, page H-14):
 - a. Three general strategies: individual public agency placement; project-supervised work crews; private business placements (approaches distinguished primarily by who supervises employee on the job)
 - b. Wide variation within each category along several dimensions as shown in overhead; job components also vary in the kinds of work sought, staffing and internal resources, use of volunteers and external support groups, and long-term goals (e.g., permanent placement, job skills, and experience)
 - c. Programs also vary in relative priority given to job training/pretraining/preparation (working with offenders) vs. job development/place-ment (outreach with employers and the community)
 - 1) Critiques of passive job preparation
 - 2) Ways to integrate job experience and job preparation
 - 3) Keeping responsibility on the offender
 - d. Residential work programs
 - 1) Work release and furlough programs
 - 2) In-house private contracts (e.g., CYA Free Venture)

B. Common elements of successful programs

(The facilitator should discuss some characteristics of successful restitution JA efforts using these and/or other areas where there has been common ground)

1. Flexibility in adapting to local conditions
2. Continuous marketing: selling to youth, employers, and community
3. Starting small and building community support: exploiting PR value of projects; using other organizations to help operate program and/or help promote it
4. Exerting leadership and taking ownership over resources for offender employment (e.g., diverting JTPA funds for youth)
5. Making work and restitution an agency priority, reallocating resources

C. Job training vs. job development

1. Criticisms of job training
2. Need for new jobs
3. Avoid "handholding"; and instill responsibility

III. Starting out: Assessing resources and liabilities

(Here, the trainer should emphasize the importance of thoroughly assessing the local economy, patterns of employment (e.g., primarily small business, mostly government) and community resources/support groups as a first step in choosing a job assistance strategy)

- A. Urban, rural, and suburban differences (after a brief discussion of problems in employment characteristic of rural areas and those more common in cities, the audience should (if practical) be divided into rural and urban (and possibly suburban) groups, depending on size and diversity, for the remainder of the training)
- B. Local employment patterns and other community characteristics (trainers should get participants to focus on their own communities in addressing the following:)
 - 1. Are there small-business jobs? Is there a track record for hiring delinquents?
 - 2. What public agencies serve the community? Is there work in these agencies that youth could perform?
 - 3. What are some obstacles to employing your offenders in both of these?
- C. Internal and external resources
 - 1. A major source of variation in the internal cost and complexity of job assistance approaches is the extent to which programs rely on other community groups, businesses, and public agencies for in-kind support, volunteer labor, etc.
 - a. Support groups--list examples of community organizations that have been helpful in initiating job assistance in restitution programs (e.g., Boys Clubs, YMCA, civic groups, Chamber, PICS, AARP, JTPA) and discuss role they have played or could play
 - b. Ask participants to name such groups in their communities and also key business and civic leaders who could be helpful selling the JA effort or as endorsers
 - 2. While the most successful and enduring programs are often the most reliant on community organizations for staffing and support, certain minimal internal resources have been common to all successful restitution JA approaches, at least initially:
 - a. Strong judicial leadership (or rough equivalent--e.g., court director)
 - b. At least one person in the court or agency with time and support to do community outreach and internal implementation

3. This person-in-charge of the JA effort should control the scope and direction of the program, but will quickly begin to delegate certain functions both internally and externally (making use of community resources for outreach, e.g., retired businessmen to help get business support, Boys Club leader to help organize workshop) and later, program operation (e.g., Chamber manages job bank; Forest Service supervises work crews)

20 min.

IV. Identifying work and work projects

(Facilitators may wish to maintain rural/urban divisions for remainder of training)

Participants are likely to cite several obstacles to employing offenders in their community's businesses and public agencies. This section starts from a different premise: regardless of the formal employment situation in a community, there is important work not being done, that no one else is interested in doing, and that young offenders could do.

A. Characteristics of good work projects

1. Do-able in relatively short time
2. High visibility
3. Not "make work"--community and youth should identify the work as useful and meaningful (e.g., environmental)
4. Capable of attracting funding or contracts to continue or carry out similar projects
5. Strict supervision, strict rules, clear goals, high expectations
6. Clear public benefit--preferably improves quality of life in community and enhances economic development

B. Starting work crews

1. Functions and advantages of crew work
 - a. May use for the very young or difficult to place
 - b. Serves an active job orientation or job training role, offenders learn to work cooperatively with others
 - c. Work is often physically tiring and closely supervised, permitting involvement of higher risk and more chronic offenders
 - d. Highly visible; attracts press and public support
 - e. Quickly mobilized around community projects, possibly including emergency work

C. Group exercise #1 (page H-11)

15 min.

V. Identifying individual placements in public agencies

- A. Appropriate agencies (public service, public works)
- B. Characteristics of good agency placements--include many of same considerations cited above for crews
 - 1. Descriptions of good placements
- C. Supervision issues
- D. Group exercise #2 (page H-12)

15 min.

VI. Private business placements

- A. Strategies and examples (job banks, referral agreements)
- B. Appropriate placements
- C. Support organizations
- D. Group exercise #3 (page H-13)

20 min.

VII. Problem solving

(The aim of this section is to get participants to discuss obstacles to employing young offenders and consider solutions to problems community and business leaders are likely to identify; bulk of time should be spent on exercise)

- A. General concerns in youth employment include:
 - 1. Liability
 - 2. Placement/hiring issues
 - 3. Termination issues
 - 4. Insurance
 - 5. Supervision
 - 6. Transportation
 - 7. Equipment
 - 8. Payment scheduling
 - 9. Very young offenders
 - 10. Possible objections from organized labor
- B. Ask for list of additional problems in participants' communities
- C. These problems will take on different forms depending on the particular JA strategy employed
 - 1. Give examples of how each problem had been handled in a work crew, public placement, business placement

20 min.

D. Small-group exercise A (page H-15)

VIII. Approaching agencies and businesses

A. Overview and examples

B. Public relations as preliminary step--selling work and restitution as a package; getting good press from your restitution programs and work projects (assumes some background in public service crews)

C. Setting up contracts with public agencies

1. Lining up support (e.g., endorsement, letters); describing and packaging your service (using press stories and brochures)

D. Public agency placements

1. Getting subsidies for agency work

E. Approaching private businesses

1. Strategies and examples

F. Approaching funding agencies and community organizations for support

1. Subsidies

2. In-kind support (tools, vehicles)

G. Forming boards and using organizational alliances

H. Small-group exercise B (page H-16)

15 min.

IX. Placement decisions in a comprehensive program

(The focus in this section is on the group exercise--getting the group to consider how a variety of placement types can increase flexibility in dealing with a wide range of offenders. Each of the below topics should be discussed in the exercise debriefing/discussion)

A. Matching youth and types of jobs (e.g., crew/individual, public/private)

B. Interviewing and hiring

C. Performance expectations

D. Termination

- E. Making offenders take initiative (in three types of programs)
 - F. Small-group exercise C (page H-17)
- 15 min. X. Working with employers
- A. General principles and responsibilities
 - 1. Expectations--no special treatment; not social workers, etc.
 - B. Special concerns for private and public employers
 - 1. Training and/or orientation of public agency supervisors
 - C. Supervision issues and alternative roles for community organizations and volunteers
- 5 min. XI. Conclusion and wrap-up

Teaching Aids

Group exercise #1

Choose 3 short-term work projects in your community suitable for your crews. Incorporate as many of the characteristics of good work projects as possible. What resources are needed for the projects (e.g., transportation)?

Group exercise #2

Identify two possible agency placements in your community. What resources are needed to begin?

Group exercise #3

Identify two small businesses in your community that might hire restitution referrals. What steps would be needed to convert these into a regular source of referrals? What resources are required to begin?

Overhead transparency #1

Variations in Job Assistance

Location

- Private business
- Public agency
- Restitution project
- Residential facility

Source of Wages

- Subsidies
- Contracts
- Individual business
- Other

Employment Type

- Individual public agency placement
- Public agency work crew
- Project operated work crew
- Business temporary slot
- Business permanent placement

Supervision

- Private employers
- Project staff
- Agency staff
- Facility staff
- Volunteers

Percent of Earnings Kept

None

Up to 60 percent

Small-group exercise A

1. Work crew--You have been asked to draft a policy statement for county government officials covering all operations of a proposed work crew in your restitution program. Develop an outline of this document that includes insurance and liability concerns, supervision, equipment, transportation, pay, and termination issues.
2. Individual agency placements--Same task as above. Include other issues pertinent to placement, such as site recruitment.
3. Private business slots--Draft a brochure for local business community with questions and answers about employing young offenders referred.

(Resources--Quincy employer brochure; other policy statements)

Small-group exercise B

Write a letter to one of the following:

1. A local business person asking him/her to employ offenders with restitution orders.
2. Your local Chamber of Commerce suggesting formation of a restitution Job Bank and asking for its support.
3. A funding agency asking for a small grant to subsidize a community work project. Include description of the project.
4. A public works agency (e.g., Parks and Recreation, Bureau of Land Management, Public Power) asking to set up a meeting to discuss developing a contract for services with your work crew.

(Resources--sample contracts; sample letters, sample business brochures)

Small-group exercise C

Your program has several placements available in small businesses in which the employer has had positive experiences with other restitution referrals. You also have two work crews, both with available slots: one is under contract with the city to rebuild play structures in a neighborhood park, the other is an unpaid community work-service crew currently doing grounds maintenance at senior centers (your staff supervise both with the help of volunteers and city employees). Finally, you have been able to develop several subsidized positions (using State and foundation funds) at sites including the public library, a recycling center, and a recreation center.

Walter is a 14-year-old adjudicated for burglary of a residence with some older boys and referred to your restitution program to repay the homeowner for \$500 in loss and property damages. Walter has two prior offenses, both for minor theft. Walter has no job experience, a poor school record, and appears to read and write poorly.

What would you do to ensure that Walter pays restitution? What would you do to make Walter take initiative and feel some responsibility for his own employment?

Other case examples: Assign to different groups--e.g., a 16-year-old female shoplifter with some fast-food experience; an 18-year-old repeat drug offender (use and small sales) currently works part-time in a hardware store.

Unit I:

*Enhancing the Community Work
Service Experience*

Suggested time: 3 to 5 hours

Kathleen Gianaris DuVernet
Executive Director
Juvenile Restitution Program, Inc.

Trainer's notes:

The purpose of this module is to assist restitution program managers and staff in developing appropriate community work service job sites for their juvenile clients. Participants will learn the basic steps in successful job development, but more importantly they will learn the reason for and the process of developing community work service jobs that are both meaningful and nurturing for the client performing those tasks.

Topics covered in the curriculum module include choosing appropriate job sites, getting the right person to supervise community service workers, the relationship between the job site supervisor and the youngster, the importance of "real work" vs. "make work," writing job descriptions that build self-esteem, the importance of treating the community service worker like a regular employee, the benefit of conducting a formal job interview, and the importance of closure.

Also addressed in this module is the issue of maintaining high quality community work service job sites once they have been developed. Topics include proper training of job site supervisors, how to acknowledge and nurture the volunteer job site supervisor, and the importance of developing a close working relationship between the restitution program staff and the job site supervisor.

15 min.

I. Introduction

- A. Goals of the module
- B. Introduction of faculty

45 min.

II. The basic steps in community work service job site development

- A. Assigning responsibility for job site development
 - 1. Knowing the community
 - 2. Knowing the needs of employers/agencies
 - 3. Maintaining a personable and professional attitude
- B. Organizing the job development format (Handout #1, page I-9)
 - 1. Scheduling the meeting with the agency director
 - 2. Describing the program
 - 3. Describing the juvenile justice system and community service's relation to it
 - 4. Emphasizing benefits to employer
- C. Marketing your program to employers
 - 1. Reasons for community service's popularity
 - a. Employer feels community-spirited
 - b. Employer is helping youngsters in trouble

- c. Employer is getting free work
- d. Youth are being held accountable for breaking the law and responsible for paying back the community
- 2. Benefits to juveniles
- 3. Benefits to victims/the community
- 4. Benefits to agencies/employers

D. Securing the commitment

- 1. Asking for the commitment
 - a. Use your relationship with already existing agencies as a gentle persuasion
 - b. Emphasize partnership between agency and program
 - c. Help agency to determine appropriate tasks for youngsters (Discussion question: What kind of work can youngsters do? Are there some jobs that younger teenagers cannot or should not do?)
- 2. Followup
- 3. Group exercise #1 (page I-7)

60 min.

III. Developing jobs that are meaningful and nurturing

A. The importance of meaningful jobs

- 1. What constitutes "meaningful"
 - a. Nurturing
 - b. Confidence building
- 2. Discussion question: What are the benefits of doing meaningful work? Should that be a priority in job development?
- 3. Real work vs. "make work"---the differences and benefits/harm

B. Choosing appropriate job sites and getting the right person to supervise

- 1. What makes a good job site
 - a. Structured atmosphere
 - b. Real work is available
 - c. Appropriate supervision is provided
- 2. What makes a good supervisor
 - a. Someone with time to supervise
 - b. Someone who really wants to work with youngsters
 - c. Someone who enjoys working and enjoys his/her job

C. The relationship between the job site supervisor and the youngster

- 1. Building rapport
- 2. Gaining respect

3. Projecting a positive work image
4. Serving as a role model
5. Treating community service workers just like regular employees

D. Writing formal job descriptions (Handout #2, page I-10)

1. Reasons for formal job descriptions
 - a. Lets youngsters know duties, hours, etc., prior to choosing job
 - b. Serves as the agency's advertisement in the Job Book
2. Tips for developing formal job descriptions
 - a. Be specific as to duties, hours, supervision, etc.
 - b. The description should be esteem-building
 - c. Title the job (give examples)
 - d. Handout #3 (page I-11)

E. Conducting formal job interviews

1. Benefits of conducting a formal interview
 - a. Good experience for youngsters
 - b. Supervisor can choose whether to accept youngster based on the interview
 - c. Supervisor can determine appropriate jobs for youngster based on the interview
2. Training supervisors to conduct formal interviews (Handout #4, page I-12)

45 min.

IV. Maintaining high quality community work service job sites once they have been developed

A. Nurturing your volunteer job site supervisors

1. Instilling pride and a sense of accomplishment in volunteers
2. Keeping them informed of program progress and activities (examples: newsletters, brochures, etc.)
3. Hold recognition events (examples; picnics, banquets, etc.)
4. Present awards to outstanding supervisors and secure media coverage

B. Training your volunteer job site supervisors

1. Provide ongoing training events--possibly annually
2. Cover basics of supervision and topics of particular interest
3. Allow supervisors to air their concerns and share their successes
4. Discussion question: Why should the program train its volunteers?

- C. Maintaining a partner relationship between the program and the job site
 - 1. Establishing open communication
 - 2. Scheduling conferences when necessary
 - 3. Being available to job site supervisor when problems arise
 - 4. Developing sensitivity, i.e., knowing how not to "burn out" an agency
 - a. Space youngsters referred appropriately
 - b. If job site has a bad experience, encourage the supervisor to talk about it and hold off sending another "difficult" child
 - 5. Remind the job site supervisor how critical he/she is to the success of the program (Group exercise #2, page I-8)

10 min.

V. Closing the case

- A. Acknowledging the youngster upon successful completion
 - 1. Verbally
 - 2. Certificates of recognition
 - 3. Job references
- B. Submitting a formal report to the court
 - 1. Probation review
 - 2. Acknowledgment by the judge

5 min.

VI. Concluding remarks

Teaching Aids

Group Exercise #1

Divide participants into pairs. Have one participant take the role of the agency director and the other participant take the role of the job developer. Role play "securing the commitment" from beginning, through the sell, to closure. Then have participants switch roles. Once everyone has had the opportunity to play both parts, choose several pairs to "perform" before the group. Ask for comments/suggestions from the large group.

Group Exercise #2

Divide participants into groups. Instruct them to devise a plan for volunteer recognition and to plan an agenda for a supervisor training session to include topics, who will speak, where the event will be held, group exercises, and audiovisual plans. Have each group choose a recorder to report to the larger group.

Handout #1*

Guidelines for Job Development

1. Consider any and all public and private/nonprofit agencies within your county as potential restitution job sites.
2. Contact the director of the agency by phone and identify yourself and provide a brief description of your program and its purpose.
3. Set up an appointment to meet with director to explain the program in detail.
4. Prepare a folder with the following items to use during the job site orientation:
 - a. Job description outline
 - b. Guidelines for job interview
 - c. Evaluation form
 - d. Rules and termination criteria
 - e. Selection criteria
5. During the orientation, thoroughly cover the following highlights of your restitution program:
 - a. How cases are referred by court
 - b. Kinds of job sites you are currently using
 - c. Number of hours youth can be ordered and maximum/minimum hours allowed per week
 - d. Transportation considerations--e.g., bus tickets, walking distance, biking distance
 - e. Rules on absences and tardies
 - f. Intake process
 - g. Describe job book and necessity for a job description on letterhead stationary
 - h. Describe job skills class/purpose and content
 - i. Describe job interview (guidelines for interview)
 - j. Setting up work schedule
 - k. Weekly site visits (evaluation forms)
 - l. Supervisor's responsibility to inform JRP of absences or tardies
 - m. Explain closure of case
 - n. Go over selection criteria
 - o. Go over rules and termination criteria
 - p. Encourage the agency to forward job description
 - q. Write followup letter thanking agency for its interest and support

*This may also be developed into an overhead transparency.

Handout #2*

Juvenile Restitution Program

Guide for Developing Volunteer Job Description

1. Title Give this as much prestige as possible. This will be the volunteer's identification.
2. Major objectives A short, concise statement reflecting the ultimate goal of the service to be performed.
3. Major responsibilities These are often more effective when enumerated. As specifically as possible list each duty and responsibility of the job.
4. Qualifications Include all things necessary for the effective performance of duties, listing requirements from physical to human qualities desired. Be careful not to overqualify the position; you might lose some excellent volunteers due to stringent educational requirements. Specifics such as a car, proper insurance, if needed, should be duly noted.
5. On-the-job supervision Name of supervisor or the position of their supervisor. In most cases this will be the staff person with direct responsibility for the service. Include schedule of supervisory sessions.
6. Time and place This should include the exact duty hours that will be available for these volunteers, every day of the week that your agency could use a volunteer, and the place where the volunteer is to perform his/her services.

PLEASE USE YOUR AGENCY'S LETTERHEAD STATIONERY FOR YOUR JOB DESCRIPTION

*This may also be developed into an overhead transparency.

Handout #3

Juvenile Restitution Program: Volunteer Job Description

Title: Safety Seat Maintenance Officer--Medical University of South Carolina

Major objectives: Goal of this program is to provide adequate number of safety seats, which are prepared to be returned to the public.

Major responsibilities: Pick up safety seats from Volunteer Office. Carry safety seats to Clinic Storage Unit. Clean safety seats as instructed. Return safety seats to Volunteer Office as needed.

Qualifications: Individual must be able to follow directions in cleaning seats. Individual must enjoy people and desire to make a contribution to the safety of infants.

On-the-job-supervision: Supervisor--Joan Edgerton, Director of Volunteer and Community Services. Individual may be supervised by other office personnel in the absence of the director. Total supervision will be provided during training period. After this time, individual selected will be able to carry out responsibilities. Assistance will always be available if needed.

Time and place: Individual will work one or two afternoons of each week. Individual should report to the Volunteer Office at the MUSC Medical Center immediately following school. Work will take 1 1/2 hours. Work must be completed no later than 4:45 p.m. Work will be done in the Clinic Room assigned. Individual will check in and out through the Office of Volunteer Services.

Handout #4*

Guidelines for Job Interviews

Please use the following as a guide in interviewing youths from the Juvenile Restitution Program for volunteer positions.

1. If the direct supervisor is to be another employee of the agency, please include this person in the interview session.
2. Obtain a written application from the youth or, if this is not appropriate, please verbally question the juvenile concerning his/her name, age, residence, health, school, and grades.
3. Inquire concerning the position desired and why it is wanted.
4. Inquire concerning past work experience, skills, effectiveness on the job, ability to get along with other employees and supervisors, and like or dislike of the job.
5. Inquire concerning transportation.
6. Inquire concerning any strong preference for working with people or working alone, and ability to accept supervision.
7. Explain the duties of the position and ask any questions relevant to these specific duties.
8. Ask if the youth is willing to accept the duties as explained.
9. Give impressions of how the youth handled the interview or any particular good and bad behaviors or attitudes displayed by the juvenile.
10. If it is felt that the juvenile is appropriate for the position applied for, inquire concerning the work schedule. The work schedule and starting date should be made by mutual agreement between the direct supervisor and the youth.

Other questions may be added to the above format, but it is requested that at least the above be covered in the interview. Please keep in mind that any inquiries concerning the criminal history of the youth cannot be answered by Juvenile Restitution staff and may only be answered voluntarily by the youth under federal confidentiality and privacy regulations.

*This may also be developed into an overhead transparency.

Unit J:

Victim-Offender Mediation

Suggested time: 4 to 16 hours
(depending on extent of role play-
ing conducted and if videotapes
are viewed)

Mark S. Umbreit
Vice President for Research and Programs
Minnesota Citizens Council on Crime and
Justice

Trainer's notes:

During the past decade, programs providing victim-offender mediation and reconciliation services have been initiated in a growing number of communities. Through the application of both conflict resolution and restitution techniques, victims and offenders are given the opportunity to confront each other in the presence of a trained mediator. Victims have an opportunity to get answers to many lingering questions and to let the offender know how they felt about the offender's behavior. Offenders are held personally accountable and are able to take responsibility for repairing some of the damage caused by their criminal behavior. Some of these local efforts are called Victim Offender Reconciliation Programs (VORP's), while others are identified by a wide variety of related names. Both public and private agencies operate victim-offender mediation programs. They represent one of the few community correctional programs that work jointly with victims and offenders.

The purpose of this curriculum module is to provide a basic introduction and overview of the victim-offender mediation concepts and process. The time specified for each section is flexible, based upon the length of the workshop, the knowledge of the trainer and the interest of the trainees. Specific areas addressed in this curriculum module include: purpose, basic elements, benefits, process, mediator characteristics and functions, mediator training, key replication issues, and strengths and limitations.

60 min.

I. Need for victim-offender mediation

- A. Victim's experience of personal violation, even in nonviolent property crimes
- B. Victim's need for answers to many lingering questions about the offense
- C. When victims are treated poorly by the justice system, being provided with little information and even less direct input into the process of "justice"
- D. The offender's rationalization of his or her behavior
- E. The offender's dehumanization of the victim, as an object rather than a person
- F. The need for a specific, attainable, and measurable restitution agreement that is mutually acceptable to the victim and offender

30 min.

II. Purpose of victim-offender mediation

- A. To provide a conflict resolution process that is perceived as fair by both crime victims and their offenders

- B. To provide an opportunity for crime victims and their offenders to negotiate a mutually acceptable restitution agreement
- C. To provide an opportunity for crime victim and offender to talk about what happened, to receive answers to questions, and to express their feelings about the offense

45 min.

III. Basic elements of victim-offender mediation

- A. Pre- or postadjudication referral of juveniles committing nonviolent offenses (primarily theft and burglary)
- B. Generally appropriate for nonviolent property offenses (e.g., burglary, theft)
- C. Admission of guilt by offender
- D. Noncoercive participation by the offender
- E. Absolutely voluntary participation by the victim
- F. Face-to-face meeting between victim and the offender
- G. Use of neutral, third-party trained mediator who facilitates the process but does not impose a settlement
- H. Empowering victim and offender to resolve the conflict (mediation, not arbitration)
- I. A structured meeting that allows time to discuss the offense, express concerns, and negotiate a mutually acceptable restitution agreement, pending approval by the court
- J. Frequent use of trained community volunteers to serve as mediators, resulting in a relatively low-cost program budget
- K. Programs administered primarily by private nonprofit community-based organizations, but many are also directly operated by probation departments; all victim-offender mediation programs require support and active cooperation of the juvenile court and probation staff

45 min.

IV. Benefits of victim-offender mediation

- A. Provides an opportunity for victims to get answers to many questions they have, such as "why me?" and "what made you do this?"

- B. Provides an opportunity for victims to have direct input into the sanctioning of their offender, through the process of restitution determination
- C. Encourages offenders to understand the human dimension of what their behavior resulted in, that victims are people, not simply objects to be abused
- D. Encourages offenders to take responsibility for their behavior and to directly participate with their victim in deciding how to make things right

60 min.

V. Victim-offender mediation process

- A. Case is assigned to mediator
- B. Mediator contacts offender to set up an individual meeting
- C. Mediator meets with offender to hear his/her story about the offense and to explain the program
- D. Mediator contacts victim (who may have received a letter) to set up an individual meeting
- E. Mediator meets with the victim to hear his/her story about the offense and to explain the program
- F. If both agree to proceed, the mediator plans, schedules, and conducts a joint face-to-face meeting
- G. When appropriate, mediator schedules a brief followup victim/offender meeting (at the end of the initial joint meeting) to review the completion of the restitution agreement
- H. Mediator submits restitution agreement and brief report to program staff for submission to appropriate court staff
- I. Mediator conducts a followup victim/offender meeting, when appropriate
- J. Restitution completion is monitored and mediator submits final report when all restitution obligations are completed

30 min.

VI. Suggested agenda for victim-offender mediation session

- A. Introduce everyone
- B. Explain your role as a mediator
- C. Explain procedures and any ground rules

- D. Review facts and feelings about the offense
- E. Discuss and negotiate a mutually acceptable restitution agreement
- F. Restate restitution terms and have written agreement signed by victim and offender
- G. Schedule a followup meeting to review completion of the agreement when appropriate
- H. Close meeting

30 min.

VII. Forms of restitution

- A. Financial payment to victim
- B. Work for the victim
- C. Work for the victim's choice of a charity or community service
- D. Financial payment to victim's choice of charity
- E. Any other form agreed upon that is legal and consistent with the policies of the juvenile court
- F. Any combination of the above

45 min.

VIII. Characteristics of an effective mediator

- A. Good communication skills
 - 1. Active listener
 - 2. Knows how to ask questions
 - 3. Ability to quickly process
 - 4. Ability to use/interpret nonverbal cues
- B. Objective perspective
- C. Neutrality in communications
- D. Assertiveness/ability to take charge
- E. Patience and flexibility

45 min.

IX. Functions of the mediator

- A. Instilling ownership and motivation
- B. Regulating the interaction
- C. Aiding the communication process
- D. Monitoring the mediation process

45 min.

X. Victim contact language

- A. Do not be patronizing
- B. Avoid use of "should" and "ought"
- C. Try to empathize with victim's anger and frustration
- D. Use simple and clear language to express your concern and to explain the program
- E. Avoid sounding as if you are a therapist wanting to help the "ill" victim
- F. First provide victim with opportunity to tell his/her story, later explain the mediation program
- G. LISTEN FIRST; TALK SECOND
- H. Do not overhype the program
- I. Do be an active listener and be supportive
- J. Emphasize that "some victims find it helpful to meet the offender, while always allowing absolute power for the victim to decide if he/she wants to participate in mediation"

180 min.

XI. Training of mediators

(3 hours, assuming review of mediation videotapes, several actual role plays, and group processing)

- A. Recommended 16 to 32 hours of classroom training, plus apprenticeship as a comediator with a more experienced mediator for 2 or 3 cases
- B. Overview of the victim's experience in the justice system
- C. Overview of the offender's experience in the justice system
- D. The purpose and benefits of victim offender mediation
- E. Information on local juvenile justice system procedures
- F. Information on victim-offender mediation process
- G. Information on victim-offender mediation procedures and forms
- H. Overview of mediation principles

- I. Information on the role of the mediator
- J. Information about victim contact language
- K. Review of mediation training videotapes
- L. Role plays (Group exercises #1-3, pages J-11 through J-13)

60 min.

XII. Key replication issues

- A. The need for early goal clarification as to the basic purpose of the proposed victim offender mediation program
- B. The need to develop community support and to conduct a "key actor analysis"
- C. The need to identify and secure a funding base for the program
- D. Choice of volunteer and/or staff mediators, which directly relates to cost of program
- E. Identification of a target population of offenders for the program
- F. Determining the appropriate "jurisdiction specific" program design (i.e., preadjudication, postadjudication/predisposition, postdisposition)
- G. Development of an efficient management information system to collect data about the program
- H. Determination of the specific length and content of mediation training
- I. Planning for followup victim-offender meetings and monitoring of restitution agreements
- J. Determining the extent to which a new victim-offender mediation program may repeat the history of so many earlier justice reforms by widening and strengthening the net of social control and court intervention in the lives of juveniles, despite the likely goal of the program to do the exact opposite (i.e., divert juveniles from more extensive court intervention, if not institutionalization)

45 min.

XIII. Strengths of victim-offender mediation

- A. Research by Coates and Gehm, and the experience of programs in more than 50 jurisdictions throughout the country, has found a very high level of participant

satisfaction, particularly as it relates to humanizing the justice process for both victims and offenders

- B. Over 90 percent of victim-offender mediation sessions result in a mutually acceptable restitution agreement in many programs, as seen in the National Directory of Victim-Offender Mediation and Reconciliation Programs (available from the National Victim-Offender Reconciliation Resource Center of the PACT Institute of Justice in Michigan City, Indiana)
- C. Contrary to what many people would think, 60 percent or more of the victims who are presented with the opportunity to meet with their offender choose to do so
- D. The mediation process represents one of the most direct and active roles that crime victims can play in the justice process, in contrast to the typical passive role in which victims are usually placed
- E. The mediation process can help victims to gain a sense of closure of the event and assist them in regaining a sense of power and control in their lives
- F. The mediation process provides an opportunity for offenders to be held personally, not symbolically, accountable to the person(s) they violated
- G. The mediation process provides an opportunity for offenders to "make things right," to take responsibility for their actions and to gain a greater sense of closure on the event

45 min.

XIV. Limitation of victim-offender mediation

- A. Mediation is not meant for all victims and all offenders
- B. Mediation is not a "quick fix" to cure the multitude of problems faced by victims and offenders; it should simply be one of many services available
- C. Victim offender mediation is not going to massively reduce recidivism, although limited research available shows rather promising results
- D. Without adequately trained mediators, the entire program can break down
- E. Without effective verbal communication skills, well-intentioned mediators could end up hassling victims, if not directly coercing them into mediation; the program would then be in a victimizer role and the integrity of the process would be destroyed

- F. Research has shown that victims feel very good about the process, but some are concerned about the lack of followup related to completion of restitution
- G. If offenders who do not admit their guilt are coerced into the program, the mediation process would probably be ineffective

Note: While the material in this outline is presented in a somewhat generic fashion, portions of it draw heavily upon the author's wide range of experience in developing VORP projects in many States. The National Victim-Offender Reconciliation Resource Center of the PACT Institute of Justice (P.O. Box 177, Michigan City, Indiana 46360) has available many written and audiovisual training aids, including slide shows, videotapes and technical assistance manuals.

Teaching Aids

Group exercise #1

Role Play Victim Phone Call

Victim: You are John Pierce, a middle-aged bachelor and owner of a local restaurant. While you were out one evening, your home was broken into by a young offender. The value of the property stolen was about \$1,000. On several occasions over the years, your restaurant has been broken into. Now your home! You are angry and frustrated. The prosecutor's office had informed you that it was a young offender who committed the crime. Following the trial and conviction, you received a letter from a local agency that helps victims receive restitution from offenders.

Mediator: You are a volunteer mediator who has been assigned the case involving the burglary of John Pierce's home by a young offender. It is your responsibility to call Mr. Pierce and schedule a meeting with him. He has already received a brief letter from you. You want to avoid having to "sell" the benefits of his involvement in VORP over the phone. Rather, you want to set up a meeting in order to establish some rapport with him, and listen to his concerns about the crime, before going into all the details of the program and inviting his participation.

Group exercise #2

Role Play Burglary of Small Business Attached to House

Offender: You are Bob Taylor, 17 years old. Prior to this, you had never committed a burglary but had several brushes with juvenile authorities when you were 13--one involved a minor shoplifting charge, another involved incorrigibility toward your parents.

On a recent Saturday evening, you had been drinking with a friend while driving around in a middle class neighborhood in town. You were both getting fairly intoxicated and your friend suggested that you get more money and maybe break into this florist shop. The florist shop was picked at random, since it looked like an easy target, with no lights on or movement around the area. Your friend stayed in the car while you broke the window and broke down the back door of the florist shop. You went in and pried open the cash register and took \$325.

When you were apprehended by the police and brought to court you were very shaken up by the whole event. You had never committed any serious offense and realized that you could be committed to a State institution. The thought of being incarcerated frightened you a great deal. Upon being contacted by the VORP program, you expressed your willingness to participate in meeting the victims and working out a restitution agreement. You have a part-time job in which you earn about \$100 a week. Your initial attitude toward the whole event was very nonexpressive and you seemed unaware of the seriousness of it. And yet, after talking with the mediator for a short period of time, you opened up and displayed a good deal of discomfort and shame about the whole event and fear of the consequences. You are eager to try to right the wrong you committed.

Victim: You are Jim and Leona Smith who have lived in the neighborhood for more than 20 years. You run a family-owned florist business that had been passed down through the family. While the business did not yield a great deal of income, it took care of your basic needs. Both of you work very hard with this job. Having been broken into several years ago, you were very upset about the current break-in and the loss of \$325, along with the broken back door.

You both expressed initial reluctance to entering the Victim-Offender Reconciliation Program. You did have many questions about why your place was selected and what kind of individual could have done this. And you were also concerned about getting repaid; however, the thought of meeting the offender face-to-face was a bit overwhelming to you. It is only after you were given some extra time, that you decided to participate in VORP.

Mediator: As the mediator in this case, you are responsible for making the initial call to solicit a face-to-face meeting with the victim and offender, complete the individual meeting with the victim and offender, conduct the face-to-face VORP meeting and introduce the preference for a midcontract review followup meeting during the conclusion of the initial VORP session.

Group exercise #3

Role Play Home Burglary

Offender: You are Chris Owens, 17 years old. You were partying with friends one Saturday night. A couple of times the group stopped and broke into two or three homes, but you stayed in the car. You were scared, but didn't want to go home. Finally, early Sunday morning, your friends finally talked you into breaking into Mrs. Jones' house. They told you where to look for valuables; in the dining room and jewelry box in the bedroom. You were very frightened, so you hurried through the house and broke a couple of china plates and cups while taking the silverware. You gave the silverware to one of your friends and he gave you \$20 for it. Some of the jewelry you gave to friends and kept the rest for yourself, it was so pretty. You gave the wedding ring to your boy/girl friend as a birthday present, not telling him/her where it came from.

You are basically shy and ashamed of this whole thing. You have never been in trouble with the law before. You finished the 11th grade but dropped out to work in a grocery store to help out your family. You still have that job, but only work part-time. You have trouble opening up and are anxious about the whole VORP process and want to get it over with as soon as possible.

Victim: You are Hattie Jones, a retired schoolteacher. You returned from church one Sunday and found your house ransacked, your good china broken, your silverware and jewelry missing. Most of the jewelry was given to you by your late husband. You are particularly upset by losing his wedding ring. You were reimbursed by your insurance company for \$400 of the \$500 loss, but nothing for the broken china or broken back door window.

You were sure that this was the work of a professional thief and are very angry and frightened. You were surprised to learn that the offender is just 17 and are unsure how you feel. Being a former high school teacher, you are by nature sympathetic to young people. You are more interested in understanding "why" than restitution, though you would like your jewelry back.

Mediator: As the mediator in this case, you are responsible for making the initial call to solicit a face-to-face meeting with the victim and offender, complete the individual meeting with the victim and offender, conduct the face-to-face VORP meeting and introduce the preference for a midcontract review followup meeting during the conclusion of the initial VORP session.

Unit K:

***Restitution for High-Risk, Chronic,
and Violent Juvenile Offenders***

Suggested time: 2¾ hours

Andrew R. Klein
Chief Probation Officer
Quincy District Court
Quincy, Massachusetts

Trainer's notes:

It has long been assumed by many in the criminal justice system, as well as those outside it, that restitution, indeed any sentencing alternative that is used as an alternative to institutional confinement, must be confined to less serious offenders who commit less serious offenses. This is based on several assumptions. First, more serious offenders are, or should be, institutionalized and therefore are ineligible for a community-based sanction like restitution. Second, even if available, such offenders cannot be trusted to complete such alternative sentencing programs with any consistency.

This presentation will challenge these assumptions, demonstrating that, as one author suggests, "restitution is a sanction for all seasons" for repeat offenders as well as first offenders, for violent offenses as well as property offenses. Further, that a tightly administered restitution program can minimize offender risk of recidivism during both the course of the program and in terms of long-range behavior. Finally, high-risk, chronic, and violent offenders will successfully complete such a program if a systematic enforcement procedure is utilized by the referring court in concert with program staff.

30 min.

I. Introduction

**A. High-risk, chronic, and violent juvenile offenders
(Handout #1, page K-10)**

1. Risk factors in determining offender likelihood of recidivism
 - a. Prior record
 - b. Age at first offense, current offense
 - c. Family stability
 - d. School attendance and/or work history
 - e. Alcohol/drug abuse
 - f. Rationalization of the offense
 - g. Residency changes
 - h. Type of crime--offenders who commit property crimes are more likely to recidivate than those who commit acts of violence
 - i. Gang membership (West Coast, big cities)
2. Predicting violence
 - a. Little correlation between violence of past offense and recent violence
 - b. History of violence in the past correlates with recent violence
 - c. Age of first violent offense--the younger the offender the greater the likelihood of future violence
 - d. Use of alcohol/drugs--as use increases so does likelihood of violence
 - e. No correlation between mental illness and violence

- f. Chronic offenders commit violent crimes among preferred crimes (i.e., robberies, burglaries)--labeled "violent predators" by Rand Corporation study
3. Environmental factors promoting risk of violence
 - a. Family environment--Ma Kettle or Ma Parker?
 - b. Peer environment--Boy Scouts or Hell's Angels?
 - c. Job/school environment--in or out?
 - d. Victim availability
 - e. Access to weapons
 - f. Availability of alcohol, drugs, toxic inhalants

60 min. II. Restitution program for high-risk offenders

- A. Governing principles (Overhead transparencies #1-4, pages K-11 through K14)
 1. Must be incapacitative
 2. Must accommodate multiple offenders using existing program resources, time, and personnel, if possible
 3. Must endeavor to hold offenders accountable through direct and indirect restitution (monetary and community work service)
 4. Must be based on behavior, not attitude
 5. Must be tightly monitored and enforced
 6. Poor performance must be punished, good rewarded
 7. Program must be sequential, beginning at maximum intensity, ending at minimum intensity
 8. Work must be achievable by the offender
 9. Court must be utilized to enforce program noncompliance
 10. Court-imposed sanctions must be incremental and progressive
 11. Offender must be isolated from destructive peers
 12. Offender must be forced to remain drug/alcohol free
- B. Program components
 1. Community work service (Overhead transparency #5, page K-15)
 - a. Daily work crews assigned simple maintenance, cleanup, manual labor tasks for unemployed offenders
 - b. Evening work crews assigned simple maintenance, cleanup, manual labor tasks for juveniles attending school during the day
 - c. Weekend crews for offenders not otherwise employed
 - d. Work crew leaders responsible for crew conduct; high staff to crew ratio (1 to 5)
 - e. Individual placement at community work sites for juveniles who have successfully completed

work crew hours, needing less supervision by program

2. Monetary restitution and placement
 - a. Determination of restitution order
 - 1) Victim-offender mediation
 - 2) Insurance claims method
 - 3) Determined by judge from court-presented evidence
 - b. Development of payback schedules for offenders already employed or able to find their own jobs (Overhead transparency #6, page K-16)
 - c. Referral to paid jobs willing to hire program participants
 - d. Employment training for unemployed offenders
 - e. Subsidized work crews for unemployable offenders who complete unpaid work crew hours
 - f. Contract to perform direct work service for victims in lieu of cash restitution if the victim is willing
 - g. Accounting system to record restitution payments received program/court and disbursed to victim(s), if payments are not made directly to victim
3. Intensive surveillance
 - a. House arrest--evenings and/or weekends
 - b. Daily contact with truant officers to ensure school attendance
 - c. Daily contact with work crew/site to ensure attendance
 - d. Daily contact with job to ensure employment attendance
 - e. Collateral contacts with teachers, parents, employers, work supervisors
 - f. Random drug/alcohol tests to ensure abstinence
 - 1) Urine (EMIT)
 - 2) Saliva (Alcascan, Abusastick)
 - g. Weekly contact with police sector patrol, if feasible
 - h. Assignment of a surveillance officer to monitor surveillance/electronic surveillance
4. Probation supervision/counseling
 - a. Probation officer visitation
 - b. Counseling--weekly, biweekly, monthly
 - c. Payment of fines/fees/costs on schedule
 - d. Attendance at Alateen, Alcoholics Anonymous, Narcotics Anonymous, etc., meetings
 - e. Compliance with other probation conditions
5. Enforcement
 - a. Monitoring (all conditions must be written into contract)
 - 1) Surveillance officer maintains daily contact
 - 2) Probation officer visitation and enforcement of standard probation conditions

- 3) Random phone calls to check curfews, etc.
- 4) Attendance records of work crews, job sites, etc.
- b. Compliance (tourniquet sentencing or progressive discomfiture)
 - 1) Rewards for compliance
 - a) Reduction of mandatory hours of unpaid community work service
 - b) Placement in individual community work service position sooner
 - c) Placement in paid work slot or job slot sooner
 - d) Easing of nightly curfew
 - e) Canceling of weekend crew work
 - f) Increased unsupervised time in evenings, weekends
 - g) Allowing offender to keep larger percentage of earnings
 - h) Reduction of other probation conditions
 - i) Decrease in probation visitation
 - j) Early termination of probation
 - 2) Penalties for noncompliance
 - a) Increase in number of community work service hours
 - b) Increase in work crew assignment
 - c) Delay in individual community placement for either community work service or paid job placement
 - d) Curfew hours increased
 - e) Increased probation visitation
 - f) Probation extension
 - g) Home detention for a weekend, progressively increased to a week, etc.
 - h) Commitment to short-term locked detention
 - i) Commitment to a State facility with a motion to revise and revoke after suitable period of time if offender agrees to complete program (i.e., split sentences)
- c. Legal procedures for enforcement
 - 1) Contempt
 - 2) Probation revocations

60 min.

III. Model juvenile restitution program for high-risk, chronic, and violent juveniles (Overhead transparencies #7-10, pages K-17 through K-20)

A. Organization

- 1. Phase I
 - a. Three weeks' duration
 - b. Community work service crews--3 hours Monday-Friday after school (8 hours if youths suspended from school and not working)

- c. Community work service crews--8 hours Saturday
- d. Curfews at 6 p.m.
- e. Sundays off (optional)
- f. Regular probation obligations
- 2. Phase II
 - a. Four weeks' duration
 - b. Community work crews--3 hours Monday, Wednesday, and Friday after school
 - c. Community work crews--8 hours Saturday
 - d. Curfews from 7 to 9 p.m.
 - e. Sundays off
 - f. Regular probation obligations
- 3. Phase III
 - a. Four weeks' duration
 - b. Community work service individual placements for 8 to 24 hours per week; flexible hours, substitutions allowed for constructive activities (i.e., team sports, AA meetings, tutoring, etc.)
 - c. Job training/placement for monetary restitution payments
 - d. Elimination of curfews
 - e. Regular probation obligations
- 4. Phase IV
 - a. Three weeks' duration
 - b. Eight hours of community service per week
 - c. Part-time employment or paid work monitored through weekly restitution payment
 - d. Regular probation obligations

B. Violations by phase

- 1. Phase I violations
 - a. Sunday house arrest
 - b. Early curfew for 1 week, eliminating free time in evening
 - c. Weekend detention
 - d. Week detention
 - e. Sixty-nine hours of community service must be completed to move to Phase II
- 2. Phase II violations
 - a. Community work service during free nights without credit
 - b. Community work service during 2 open nights without credit
 - c. Weekend detention
 - d. Week detention
 - e. Eighty-eight hours of community service must be completed to move to Phase III
- 3. Phase III violations
 - a. Community work service during open nights on work crew
 - b. Increased community work service hours assigned
 - c. Increased curfew restrictions
 - d. House arrest on Saturdays and Sundays

- e. A minimum of 32 hours of community work service must be completed to move to Phase IV
- 4. Phase IV violations
 - a. Increase in community work service hours required
 - b. Reimposition of curfew
 - c. Weekend house arrest

C. Staffing

- 1. Director (Overhead transparency #11, page K-21)
 - a. Overall program development and management
 - b. Hires staff, coordinates with court, prosecutors, schools, police, and community
 - c. Maintains program management statistics
 - d. Screens eligible offenders for program
 - e. Administrative hearing officer for noncompliance violations that do not require court intervention
- 2. Surveillance officer (Overhead transparency #12, page K-22)
 - a. Ensures offender is doing what is assigned 24 hours a day
 - b. Checks attendance at school, work crew, home during evening, nights, and weekends
 - c. Monitors house arrest in person and by telephone
 - d. Administers random substance abuse tests
 - e. Reports any violation to probation officer
- 3. Work crew supervisor (Overhead transparency #13, page K-23)
 - a. Responsible for supervising, equipping crews of 3 to 7 offenders evenings and Saturdays
 - b. Responsible for transporting crews to and from work sites
 - c. Responsible for coordinating work with worksite staff
 - d. Responsible for keeping attendance and notifying director of any work infractions by crew members
- 4. Coordinator and monitor of individual community service placements (Overhead transparencies #14-15, pages K-24 and K-25)
 - a. Responsible for securing worksites for both crews and individual placements
 - b. Responsible for monitoring attendance and performance of offenders placed individually
 - c. Responsible for administering stipend fund for youths unable to secure paid employment
 - d. Responsible for determining payment plan for weekly payment of restitution to crime victims
 - e. Responsible for monitoring payment plan
 - f. Responsible for reporting nonpayment to director

6. Probation officer
 - a. Screening youth for placement into program, including any job/work skills youth might have, risk for recidivism, violence
 - b. Responsible for standard probation supervision
 - c. Responsible for enforcing youth's participation in the high-risk restitution program
 - d. Determining restitution owed victim if not already determined
 - e. Delivering standard probation service
7. Clerical/accounting clerk
 - a. Keeps track of program participants, hours of work completed, and other statistics
 - b. Developed accounting system to track restitution payments

15 min.

IV. Evaluation of high-risk restitution program

- A. Statistics necessary to keep to determine program success:
 1. Recidivism--in program, long-term, number, and chronicity
 2. Number of work hours completed vs. ordered
 3. Restitution paid to victims vs. ordered
 4. Victim service hours completed vs. ordered
 5. Number of defendants committed to detention for noncompliance, length of commitments vs. length of commitments of all juveniles that had been committed at original disposition
- B. Statistics to indicate impact on juvenile participants
 1. Number who maintain abstinence
 2. Number who complete court-ordered counseling
 3. School attendance vs. previous to program
 4. Compliance with curfews
 5. Letters of apology to victims, indications of remorse
 6. Employment record, development of work skills, job recommendations, etc.

Teaching Aids

Handout #1

EXAMPLE OF OFFENDER RISK FORM MASSACHUSETTS PROBATION SERVICE—ASSESSMENT OF OFFENDER RISK

Name _____ D.O.B. _____ S.S. ____/____/____ SEX _____ CT.# _____
(First) (Middle) (Last)

	SCORE AT:	TWENTY MONTHS	THIRTY MONTHS	FORTY MONTHS	FIFTY MONTHS												
1. PRIOR RECORD (ADULT OR JUVENILE) DURING PAST 5 YEARS 0 = 3 or more 1 = two 2 = one 4 = none																	
2. NUMBER OF PRIOR PERIODS OF PROBATION SUPERVISION DURING PAST 5 YEARS 0 = 2 or more 1 = one 4 = none																	
3. AGE AT FIRST OFFENSE 0 = 16 or younger 1 = 17-19 2 = 20-23 3 = 24 or older																	
4. NUMBER OF RESIDENCE CHANGES DURING PAST 12 MONTHS 1 = 2 or more 2 = one 3 = none																	
5. EMPLOYED SCHOOL ABSENCE DURING PAST 12 MONTHS <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">EMPLOYED</td> <td style="width: 50%;">SCHOOL ABSENCE</td> </tr> <tr> <td>0 = 2 months or less</td> <td>0 = 26 or more days</td> </tr> <tr> <td>1 = 3-4 months</td> <td>1 = 21-25 days</td> </tr> <tr> <td>2 = 5-6 months</td> <td>2 = 16-20 days</td> </tr> <tr> <td>3 = 7-8 months</td> <td>3 = 11-15 days</td> </tr> <tr> <td>4 = 9 months</td> <td>4 = 10 days or less</td> </tr> </table>	EMPLOYED	SCHOOL ABSENCE	0 = 2 months or less	0 = 26 or more days	1 = 3-4 months	1 = 21-25 days	2 = 5-6 months	2 = 16-20 days	3 = 7-8 months	3 = 11-15 days	4 = 9 months	4 = 10 days or less					
EMPLOYED	SCHOOL ABSENCE																
0 = 2 months or less	0 = 26 or more days																
1 = 3-4 months	1 = 21-25 days																
2 = 5-6 months	2 = 16-20 days																
3 = 7-8 months	3 = 11-15 days																
4 = 9 months	4 = 10 days or less																
6. FAMILY STRUCTURE 0 = currently resides away from family, few or no family ties 1 = resides in one-parent home 2 = parent not supporting children 3 = single, emancipated from parent home, strong family ties, or married no children 4 = resides in two-parent home 5 = parent supporting children																	
7. ALCOHOL OR DRUG USAGE PROBLEMS 0 = frequent abuse, needs treatment 1 = presently in treatment 2 = occasional abuse, some disruption of functioning 3 = prior problem 4 = no apparent problem																	
8. ATTITUDE 1 = rationalizes negative behavior, not motivated to change 2 = dependent or unwilling to accept responsibility 3 = motivated to change, receptive to assistance 4 = motivated: well adjusted; accepts responsibility for actions																	
TOTAL RISK SCORE																	

Overhead transparency #1

Juvenile Day--Monday Through Friday
(before restitution program)

7:00 a.m. - 3:00 p.m.	Supervised time (school) (2:00-3:00 p.m. Contact with police officer once a week)
3:00 p.m. - 10:00 p.m.	Prime time for poor peer pressure (alcohol and drugs) Prime time for crime
10:00 p.m. - 7: 00 a.m.	Crime-free time (sleep)

Overhead transparency #2

Juvenile Day--Monday Through Friday
(after restitution program)

7:00 a.m. - 3:00 p.m.	Supervised time (school)
3:00 p.m. - 7:00 p.m.	Supervised time (work crew)
7:00 p.m. - 10:00 p.m.	Supervised time (curfew)
10:00 p.m. - 7:00 a.m.	Crime-free time (sleep)

Overhead transparency #3

Juvenile Day--Saturday and Sunday
(before restitution program)

9:00 a.m. - 11:00 p.m.	Prime time for poor peer pressure (alcohol and drugs) Prime crime time
11:00 p.m. - 9:00 a.m.	Crime-free time (sleep)

Overhead transparency #4

Juvenile Day--Saturday and Sunday
(after restitution program)

8:00 a.m. - 5:00 p.m.	Supervised time (work crew)
5:00 p.m. - 7:00 p.m.	At risk (free time) depending on time of curfew
7:00 p.m. - 11:00 p.m.	Supervised time (curfew)
11:00 p.m. - 8:00 a.m.	Crime-free time (sleep)

Overhead transparency #5

Community Work Service Components:

A. Work crews:

Daily
Evening
Weekends

B. Individual placements

C. Accounting system

Hours ordered/completed/balance due

Overhead transparency #6

Restitution ledger

P.O. A.R. Victims Ed and Sue
Juv. John Address Here
Address Reno There
Nevada USA
Amount \$250 Rate \$10/wk Due 12/84

Date	Received From Amount	From	Date	Paid to Amount	To
<u>4/5</u>	<u>\$10</u>	<u>John</u>	<u>5/2</u>	<u>\$35</u>	<u>Ed</u>
<u>5/1</u>	<u>\$25</u>	<u>Mrs. J.</u>	<u>5/16</u>	<u>\$20</u>	<u>Sue</u>
<u>5/8</u>	<u>\$15</u>	<u>John</u>	<u>6/15</u>	<u>\$15</u>	<u>Sue</u>
<u>6/1</u>	<u>\$15</u>	<u>John</u>			

Overhead transparency #7

Example of Juvenile Tourniquet Phase System
For a Full-Time Student

Phase I = 3 Weeks

Three hours per day work	M	T	W	Th	F	S	Sun
Mon-Fri; 8 hours Sat	3	3	3	3	3	8	X

= 23 hours per week or 69 total hours

Tight curfews

Initial shock phase

- 1st violation = Sunday house arrest
- 2nd violation = severe tightening of curfew
- 3rd violation = weekend detention
- 4th violation = week detention

Note: Phase I--69 hours must be completed to move on to Phase II. Minimum of 3 weeks.

Overhead transparency #8

Example of juvenile tourniquet phase system for a full-time student

Phase II = 4 weeks

17 hours per day week	M	T	W	Th	F	S	Sun
6 hours per week special credit	3		3		3	8	X

64 hours work + 24 hours credit = 88 hours and curfews

Semicredit Phase

1st violation = work on open night
2nd violation = work on 2 open nights w/o credit given
3rd violation = weekend detention in J.T. bed (no credit)
4th violation = week detention in J.T. bed (no credit)

Note:

Credit hours could be worked for:

- 1 - Work
- 2 - Community work service
- 3 - A.A. or N.A.

Phase II--88 hours must be completed to move on to Phase III. Minimum of 4 weeks to be completed.

Overhead transparency #9

Example of Juvenile Tourniquet Phase System
For a Full-Time Student

Phase III = 4 weeks

M T W Th F S Sun

Any 3 days per week (interchangeable on approval)

36 hours work for phase

24 hours credit (6 per week) on an open night

Reward Phase

1st violation = work on open night w/o credit given

2nd violation = work on 2 open nights w/o credit given

3rd violation = weekend detention in J.T. bed (no credit)

4th violation = week detention in J.T. bed (no credit)

Note:

Credit hours could be worked for:

- 1 - Community work service
- 2 - Sports activities
- 3 - A.A. or N.A.
- 4 - Theater, arts, educational activities
- 5 - Almost anything positive

Overhead transparency #10

Example of Juvenile Tourniquet Phase System
For a Full-Time Student

Phase IV = 3 weeks

30 hours due at a rate of 10 hours per week

One additional community work service or special credit hour can earn stipend money

Final Phase

- 1st violation = work on open night w/o credit given
- 2nd violation = work on 2 open nights w/o credit given
- 3rd violation = weekend detention in J.T. bed (no credit)
- 4th violation = week detention in J.T. bed (no credit)

Note:

Credit hours could be worked for:

- 1 - Community work service
- 2 - Sports activities
- 3 - A.A. or N.A.
- 4 - Theater, arts, educational activities
- 5 - Almost anything positive

Overhead transparency #11

Help Wanted

(Director of High-Risk Juvenile Restitution Program)

- Must have thorough knowledge of court/juvenile justice system and prior experience in either
- Must have management/administrative experience in personnel management, budgeting, staff hiring, and training policy development
- Ability to solve problems, including ability to work with entrenched staffs who may resist new ideas, including a restitution program for high-risk juvenile offenders
- Ability to raise funds, apply for and administer government and private sector grants
- Must be able to work constructively with judges, prosecutors, business and community leaders, line juvenile justice staff, and delinquents
- Experience in public speaking and media relations and ability to stomach creamed chicken luncheons at Rotary, Kiwanis, Chamber of Commerce, and other service club meetings

Overhead transparency #12

Help Wanted
(Surveillance Officer)

- Ability to monitor numerous offenders, keep careful documentation, testify in court
- Must be able to work "flexitime," including weekends and evenings
- Must have own car and telephone
- Ability to enforce stringent conditions and resist "rescuing" miscreant youths from their transgressions, no matter how pathetic, needy, likable, or convincing the juveniles may be

Overhead transparency #13

Help Wanted
(Work Crew Supervisor)

- Ability to supervise crew of delinquent youths working indoors and out
- Experience working with youth
- Must be able to drive van
- Helpful to have basic carpentry, painting, landscaping, and maintenance skills (should know the difference between a hammer and a crowbar)
- Should have iron nerves, a minimum of three eyes (one in the rear of head) and five arms with which to grab multiple youths simultaneously
- Helpful if weight is in excess of 200 pounds (all muscle) and height over 6'5"

Overhead transparency #14

Help Wanted
(Community Work Service Site Coordinator)

- Must have thorough knowledge of local community government and private, nonprofit agencies, and agency directors
- Ability to communicate with organized community agencies who would participate as worksites for both work crews and individually placed juvenile offenders
- Must act as trouble shooter when problems arise on worksites where offenders are placed or crews assigned
- Helpful to have prior experience working in juvenile justice/court system
- Ability to scrounge free supplies, vans, etc., for the program, from community agencies, government departments, etc.
- Former elected officials, community chest officers, and the like urged to apply

Overhead transparency #15

Help Wanted
(Employment Counselor/Job Coordinator)

- A working knowledge of local businesses, business organizations, and job market
- Ability to assess client employment skills and needs, matching clients to existing jobs/employment training programs
- Ability to work with, offer basic job training to young offenders (i.e., resumes, job interviews, how to read want ads, etc.)
- Knowledge of court/juvenile justice system and/or fast food/restaurant industry is helpful
- Prior experience as salesperson, business executive, employer
- Retired business person anxious to work hard for little remuneration encouraged to apply!

Unit L:

Enforcing Restitution Requirements

Suggested time: 1 hour

Dennis Maloney
Director
Juvenile Department
Bend, Oregon

Trainer's notes:

The purpose of this module is to assist courts and probation departments to develop a continuum of restitution enforcement measures that can be integrated into juvenile court proceedings. The module is designed to be delivered in three segments. The first segment will involve a brief lecture on the need and rationale for enforcement measures. During the second segment, the participants will be guided through a small-group exercise to develop an enforcement curriculum tailored to their jurisdiction and juvenile code. The final segment will provide an opportunity for the small groups to compare results and finalize a draft continuum to be returned to the jurisdictions for adoption. The module presenter will need current juvenile codes for the jurisdiction.

If juvenile courts and probation departments are to utilize restitution as a consistent and potent disposition, it is imperative that the restitution orders issued be supported by adequate enforcement measures. One of the most common misconceptions about the juvenile justice system is that the courts have no or little consequences to impose on youth who violate rules of supervision. This is an unfortunate circumstance, because in most States there are adequate sanction and enforcement measures that can be applied to ensure compliance with restitution orders. Where many courts break down, however, is in researching creative ways within the law to ensure compliance. This workshop module is designed to stimulate a thoughtful and creative approach to enforcement of restitution orders. People attending the session should leave with both a bolstered confidence and a draft enforcement continuum.

20 min.

I. Need and rationale

A. Program and system credibility

1. Program for a high initial success rate
 - a. Completion of restitution/community service agreement in lieu of adjudication
 - b. Use of restitution/community service as sole sanction
 - c. Intensive probation coupled with restitution as alternative to incarceration
 - d. In those jurisdictions that have a job bank, stress opportunity for continued employment
 - e. Provide youth with positive work reference following completion of community service assignment
2. Reaffirm that sanctions for noncompliance will be enforced
 - a. Explain sanctions for noncompliance to youth and parents at time of agreement order
 - b. Review consequences for noncompliance with youth prior to sealing agreement

- c. Require youth to state reasonable consequences that should be imposed when noncompliance occurs
 - 3. Victims' rights
 - a. Presenter should inquire if victims' rights legislation has been enacted in participants' respective States and in turn have participants describe the nature of the victims' rights legislation
 - b. Victims are gaining rights to:
 - 1) provide or have district attorneys or probation personnel provide victim impact statements to court
 - 2) Participate in factfinding hearings
 - 3) Be heard at dispositional hearings
 - 4) Attend parole hearings
 - 4. Enforcement of restitution orders can increase the general public's confidence in the juvenile justice system
 - a. Juvenile codes mandate decisions to be made in the best interest of the child while preserving the public's interest
 - b. Public perception that the system's only concern is to benefit children
 - c. Holding youth accountable to fulfill restitution/community service agreements strikes a balance of concerns and will instill confidence in system
 - 5. Enforcement of restitution orders gain "street level" respect among juvenile offenders
- B. Prerequisites to good enforcement practices
- 1. Responsibility of law enforcement agency
 - a. Inventory of victim losses should be attached to the incident report
 - b. Witness statements should accompany police report
 - c. Victim's signature should be required to acknowledge loss
 - d. Insurance claims adjusters should be utilized to train law enforcement and other personnel on loss assessment
 - 2. Contractual agreements
 - a. Input of youth into the methods and means for restitution
 - b. Design a strong restitution contract (Group exercise and Handout #1, page L-7)
 - c. Importance of having juvenile and parents sign the contract
 - d. Importance of informing youth of what to expect when restitution is completed or not completed
- C. Application of enforcement measures

1. Tourniquet sentencing (Phrase coined by Judge Albert Kramer of Quincy, Massachusetts)
 - a. Use only as much pressure as is needed to achieve conformance
 - b. Stretch out allowable sanctions so that a series of increasingly restrictive responses can occur until compliance is achieved
 - c. As compliance occurs, the "tourniquet" can be loosened to acknowledge positive behavior
2. Standing behind enforcement measures
3. Example of tourniquet sentencing to reflect progressive sanctions available
 - a. Restitution as sole sanction/alternative to formal court process
 - b. Restitution coupled with community service hours as alternative to formal court processing
 - c. Conditional postponement of delinquency finding with use of restitution/community service as conditions of contract
 - d. Finding of delinquency coupled with restitution/community service as conditions of probation
 - e. Finding of delinquency, order of restitution, use of increasing amounts of community service hours as needed for penalty, home detention
 - f. Finding of delinquency, order of restitution, supervised community service, probation revocation, detention
 - g. Finding of delinquency, commitment to State institution, conditional postponement of commitment, order of restitution, supervised community service, detention backup

20 min.

II. Small-group exercise

To construct a continuum of enforcement measures that can be integrated into juvenile restitution orders

20 min.

III. Large-group reporting

To finalize an enforcement continuum that can be carried to the home jurisdiction for adoption by the local court

Teaching Aids

Group exercise

Restitution Contract Outline

- I. Identification of Jurisdiction: _____

- II. Offense Identification: _____

- III. Victim Identification: _____

- IV. Identification of Offender: _____

- V. Proposed Restitution/
Community Service Agreement: _____

- VI. Timeline for Fulfillment
of Contract: _____

- VII. Consequences for
Noncompliance: _____

- VIII. Signature of Parties: _____

I. Youth _____ Petition # _____

Because I went to juvenile court and was found to have committed the act of _____, the court has ordered me to make restitution.

1. Make monetary restitution to: _____
2. I agree to make payment to the victim(s) through the Lee County Clerk of Court's Office.
3. I agree to make full monetary restitution within _____ of today.
4. I agree to inform a staff member in the Lee County Juvenile Restitution program if my circumstances change and I am unable to make restitution payments on a regular basis.

I understand that if I pay the amount of monetary restitution specified, I will have followed the court's order.

I understand that if I do not pay the amount of monetary restitution specified, I will be violating my court order and my case will return to court.

Client: _____ Date: _____

II. Parent:

I understand and support the court order obligating my child to make monetary restitution through the Lee County Clerk of Court's Office.

Guardian or Parent: _____ Date: _____

III. Restitution Staff:

As the supervising authority over this contract, the restitution project will:

1. Orient the youth to the purpose and procedures for making monetary restitution through the Lee County Clerk of Court's Office.
2. Assist the youth in devising a method to obtain money for payment of the restitution obligation.
3. Monitor restitution payments by the youth.

4. Act as a liaison to victims involving payment schedules and problems.
5. Notify the court of the successful or unsuccessful completion of the monetary restitution obligation.

Handout #2

Building an Enforcement Continuum for
Juvenile Restitution Programs

1. Develop a list of creative incentives that can be predicted to promote a high rate of restitution order compliance by juvenile offenders.

2. What penalties are allowable according to the State's juvenile code for youth who violate court-ordered probation?

3. What roles can parents play to encourage successful completion of restitution order?

4. What steps need to be taken in your jurisdiction to have the court adopt an enforcement continuum?

Handout #3

Juvenile Restitution Enforcement
Continuum for _____ County

High

7. _____

6. _____

Intensity of
Response

5. _____

4. _____

3. _____

Low

2. _____

1. _____

Low

High

Degree of Noncompliance

Handout #3 continued

Example of Completed Continuum

Juvenile Restitution Enforcement
Continuum for _____ County

High

7. Finding of delinquency, commitment to State
institution, conditional postponement of
commitment, order of restitution, supervised
community service, detention backup.

6. Finding of delinquency, order of restitution,
supervised community service, probation revocation,
detention.

Intensity of
Response

5. Finding of delinquency, order of restitution, use of
increasing amounts of community service hours as
needed for penalty, home detention.

4. Finding of delinquency coupled with restitution/community
service as conditions of probation.

3. Conditional postponement of delinquency finding with use of
restitution/community service as conditions of contract.

2. Restitution coupled with community service hours as alternative
to formal court processing.

Low

1. Restitution as sole sanction/alternative to formal court process.

Low

Degree of Noncompliance

High

Small-group exercise

Break workshop audience into groups of five to seven participants.

Supply each group with a copy of the State's juvenile code, several large newsprints, and a marker.

Assign a recorder in each group who will have the responsibility to report back to the larger groups on the small-group activities.

Assign a convener for each group who will have the responsibility of keeping the group on time and on task.

Supply each member with a copy of Handout #2 and instruct the conveners to take the group through the questions.

Instruct the reporter to record the group's answers on the large newsprint.

Large-group reporting

Hand out a blank copy of the enforcement continuum (Handout #3) to all participants.

Have each small-group recorder report on the work of the group. Advise each person in the workshop to complete the enforcement continuum with enforcement measures most likely to be effective in their jurisdiction.

When every group has completed its report, open the discussion up to include any measures that may have been omitted.

Close the workshop with strong encouragement to the participants to take the enforcement continuum to their home jurisdictions for adoption and implementation.

Unit M:

Implementing a Restitution Program in an Urban Area

Suggested time: 3 hours

Peter R. Schneider
RESTTA National Coordinator
Pacific Institute for Research and Evaluation

Trainer's notes:

This module deals with obstacles that urban courts face in enforcing the restitution components of juvenile court dispositions and suggested recommendations for overcoming those obstacles. It is intended for presentation to audiences comprised of judges, probation officers, and other juvenile justice system personnel from large cities and metropolitan areas.

This workshop will serve to:

- Establish a common definition of restitution and discuss how restitution and community service contribute to the objective of the juvenile court;
- Demonstrate how restitution is underutilized in large urban areas;
- Discuss the problems of utilizing restitution in large cities as perceived by a blue-ribbon panel of judges, probation officers, and other justice system experts (thereby helping workshop participants to identify their own reasons for failing to use restitution); and
- Explore programming options designed to overcome some of these perceived obstacles to using restitution.

15 min.

I. Introduction

A. Definitions

1. Include both financial restitution and community work service (Overhead transparency #1, page M-6)
2. Imply an approach based on offender accountability
3. Emphasize enhancement of completion rate by systematic enforcement
4. Purpose of restitution
 - a. Victim compensation
 - b. Punishment
 - c. Offender treatment
 - d. Accountability

B. Use of restitution in urban areas

1. Distribution of restitution programs by city population sizes (Overhead transparencies #2a and #2b, pages M-7 and M-8)
2. Apparent disinclination of cities to adopt restitution as routine sentencing requirement

30 min.

II. Problems

(An overhead transparency can be developed here using A-D-- this overhead should be used to stimulate audience participation; as a member of the audience identifies a problem, the category into which that problem fits is

revealed, and other problems that fall within the category are discussed; the process continues until all general categories are revealed)

A. Size (compounds the usual problems)

1. Caseloads
2. Pressure to divert all but the most serious cases result in difficult problems for restitution programs

B. Social and economic characteristics of cities

1. Large minority populations
2. Unemployment
3. Poor educational environment
4. Bad self-concept among juveniles
5. Residents' fear of crime
6. Hazardous conditions for work crews

C. Lack of juvenile justice system resources

1. Small and decreasing budgets
2. Entrenched probation officer (bad departments run bad programs)
3. Few available sanctions for noncompliance
4. Maintenance of present level of services leaves little marginal energy for new ideas

D. Attitude problems

1. Old courts, hence traditional attitudes
2. Large bureaucracies resistant to change
3. "It's nothing new," thus program not needed
4. Low priority for restitution collections
5. Bad work attitudes among kids
6. Low status of juvenile bench
7. Racism--belief that minorities cannot get and hold jobs
8. Overhead transparency #3 (page M-9)

45 min.

III. Solutions

- A. Solutions may vary according to local conditions, but most successful programs will have the following features in common

(An overhead transparency may be developed using B-E-- this overhead should be used to stimulate audience participation; as a member of the audience identifies a problem, the category into which that problem fits is revealed, and other problems that fall within the category are discussed; the process continues until all general categories are revealed)

B. Elevate restitution as a priority

1. Major issue: To what extent will the court use its coercive power to enforce restitution requirements?
2. Sell restitution internally
 - a. Become an expert; learn advantages, get data
 - b. Address needs of different constituencies
 - c. Create win/win situations

C. Clarify purpose

1. Restitution is not an "alternative" but a given
2. Design approach to ensure completions (contrast completion outcome with noncompliance outcomes)
3. Focus on process of restitution/community service as conditions of probation
4. Develop rationale for restitution/community service

D. Maximize resources through creative planning
(Imagination = intellect having fun)

1. Undertake job development/employment effort
 - a. Obtain cooperation and support of local employers (Earn-It model)
 - b. Develop Youth Conservation Corps (Oregon plan)
 - c. Create public service work crews
2. Develop network with other agencies for jobs and contracts
3. Use volunteers, e.g., retirees, for victim offender mediators, job developers, restitution facilitators, etc.
4. Reallocate budgets
 - a. Assign probation officers (P.O.) to specialized restitution caseloads
 - b. Convert P.O. positions to work crew supervisors at approximately 2-for-1 ratio

E. Start small and build on success

1. Learn with pilot program
2. Utilize small catchment areas for efficiency
3. Select staff carefully
4. Systematize management with policy and procedures
5. Demonstrate success and cost effectiveness

90 min

IV. Group exercise

Teaching Aids

Overhead transparency #1

Definition of Restitution

	Direct Victim Service	Indirect Victim Service
Monetary	Money Paid to Victim	Payment of Restitution Fine (e.g., into a victim compensation fund)
Community Service	Performance of Service to Victim	Performance of Service to Community at Large

Overhead transparency #2a

Restitution Programs in 20 Largest
Metropolitan Areas

<u>Rank</u>	<u>Metropolitan Area</u>	<u>Financial</u>	<u>Community Service</u>
1	New York	No	No
2	Los Angeles	No	No
3	Chicago	No	No
4	Philadelphia	No	No
5	Detroit	No	No
6	Washington, D.C.	Yes	Yes
7	Dallas	Yes	Yes
8	San Francisco	No	No
9	Miami	Yes	Yes
10	Cleveland	No	No
11	St. Louis	Yes	No
12	Houston	Yes	Yes
13	Boston	Yes	Yes
14	Atlanta	Yes	Yes
15	Baltimore	No	Yes
16	Pittsburgh	No	No
17	Tampa	Yes	Yes
18	Denver	No	No
19	Seattle	Yes	Yes
20	San Diego	No	No
	Totals	9/20	9/20

Source: National Directory of Juvenile Restitution Programs 1987
(Washington, D.C.: RESTTA, 1987). Based on communities that responded to
the survey questionnaire.

Overhead transparency #2b

Restitution Programs in the 15 States
Containing the 20 Largest Metropolitan Areas

<u>State</u>	<u>Total No. of Programs</u>
New York	8
California	15
Illinois	7
Pennsylvania	23
Michigan	8
District of Columbia	1
Texas	16
Florida	6
Ohio	17
Missouri	2
Massachusetts	5
Georgia	5
Maryland	6
Colorado	6
Washington	9

Total: 134/296*

*134 total urban restitution programs out of 296 responding restitution programs nationwide.

Source: National Directory of Juvenile Restitution Programs 1987
(Washington, D.C.: RESTTA, 1987). Based on communities that responded to the survey questionnaire.

Overhead transparency #3

This overhead is designed as comic relief, to relieve the tension and discouragement produced by listing all the reasons why restitution cannot be done in large cities. It must be drawn and will be based on the style of cartoonist Jules Pfeiffer, who frequently uses entire panels consisting of nothing but the profiles of two obviously anxiety ridden persons discussing their problems. In the overhead, one profile will say, "If you were trying to discourage me, you succeeded," and the other answers, "I never said it would be easy." It will set the stage for the discussion of solutions to the problems.

Group exercise

This work session will help the representatives of large urban jurisdictions plan and set goals for the systematic implementation of restitution as a program, including facilitation, enforcement, and routinization.

All participants in the workshop will be asked to have certain system rate statistics from their jurisdictions at their disposal. These statistics will include:

1. Number of referrals and adjudications per month
2. Number of offenders required to pay restitution and/or provide community service work per month
3. Average amount of property loss per juvenile offense
4. Size, occupancy rate, and average length of stay in local pretrial secure detention facility
5. Number of State commitments per month and average length of stay
6. Cost per month of local and State incarceration

The format of the workshop will follow the "Phillips 66" model: Six groups of six persons each, or whatever variation seems optimal given the total number of participants. A facilitator will be assigned to each group. The groups will spend about 40 minutes in discussion of the following issues:

1. How and with what frequency are restitution and community service presently being employed?
2. If restitution and community service presently are being underutilized, why?
3. What kinds of resources are available to facilitate the use and enforcement of restitution orders?
4. By what criteria can restitution be "sold," i.e., promoted, to the juvenile court and other relevant actors?

With the assistance of the facilitator, a spokesperson for each group will prepare and present a 5-minute summary of the group's discussion. The presentation should be made with the use of an overhead projector; transparencies and pens will be provided.

Following the presentations, 20 minutes will be devoted to a general discussion among all participants. Facilitators should encourage the participants to design a plan and set goals for their own jurisdictions, and should help the participants prepare a plan for technical assistance.

Unit N:

*Implementing a Restitution Program
in a Rural Area*

Suggested time: 4 hours

Charles Yeaton
Community Resource Officer
Ada County Juvenile Court Services
Boise, Idaho

Trainer's notes:

When facing the challenges of implementing a restitution program in a rural community, program managers cannot afford the luxury of relying on traditional program design, but instead must develop their program around the needs and resources that exist within the community. Rural restitution programs are unique in many ways. What works elsewhere might not be so successful in your community. It is best if you explore the "lay of the land" prior to implementing a restitution program in a rural community.

Long- and short-term planning is a critical factor in keeping your program out of a crisis mentality. Strategic planning for a rural restitution program is imperative for program and financial stability.

In order to better understand the community in which their program will operate, participants will conduct a community assessment inventory. By conducting and evaluating a series of analyses, program managers will find the information gathered helpful in determining the direction their program should take in terms of program design, resource development, marketing, public relations, and funding.

The training session, coupled with the community assessment inventory, will enable participants to plan responsibly for implementation and continued existence of a rural restitution program.

10 min.

I. Introduction

- A. Introduction of presenter(s)
- B. Overview of the session and what participants will learn
- C. Discussion on the inherent obstacles that might impede the success of a rural restitution program (trainer will offer solutions to those concerns)

45 min.

II. Rural community assessment inventory

- A. When implementing a rural restitution program, it is imperative that program managers conduct a community assessment inventory
- B. Rationale for conducting a community assessment inventory:
 - 1. Gives program managers a better understanding of the community in which their program will operate
 - 2. Provides stability and direction for the restitution program
 - 3. Planning is imperative for financial stability

4. Keeps the program out of the "crisis mentality," which can lead to burnout
 5. Provides decisionmaking body or advisory board with direction
- C. The Community Assessment Inventory will focus on the following analyses:
1. Community leaders' analysis
 2. Environmental analysis
 3. Community resources analysis
 4. Community support survey
- D. Exercise: Participants will conduct a Community Assessment Inventory of their respective rural communities (Handout #1, page N-13)

10 min.

III. Community leaders

- A. Identify key decisionmakers and influential citizens in the power structure of your community
- B. Solicit support from both public and private sectors; representatives from the private sector often hold key positions in local government
- C. Identifying leaders and decisionmakers requires research in the following areas:
 1. Political arena: leadership; community organizers; contributors
 2. Government officials: mayor; county commissioners; judge; sheriff; chief of police; prosecuting attorney; public defender; legislator; school superintendent
 3. Influential citizens: executive from major corporation; small-business owner; Chamber of Commerce representative; Junior League member; principal of junior or senior high school; leader from traditional youth agency; member of clergy; local media contact; philanthropic citizen; school board member; civic organization leader; local insurance agent; labor union representative; real estate agent

60 min.

IV. Environmental analysis

- A. Provide a working knowledge of the environmental issues that will affect implementation of your restitution program in the community
 1. Program managers should monitor and evaluate the economic, social, and political trends of the community

2. Reasons for conducting an environmental analysis:
 - a. To better determine the community's receptivity to fund and support a restitution program
 - b. To assist you in designing strategies to overcome barriers and build your program design, marketing, and public relations strategies around positive environmental factors

- B. Examples of environmental factors that need to be reviewed and evaluated:
 1. Political environment
 2. Economic trends
 3. Liability issues
 4. Employment opportunities
 5. Social conditions
 6. Statewide legislation
 7. Transportation
 8. Funding

- C. Issues that need to be evaluated in terms of impact on the design of a rural restitution program:
 1. Environmental issues
 - a. Victims' rights legislation or any other legislation that will support restitution and community service
 - b. Accessibility of social, health, youth, and other services available to help support your restitution program
 - c. Availability of transportation resources in your community (If transportation services are lacking, how will it affect your program? What alternative can be developed to compensate for the lack of public transportation?)
 - d. The effects of a depressed economy on juvenile court budgets and staffing patterns, and on employment opportunities for clients
 - e. The effect of juvenile crime on the community (e.g., the amount of tax dollars spent on juvenile offenders, the quality of life, and the monetary losses attributed to juvenile crime)
 - f. Availability of State and federal grants, technical assistance, and training for your program
 2. Liability analysis
 - a. Since many rural communities are now self-insured, you can anticipate that the question of liability will constantly surface during your effort to enlist support from the public and private sectors

- b. It is important to accurately answer the following questions:
 - 1) Who is responsible for an injury received by an offender while carrying out a restitution agreement?
 - 2) How can your program reduce risks of potential injuries?
 - 3) What is the individual or collective liability of your program to offenders, to worksites or agencies that cosponsor projects, and employers?
 - 4) What workmen's compensation coverage is available? Is it required? Who will provide this coverage?
 - c. If any of the answers to the above questions can hinder your program's development, how can you resolve the problem?
 - d. Evaluation of liability issues
 - 1) Ask your county's civil attorney to help you research the legal and liability issues that face your program; it would also be beneficial to have a local insurance agent help you research potential carriers
 - 2) Contact various carriers and obtain costs for insurance
 - 3) Consult with a local insurance agent to discuss the possibility of subsidizing that expense
 - 4) Review State and local statutes to see if you can charge clients a fee to subsidize the cost of insurance
 - 5) Contact your State restitution association to obtain or develop a statewide insurance pool for your State's restitution program
3. Funding
- a. Discussion on potential funding sources for rural communities:
 - 1) Individual donors
 - 2) Foundations (community, corporate, family)
 - 3) Grantsmanship
 - 4) Corporate giving
 - 5) Capital campaign
 - 6) Planned giving
 - 7) Special events
 - 8) Civic organizations
 - 9) Chamber of Commerce
 - 10) Insurance companies
 - 11) Small businesses
 - 12) State juvenile justice moneys
4. Job development analysis
- a. Design a job development strategy around local labor trends, growth occupations, and the needs of the community

- b. Although paid employment opportunities in the private sector may be limited, the list of community service projects in a rural community is endless (often community service projects and special projects for "user groups" can carry your program through until the local economy returns to a healthier state)
 - c. Discuss with participants the types of community service projects that can be completed in a rural community; review the potential for special "user group" projects
 - d. Program/client profiles
 - 1) Outline characteristics and demographics of clients
 - 2) List program strengths and benefits that are of value to potential employers and the community
 - 3) Type of supervision required (for private sector, community service)
5. Market analysis
- a. Determine and evaluate local labor trends
 - b. List potential growth occupations
 - c. List areas of likely employment
 - d. Types of skills and training required
6. Job development techniques
- a. Methods for contracting and utilizing private/public sector employment opportunities
 - b. Marketing the tradeoff between what your program can do for the community and what the community can do for your program
 - c. Job development techniques
 - 1) Prospecting for job sites
 - 2) Securing job sites
 - 3) Maintaining job sites

45 min.

V. Community organizations

A. The following are examples of organizations located within a rural community that can be of extreme value to your restitution program:

- 1. Professional organizations
- 2. Service clubs
- 3. Churches
- 4. Corporations
- 5. Small businesses
- 6. School system
- 7. Traditional youth services agencies
- 8. "User groups"
- 9. Labor unions
- 10. Local government

B. Community resources

1. Corporations--excellent sources of funding, technology, leadership, volunteers, employment, skill training, and in-kind donations; seek out corporate leaders to sit on your advisory board
2. Small businesses--provide jobs, employment skills training, advocacy, financial and political support; the business community often donates in-kind services in place of money or volunteering
3. Schools--make program presentations to the schools, talking about the consequences of youth crime and how your program holds offenders accountable; during the summer administrators and teachers can be a valuable resource as volunteers; schools can develop and teach curriculums (e.g., life and employment skills, vocational education, and self-directed job search); and employment opportunities can be developed within the school system
4. Churches--support can range from money to volunteers, office space; young members of the church can be leaders or support staff for community service projects
5. Traditional youth-serving agencies--can cosponsor projects with your program; can serve as intermediaries with sponsoring agencies (Boy Scouts, Girl Scouts, Y.M.C.A., Y.W.C.A., Boys Clubs, 4-H and Junior Achievement are examples of programs that have received funding from nonprofit status and can serve as a clearinghouse for grants and fundraising projects)
 - a. In working with traditional nonprofit youth-serving agencies, you can increase your support base by performing projects aimed at improving the recreational facilities and environment of the community; the following are examples of such partnerships:
 - 1) A 4-H program invites the United Way to fund an employment skills training and job placement program for juvenile offenders
 - 2) A Boy Scout troop obtains funding to facilitate an employment program for 13- to 17-year-old youths to work on local conservation projects
 - 3) A Future Farmers program funds and helps supervise a vegetable garden that serves as a community service worksite
6. Local governments--if the public works or recreation department cosponsors community projects for your program, services that would not normally be completed can be completed as a result of your program
7. Exercise: Conduct a community resource assessment and inventory all the potential resources in your community (Overhead transparency #1, page N-11)

30 min.

VI. Community support

- A. Community support can be gained if your program:
 - 1. Is conceptually sound
 - 2. Serves the client population in an effective manner
 - 3. Is a member of a larger network of youth-serving agencies
 - 4. Is able to demonstrate program accountability
 - 5. Is directly related to the wants and needs of consumers and the community
 - 6. Is not a duplication of an existing service
- B. Rural restitution programs that recognize and employ marketing techniques and a well-designed public relations program will greatly enhance their potential for attracting and maintaining community support
- C. Exercise: Participants will divide into small groups and complete the community support survey (Handout #2, page N-14); use the information gathered to develop a marketing strategy for a rural restitution program

30 min.

VII. Strategies to augment the needs of a rural restitution program

- A. Establish an Advisory Board
 - 1. The benefits of having an advisory board are twofold:
 - a. The "power structure" of the community actively supports and advocates your restitution program
 - b. The involvement of an advisory board can bring a vast array of technology and resources to your program that were not previously available
 - 2. Explore with participants the various examples of technology and resources that are available through an advisory board; participants will list resources and skills advisory board members might share with their program
 - 3. To assist in the solicitation of board members, put together a packet of program materials that will help familiarize them with the concept of restitution and how the community will benefit from your program (Overhead transparency #2, page N-12)
 - 4. Advisory board members must be challenged and inspired to play an active role in improving the local juvenile justice system and the quality of life in the community
 - 5. Develop a "Statement of Purpose" for your board (Handout #3, page N-15)
 - a. Community-based agencies become better acquainted with your program and the services you offer; your program in turn becomes more

knowledgeable about potential resources available for your clients

- b. Augmentation of your program's needs and services
- c. Increased interagency communication, cooperation, and sharing of skills, ideas and resources occur
- d. Helps identify duplication of services and encourages collaboration on service planning, resource development, and staff training

B. Networking

1. Identify corporations, small businesses, traditional youth-serving agencies, and concerned citizens who share a vested interest in addressing juvenile crime in your community (refer to resource assessment inventory--Overhead transparency #1, page N-11)
2. Invite concerned representatives from the community to participate in a roundtable discussion focusing on restitution and community service
3. Exchange ideas and identify resources that would help support the goals and objectives of your program
4. Pool all available resources into a Resource Directory; then design and implement a plan of action for matching the program's needs with available resources
5. Define the areas of responsibility and roles everyone will assume; everyone should have a good working knowledge of what is expected of them and what impact their roles play in the success of your program
6. Coordinate, manage, and acknowledge members' efforts

C. Volunteers

1. Through volunteer involvement, citizens learn more about community needs and resources, and act as bridges between the public and private sectors
2. Volunteerism allows paid staff to better focus their professional skills and energies
3. Volunteers bring a vast array of skilled labor to your program
4. Volunteers should formally and informally be acknowledged for their efforts

10 min.

VI. Review and wrap-up

Teaching Aids

Overhead transparency #1

Resource Assessment

- Private sector (major corporations)
- Small business
- Local government
- Nonprofit organizations
- Civic organizations
- Legal system
- School system
- University or community college
- Special interest groups
- Service clubs
- Traditional youth agencies
- Churches
- Neighborhood associations
- Media
- Funding sources
- Philanthropic citizens
- Volunteers
- Professional organizations
- Labor unions
- Environmentally-based industry

Overhead transparency #2

The Case Statement

1. What's the problem?
2. Who is affected?
3. What solutions do you offer?
4. How?
5. What's the result?
6. What difference will it make?
7. Why is your program special?
8. What will it cost?
9. What do you need?
10. What is in it for the community?

Handout #1

Exercise: Conduct a community assessment and inventory of all the potential resources in your community.

- A. Funding resources:
- B. Community leaders:
- C. Community resources:
- D. Community service projects:
- E. Potential networking agencies:
- F. User groups:
- G. Job sites:
- H. Environmental issues:

Handout #2

Community Support Survey

- Who are the people or agencies who directly receive benefits from the services provided by your program?
- Why do consumers need the services provided by your program?
- How often do these people use the program's services?
- What benefits are gained from the services, and by whom?
- What is the awareness and impression of your program?
- How can you improve the community's awareness of the ability of your program to meet its needs?
- Who are the people who indirectly benefit from what your agency does?
- Who supports the program? How? Why?
- Are there additional ways that those who benefit directly or indirectly can support your program?
- What tangible value exchange occurs between those who receive your services and the support required by your program to survive (i.e., county or city government, business, court system, citizens, and youth of the community)?
- Specifically, what are the benefits of your program to the community? Make a list of those who both benefit directly and indirectly from your program. This list will be a target for your public relations and marketing strategy.
- What impact will your program have on the community in which it operates?
 1. Now
 2. In the future

Handout #3

Statement of Purpose

The problem of juvenile delinquency that faces our community cannot be properly assigned to the public or private sectors for solution: it belongs to both. As responsible citizens, we must address the problem of juvenile crime and create conditions that encourage and promote responsible behavior from our youthful offenders.

Indeed, the essence of a positive community is the participation of concerned citizens, civic groups, local institutions, and the business community in creating conditions that foster positive development in the youth of our community.

The advisory board will concentrate its efforts on supporting the use of juvenile accountability, and at the same time, instilling values that encourage juveniles to become responsible citizens of our community.

The goals of the advisory board are:

- To promote the use of restitution and community service as a means of holding youthful offenders accountable, by providing opportunities for those offenders to compensate victims for losses suffered as a result of juvenile crime.
- To develop an employment task force that will create employment and community service opportunities in which juvenile offenders can become involved.
- To actively seek out and obtain resources in the community that can help augment program needs.
- To encourage community support for the restitution program through a collaborative effort of youth service agencies, local government, the private sector and concerned citizens.

Unit O:

Developing Support for Restitution Programs

Suggested time: 2½ to 6 hours

Merry Hofford
Manager
Technical Assistance
National Council of Juvenile
and Family Court Judges

Trainer's notes:

A broad base of support from both the community and the justice system has proven to be critical to the successful development and institutionalization of restitution programs. Programs that recognize the advantages of strong community relations at the very outset will have substantially fewer barriers to overcome, and will reap greater benefits from their efforts.

Effectiveness in community relations requires more than an awareness of the need for activity in this area. Program leaders need to be diplomatic, politically astute, and in possession of a solid philosophical base. They, or others on the staff, will also need to develop skills not commonly called for, or taught, in juvenile justice. These include professional networking, staffing boards, maintaining volunteers, developing promotional materials, public relations, or working with the media.

20 min.

I. Introduction

A. Workshop objectives

1. Participants will increase their awareness and appreciation for the roles of internal and external support systems in restitution programs
2. General issues important for consideration prior to initiating community relations activities will be discussed
3. Mechanisms for the development of internal support systems will be presented and practiced; particular emphasis is placed on those already within the system, community boards, and volunteers
4. The "three P's"--Public Relations, Publicity, and Promotion--establish the framework for external community support; participants will learn methods for accomplishing each

B. Group introductions and expectations (Group exercise #1, page O-11)

45 min.

II. Overview of the issues

A. The politics of restitution

1. How attractive the concept is to conservatives, liberals, victims, kids, staff, and others
2. The importance of developing alliances that are appropriate and mutually supportive
3. Understanding what your program has to gain from a high level of community support
 - a. Positive feedback makes people feel good about their jobs

- b. Increases the willingness and desire of other individuals and organizations to align themselves with you
 - c. Decreases likelihood of expressed criticism
 - d. Vastly increases opportunities for funding-- both public and private
 - e. Hastens institutionalization process when community wants program
 - f. Support will already be there when the time comes that the program needs it, e.g., budget cuts or a serious incident with a juvenile
4. Understanding what your supporters get from their alignment with you, and that it is your job to see, that they get it
- a. Judges and politicians want credit for doing the right thing; if elected, they want high visibility
 - b. Victims want a sense of satisfaction (not necessarily money)
 - c. "The Department"--wants you to make its job easier and wants some of the credit for participating
 - d. Community leaders--want to be part of the solution to the crime problem; some want high visibility; they too want credit for their support
 - e. Volunteer service providers--want to feel their contribution makes a difference at the organizational or kid level; they also want to be appreciated
 - f. Other organizations--such as United Way, Chamber of Commerce, Junior League will want to use the restitution program as a shining example of the effectiveness of their own organization in carrying out its mission
 - g. Group exercise #2 (page O-12)
5. Some considerations and cautions related to development of a high community profile
- a. Community support takes considerable and ongoing effort on the part of program staff; though duties might be divided up, an estimate is 1/2 to 1 full-time position
 - b. Often community relations work must be done outside of regular hours--boards and other organizations meet at night, radio talk shows are at 7:00 a.m. Sunday, feature stories require weekend projects, etc.; the work can also be quite irregular--e.g., a flurry during campaign months
 - c. High community visibility can backfire when something goes wrong--higher expectations from the public, more media coverage, more concerned or disappointed supporters
 - d. The support and alliances you develop will often require compromises

- e. It may be that because of the organizational context of your program, external and/or internal support is not necessary or particularly desirable

B. Project stance

1. Important aspect of both internal and external relations is the creation of a positive framework; this carries over into:
 - a. Program philosophy and operations
 - b. Publications and written communications
 - c. How others will perceive the program, its staff and future events
2. Creating and presenting a positive attitude involves:
 - a. Truly having a positive perspective
 - b. Leadership and energy
 - c. Effective and positive handling of problems
 - d. Always taking the positive approach in communications (example: we have a 75 percent success rate, as opposed to we have a 25 percent failure rate)
3. Solid reputation for professionalism in all that the program does is crucial, particularly with a high profile; some tips include:
 - a. Know whereof you speak or do not speak
 - b. Always have reliable data, facts, laws, background; if a piece is missing, admit it; never make anything up
 - c. Be very careful to protect the confidentiality of your program participants
 - d. If the program makes a mistake, accept full responsibility and take immediate steps to correct it; the public is incredibly forgiving so long as they don't feel they are being lied to
 - e. Keep your program's mission in sight; PR is a means to an end--it is not the end
 - f. Never, ever publicly blame or embarrass another individual or organization
4. A proactive stance will enroll others in your cause; invite them to participate with you as opposed to waiting for them to ask; this enables the project to pick and choose its alliances and to do so at a pace that is effective and comfortable
5. Group exercise #3 (page O-13)

60 min.

III. Internal system supports

- A. Professional and organizational networking
 1. Best to start this at the stage of program design--get approvals, cooperative agreements, etc., from all crucial system actors
 2. Cover all bases
 - a. Judges--support is essential
 - b. Other justice system professionals
 - c. Allied service providers--treatment agencies, job service
 - d. Law enforcement
 - e. Victims' organizations
 - f. Community planning and funding groups
 3. Maintain this network on a daily basis

- B. Community advisory boards and boards of directors
 1. Provide perhaps the greatest return for your efforts--immeasurable talent, support, connections
 2. Board members should be selected with almost excruciating care and purpose; some tips include:
 - a. Assess each candidate's assets and liabilities relative to your program
 - b. Each person should fill a previously identified slot or need
 - c. Each person should be a potentially suitable chairperson--you never know who will end up in that position
 - d. The board should be well-balanced geographically, politically, by race, age, and sex
 - e. Avoid board members who duplicate staff skills
 - f. Group exercise #4 (page O-14); Handout #1 (page O-15)
 3. Boards should be used creatively and kept busy; board meetings should be well-run and have substance--hold meetings only as often as they are really needed; examples of services board members can perform:
 - a. Review all program accounting procedures; arrange for no-cost audit
 - b. Provide legal advice
 - c. Review or establish adequate insurance package
 - d. Public speaking
 - e. Present funding requests
 - f. Open the door to a foundation or corporation
 - g. Arrange media coverage
 - h. Recognize volunteers--act as master of ceremonies
 - i. Make difficult decisions
 - j. Review or establish all personnel policies and practices
 - k. Represent program when it is under fire
 - l. Develop both internal and external support through their own personal contacts

- m. Teach job skill classes or actually supervise community service work projects
 - n. Gain private sector job slots
 - o. Lobby
 - p. Group exercise #5 (page O-16)
4. There are also some cautions about boards:
- a. They too have needs that you must be willing to meet
 - b. Staffing a board takes skill, time, and considerable effort
 - c. Boards may make decisions not in line with your own preferences
 - d. Occasionally board members may want to run the program on a day-to-day basis or may present other problems that are hard to control

C. Volunteers as service providers

- 1. Volunteers from the community can be a great asset to your program in many ways
 - a. They provide needed services and free up professional staff
 - b. They provide "grass-roots" community support
 - c. In numbers, they give you a political power base
 - d. They add diversity and enrichment to your program activities and image
 - e. They will have personal ownership and investment in the continuation of the program
 - f. They provide unbiased testimonials to the effectiveness of your program
 - g. Volunteers develop a more realistic community perspective on dealing with juvenile delinquents
 - 2. Volunteer management, once again, takes skill, time, and effort on the part of the professional staff
 - a. Select volunteers as carefully as you select staff
 - b. Provide both orientation and ongoing training
 - c. Tell volunteers specifically what you want them to accomplish--use job descriptions
 - d. Provide constant acknowledgement of their generous contributions
 - e. Recognize special efforts by volunteers on a regular basis--newsletter or newspaper articles, awards, annual banquets
 - f. The needs of volunteers vary widely, from work experience to social contacts, to desire to help out a kid; you must be willing to actively meet their various needs
- D. Discussion question: What are some of the liability issues that arise when using volunteers as service providers? Board members?

IV. External community support

- A. Public relations--the relations of an organization with the general public
 1. Strategies include:
 - a. Getting our message across to the widest possible audience
 - b. Documenting program activities and accomplishments (accountability is a two-way street)
 - c. Soliciting volunteers and funds
 - d. Shaping, confirming, and maintaining public opinion
 2. A cooperative, working relationship with the media is central to the strategies listed above
 3. Discussion question: If your mission is to work with delinquents, how can you justify so much staff time devoted to public relations and volunteers?
- B. Publicity--is any information or action that brings your restitution program to public notice
 1. Good public relations requires that you manage your publicity; don't let the media manage it; don't let publicity manage you
 2. Use all forms of media to obtain publicity; you must do that with skill; some tips include:
 - a. Get your stuff to the right person, i.e., news to assignment editors, PSA's to public service director, radio and TV talk show request to the producer; don't send stuff to a "title"--use names
 - b. Get to know some people in the media--professionally and socially; a good way to meet them is to join the local Ad Club or put them on your board
 - c. Be aware of the variety of media channels including television, radio, newspapers (daily and weekly), magazines, direct mail, outdoor advertising, and special events
 - d. Understand the various constraints faced by media personnel; these include timing, editorial policy, space limitations, and deadlines
 - e. Give major local media a background file on your program that includes history, funding, board members, spokespersons, current facts, and possibly, a few pictures or slides; this makes a much more attractive (ready, easy) story

- f. Follow the prescribed formats for news releases, PSA's, editorials, press conferences, etc.; if you don't know, ask someone (Handouts #2-4, pages O-20 through O-22)
 - g. Keep in touch--send your media contacts a newsletter, new brochures, exclusive story; always follow up good coverage with a note of appreciation
 - h. Don't hesitate to say no to the media or to demand changes or clarifications; often you can require a final approval by you prior to publication
4. It helps your cause to be creative--you want your program to stand out from all the others clamoring for attention
 - a. Use real people and real stories--satisfied victims can be great
 - b. Keep written copy short, to the point, and full of imagery; if the reader can't find himself in the first 20 words, you've lost him
 - c. Grab people's attention--try a donated billboard series, use a loud or unusual sound on the radio, catchy colors, famous people
 5. Lastly, be persistent--too much publicity will make your program "old news" pretty fast, but you do need to have a steady variety of publicity; when a newsworthy or interesting event happens, let the media know about it and occasionally, create the "news" you need
 6. Discussion questions:
 - a. Is it necessary for a restitution program within an already-funded government agency to be so concerned with the external support (media, etc.)?
 - b. What can a program do when there is little or no desire or skill on the staff to engage in media and public awareness activities?
- C. Promotion--furthers the growth of a cause or establishment
1. Public relations and publicity are two very public means to promote the cause of restitution, services to juveniles, accountability; they also contribute to the growth or institutionalization of your program
 2. It is important not to let your message get lost; keep the message clear and simple and use it in every form of PR; for example "We Care About Victims" or "Restitution is Accountability"
 3. Promotion also goes much beyond the publicity and public relations aspects; it relates to the furtherance of your mission and may include:

- a. Changing court, government, or other agency policy and procedures
 - b. Promoting and participating in causes like Victims' Rights Week
 - c. Keeping legislators, policymakers, and elected leaders informed
 - d. Drafting and/or supporting passage of appropriate legislation
 - e. Keeping other groups involved in your cause-- such as the Chamber of Commerce, and service and professional organizations
 - f. Helping other programs get started
4. Become a leader, authority, writer, and spokesperson in the field--the media and policymakers will be coming to you for help
 5. Discussion: Discuss public policy and/or legislative issues in your area that are potentially impacted by your program's promotional activities

D. Group exercises #6-7 (page O-17 and O-18)

30 min.

VI. Review and wrap-up

- A. Issues
- B. Internal support
- C. External support
- D. Group exercise #8 (page O-19); Handout #5 (page O-23)

Teaching Aids

Group exercise #1

Use flipchart to list expectations of group members.

Group exercise #2

Use flipchart to list examples from the group of appropriate and inappropriate program alliances. Discuss what each party on the appropriate list gains from alliance, what the program gains. Discuss why there would be problems in alliances with those on the "inappropriate" list.

Group exercise #3

Role play--Divide into small groups. Given situation X (develop sets of difficult situations), show it can be handled positively. Examples: Johnny is accused at the worksite of stealing money from other workers; or the local victims' organization has gone to the judge to complain that too many juveniles are ordered to complete only community service.

Group exercise #4

Divide into small groups (preferably geographical). Have groups develop the "ideal community advisory board" of 12 individuals; list purpose of each person. Additionally or alternatively, have groups develop list of whose (individuals and groups) support is crucial to a restitution program; who is desirable.

Group exercise #5

Use flipchart to list suggestions from group about the kinds of services board members can provide.

Group exercise #6

Divide into small groups: 1) quickly write a catchy 20-second radio public service spot for your program (figure 2 words per second); 2) using a piece of 8 1/2 x 11 paper, draft a brochure for promoting your program.

Group exercise #7

Role play--Divide into small groups and conduct live TV news interviews.

Group exercise #8

Divide into small groups--develop 10 specific and measurable objectives designed to increase your program's internal and/or external support over a 12-month period.

Handout #2

Television

Television offers a great opportunity to reach a large audience. All area stations devote time to public service, health and welfare news, and public service information.

News: If your agency is involved in an event with considerable mass appeal, television stations will often send a reporter to cover it. Send a release to the news director several days in advance and call the day before the event as a reminder. Because of time limitations, it is often more difficult to get news coverage on television than it is on other mediums. Only news with a "visual" quality is best for television; meetings and conferences simply aren't visually exciting.

Spot announcements: For short announcements, include a 16 or 35 mm color slide with the copy. Mount each slide in glass, bind with tape, and label clearly. Video spots are also acceptable. Standard format only: 2-inch reel-to-reel or 3/4-inch video cassettes. Photographs are okay, but slides and video are preferred.

News releases and public service announcements (PSA's) should be submitted in the standard form.

Remember to:

- * type all copy, double-spaced, 8 1/2 X 11 paper, on one side only;
- * include agency name, address, phone and contact person(s);
- * include the five W's (who, what, where, when, and why) and all important dates;
- * include the air time of your copy.

10 seconds - 20 words - 1-2 visuals
20 seconds - 30 words - 2-3 visuals
30 seconds - 60 words - 3-4 visuals
60 seconds - 120 words - 6-10 visuals

Handout #3

Radio

News

Radio news is often fun to work with and can reach a widespread audience. Many area stations will accept news items if they are newsworthy, have human interest, and are ready for the air.

News is sent in to news directors on a release much like a print news release. However, your writing style should differ when writing for radio. Radio news should be easy on the ear. Try to write in an informal, conversational style. Make the copy pleasant sounding and interesting. Keep the information short and sweet. No broadcaster will want to read a long, complex story. Remember to phone spot news to the news director as early as possible.

A radio release should:

- * be on 8 1/2 X 11 paper, keep it down to one page;
- * be written in third person;
- * be typed in CAPS;
- * have no words hyphenated at the end of a line;
- * have phonetic spellings for hard-to-pronounce names;
- * clearly indicate all important dates, times and places, preferably at the front and close of release.

Public Service Announcements

Offer a good opportunity to concentrate on one idea and to motivate the audience through it. It is best to choose words that create a visual image for the elderly. You will best reach your target on an easy listening or western format station.

When sending PSA's to the station, make sure each contains the agency name, address, phone, title of the program, length of announcement, and the time period in which it is to be aired. Be sure to send PSA's 10 days in advance of airing date.

Acceptable PSA lengths:

<u>Seconds</u>	<u>Words</u>
60	125 average
30	66 average
20	40 (20-second spots are infrequently aired)
10	20 average

Handout #4

Newspapers

Many area newspapers are civic-oriented and quite cooperative. Do not take advantage of this. Submit releases that have news value. Disguised advertising is easily detected and will tarnish your reputation with editors and reporters.

Planned news items of high importance should be sent to the editor in news release form. Spot news, that which is an unusual or spontaneous happening, should be called in to the city editor.

News Release Guidelines:

- * Always type, double-spaced with wide margins;
- * Use 8 1/2 X 11 paper, one side only;
- * If you must make copies, use Xerox, no carbons;
- * All paragraphs should be indented;
- * End a page with a complete paragraph;
- * If release continues onto another page, type "MORE" on the bottom;
- * Finish the release with -30- or #####;
- * Be sure your release includes your agency's name, address, phone number, contact persons, and release date.

In your release, try to answer who, what, where, when, and why in the first or second paragraph. Save less important details for the end. Keep your words, sentences, and paragraphs short and concise. Write tight.

Remember not to editorialize. Words like "significant" and "tragic" are opinions and should not cloud the facts in your release.

If you would like a photo to accompany your release, enclose one that shows action or conveys an emotion. Group pictures are dull to anyone not involved with the group. Let your photo "sell" the story.

Community Relations: Community Relations Plan

<u>Objectives</u>	<u>Activities</u>	<u>Dates</u>	<u>Staff</u>	<u>Resources</u>	<u>Costs</u>	<u>Evaluation</u>
/		/	/	/	/	/
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Unit P:

Managing Restitution Programs

Suggested time: 2 hours

H. Ted Rubin

Senior Associate for Juvenile
and Criminal Justice

Institute for Court Management
of the National Center for State Courts

Trainer's notes:

Participants at this session will learn five dimensions of restitution program management: managing program personnel, managing relationships with job sites, managing restitution payments, managing relationships with the juvenile justice system, and managing program information.

Skilled management is a critical ingredient of an effective restitution program regardless of the size of the jurisdiction or the number of juveniles performing restitution. While larger agencies have more resources to allocate to program management, smaller programs also need to pay strong attention to the management perspective presented here. The principles are applicable to all programs, though implementation approaches will vary from program to program.

In this workshop the participant will learn that:

- Different program approaches require different personnel skills and that personnel management procedures will further the achievement of program goals;
- Managing relationships with community service job sites requires carefully thought through procedures;
- Written policies and procedures should guide all aspects of restitution programming, including payment and disbursement of financial restitution;
- Judges and other juvenile justice system officials must be involved in the design and ongoing assessment of a restitution program; and
- Statistical data need to be collected, aggregated, and used managerially to accomplish program goals.

25 min.

I. Managing program personnel

- A. Type of staff in relation to program philosophy and the staff functions needed
 - 1. Different programs have different purposes and emphases and require different types of staff
 - 2. If primary emphasis is collecting financial restitution, and if juveniles are "on their own" to find jobs, staff qualifications require:
 - a. Excellent negotiators
 - b. Attitudes of fairness with firmness
 - c. Skills in assessing victim claims
 - d. Knowledge of court procedures and bookkeeping procedures
 - e. Efficiency

3. If a program significantly assists juvenile job finding, a staff job developer needs different skills:
 - a. Knowledge of the community and private and public sector employers
 - b. Ability to bring employers into the program
 - c. Skill in developing contracts for juvenile work crews
 - d. Competency in matching juveniles to particular jobs
 - e. Sensitivity that a juvenile should still sell his/her abilities to an employer
4. Restitution mediators need other specialized skills
5. Work crew supervisors need different skills, etc.

B. Job descriptions

1. Written job descriptions should spell out:
 - a. Particular qualifications of the employee
 - b. The different job functions
 - c. The requirements of the job
 - d. Overhead transparency #1 (page P-10)

C. Performance evaluation

1. Accountability applies to staff as well as to juveniles; foundations for performance evaluation include:
 - a. An employee's job description
 - b. An annual performance plan the employee should develop
 - c. Supervisor reviews of employee work products
 - d. Regular supervisory conferences
2. Performance evaluations should be done for new employees after 3 to 6 months and annually thereafter
3. Performance evaluations have several purposes:
 - a. Assess work performance
 - b. Determine job aspects done well and less well
 - c. Set future goals
 - d. Clarify job requirements and procedures
 - e. Provide for employee agreement or disagreement

D. Caseloads

1. Caseloads will depend on philosophy, staffing structure and responsibilities, and operational nature
2. Can range, e.g., from 17 (intensive) to 82 (specialized restitution case probation workload with victim-offender mediation duties) to 800 (negotiating, arranging financial payments only)

3. Workload is a different concept and is based on determining how much time each subfunction should require, multiplying the number of times each subfunction is to be performed per case per month, and factors in time needed for supervisory conferences, training, vacation/holidays; a desirable workload norm can then be calculated, using the number of working hours per month
4. There are no national caseload or workload standards

E. Staff training

1. Initial and ongoing
2. Basic, advanced, and specialized

F. Staff supervision

1. Goals include:
 - a. High-level job performance
 - b. Compliance with written policies and procedures
 - c. More uniform decisionmaking
 - d. Improved program execution
 - e. Improved enforcement

G. Volunteers

1. Volunteers include job site supervisors
2. Other volunteer functions include:
 - a. Find community service job sites
 - b. Find paid work opportunities and job slots
 - c. Assist work crew supervisors
 - d. Participate in job skills development training
 - e. Assist juveniles on a one-on-one basis
 - f. Develop supplementary medical, dental, vocational, and other services for juveniles
 - g. Serve as board members for private restitution agency advisory board members for probation or publicly-sponsored restitution program
 - h. Design graphics for report or logo
 - i. Help with typing and filing
3. Care is needed in recruiting and selecting volunteers; volunteers should have written job descriptions, performance evaluations, training, and supervision

15 min.

II. Managing relationships with job sites

A. Community service job sites

1. Placements should be consistent with program philosophy, should provide benefits to the juvenile and the worksites, and convey the offender's accountability to the victim, the public, and the juvenile

2. Many programs prefer to place just one or several juveniles at a site; here, job sites should:
 - a. Handle juveniles as individuals
 - b. Make reasonable demands
 - c. Provide supervisors that are interested in juveniles and their work assignments
 - d. Provide useful work in addition to work that furthers both good work habits and skills
 - e. Maintain records and report candidly to the restitution agency
 - f. Attend restitution agency training sessions
 - g. Sign written agreement of responsibilities including adherence to child labor laws
3. Job sites need to develop written job descriptions (Overhead transparency #2, page P-11)
 - a. Restitution program staff need to make good matches between a juvenile and a job site based on:
 - 1) The work task
 - 2) Particular supervisor's capabilities
 - 3) Logistics
 - 4) The youth's age, interests, skills, and time available for work
4. Preferably, there is a looseleaf job site directory that describes the different job sites, includes job descriptions, and is used by juveniles to suggest tentative choices for their assignment (staff may suggest a different site to achieve a better match)
5. Preferably, a meeting is held at the job site where program staff, job site supervisor, and juvenile each may decline the assignment
6. Following placement, program staff should visit job sites to:
 - a. Observe juvenile in work setting
 - b. Gain further information about job requirements
 - c. Evaluate appropriateness of work
 - d. Determine accuracy of job description
 - e. Ascertain adequacy of supervision
 - f. Obtain supervisor's evaluation of juvenile
 - g. Obtain juvenile's evaluation of job site
 - h. Mediate concerns
7. Job site evaluations
 - a. Of juvenile (Overhead transparency #3, page P-12)
 - b. Of job site by program counselor
 - c. Job sites not used for some time should be contacted periodically to demonstrate interest and learn of new work tasks
 - d. Some job sites will need to be terminated for deficiencies that cannot be mediated successfully
 - e. An annual awards luncheon can recognize outstanding job site supervisors and be combined with a training program

B. Paid job opportunities

1. Where rotating job slots can be created in the private or governmental sectors, the needed tasks include:
 - a. Job descriptions developed
 - b. Reporting forms completed
 - c. Criteria for warnings and job terminations clarified
 - d. Child labor restrictions observed
 - e. Payment mechanisms approved
 - f. Policies approved limiting a juvenile's earnings so that a job can rotate, or, alternatively, establishing conditions under which a juvenile may retain a job after completion of restitution payments

10 min.

III. Managing restitution payments

A. Decisions to be made

1. Need for written policies regarding form of payment (Cash? Check? Money order?). Who can receive payments?
2. Whether administrative surcharges shall be charged the juvenile for bookkeeping, check issuance, mailings
3. Policies for when disbursements shall be made and for disbursements to multiple victims

B. Other procedures

1. Juvenile should receive an account form and payment schedule
2. The bookkeeping unit will require a manual or automated system that includes:
 - a. Accounts receivable or offender ledger
 - b. Accounts payable or victim ledger
 - c. Control account ledger
3. Also, a restitution trust checking account may be used
4. A recommended disbursement policy:
 - a. Accept checks
 - b. Hold checks no more than 14 days
 - c. Disburse to victims each 3 months, more speedily if \$100 or more is paid
 - d. Individual victims ahead of other victims or court-related costs
 - e. Complete payment to first offense victim before making payments to a second offense victim
 - f. Proportional payment if multiple victims
5. When you go back to your job, check out your disbursement policy against this approach

15 min.

IV. Managing relationships with the juvenile justice system

- A. Involvement of judges and other officials
 - 1. Critical at a program's onset and continuously
 - 2. Vital for policy development and preparing written procedures
- B. New judges should sign off on existing policies and procedures
- C. Approvals should include such policies and procedures as:
 - 1. Program eligibility criteria
 - 2. Program procedures
 - 3. A community service hours matrix or grid
 - 4. Provisions for disclosure of record information (preferably by the juvenile) and duty to restrict placement/employment or warn job site supervisors/employers
 - 5. Enforcement criteria and procedures
 - 6. Accident and liability coverage
 - 7. Payment and disbursement procedures
- D. Information provided the system facilitates good working relationships
 - 1. Noncourt restitution agencies should provide individual case progress reports to probation officers, prosecutors, and defense attorneys
 - 2. Probation departments should provide similar reports to the legal personnel
 - 3. Overhead transparency #4 (page P-13)
 - 4. Attached to the report is a list of counselor contacts with the juvenile and job site supervisor, a record of late or "no shows"--excused and unexcused--and a job site performance evaluation
 - 5. Monthly and annual restitution data should be shared with the system, and a review and planning meeting should be held at least annually; ad hoc meetings of all types are also necessary
 - 6. Candid accounting is the best approach:
 - a. Frank reporting when juveniles default
 - b. Advising officials when a juvenile injures himself or others at a worksite
 - c. Enforcement hearings with major defaults

10 min.

V. Managing program information

- A. Monthly, year-to-date, and annual data collection are aggregated from:
 - 1. Referral forms
 - 2. Case action forms

- B. Program management and juvenile justice system officials need to know the financial restitution at both intake and dispositional stages:
 - 1. The aggregate number of juveniles, amounts agreed to or ordered paid and disbursed
 - 2. The average agreement or order, amount paid, and ratio between
 - 3. The number of cases terminated, the reasons for unsuccessful termination, and case rearrests
 - 4. Amounts earned or paid by juveniles on their own, by program-arranged paid jobs, and by any subsidized arrangement

- C. Community service restitution at the several stages:
 - 1. The aggregate number of juveniles, hours agreed to or ordered and worked
 - 2. The average agreement or order, hours worked, and ratio between
 - 3. The number of cases terminated, the reasons for unsuccessful termination, and case rearrests

- D. Other helpful restitution case data include:
 - 1. The average timeframe for rearrests between:
 - a. Referral and placement
 - b. The first month of placement
 - c. Other months following placement
 - 2. Victim loss claims such as the numbers requested and obtained, average of claims requested, recommended following verification, and agreed to or ordered
 - 3. Staff caseload and workload data

- E. Data such as these enable management to better determine program deficiencies and additional program directions

45 min.

VI. Review and wrap-up

- A. Attention to all five management areas facilitates program excellence and, with this, the ability of the program to widely communicate that juveniles and the juvenile justice system are accountable

- B. Group exercises (page P-14)

Teaching Aids

Overhead transparency #1

Job Description: Case Manager

General responsibilities:	Counsel juveniles Recruit volunteers Liaison with community Court reports
Specific duties:	Weekly face to face Court hearings Periodic case reports Victim-offender interviews Draft restitution plans Document victim and offender needs Visit CSR sites
Employment qualifications:	Education: B.A. Experience: 2 years

Overhead transparency #2

Volunteer Job Description

Title: Adventure ranger assistant

Major objectives:

Adventure is a 1670-period square-rigged sailing vessel maintained in sailing condition

Major responsibilities:

Assist with the general maintenance of the vessel. Greet visitors and explain the life of sailors, sailing craft, and need of colonial trade

Qualifications:

Ability to converse with the public and interest in colonial commerce; may be required to be in period clothing

On-the-job supervision:

Direct supervision

Name of supervisor: _____

Hours: _____ Days: _____

Age Preference: _____

Overhead transparency #3

Evaluation Form

Name: _____ Date: _____
Job site: _____
Address: _____

Length of employment: From _____ To: _____
Hours worked per week: _____
Supervisor/title: _____

Phone number: _____

Supervisor ratings: Please check the appropriate column

	<u>Excellent</u>	<u>Above Average</u>	<u>Average</u>	<u>Below Average</u>	<u>Poor</u>
1. Was on time for work	_____	_____	_____	_____	_____
2. Notified employer when sick or unable to be on time	_____	_____	_____	_____	_____
3. Came to work when scheduled	_____	_____	_____	_____	_____
4. Completed assigned tasks	_____	_____	_____	_____	_____
5. Attitude towards work	_____	_____	_____	_____	_____
6. Accepted constructive criticism when offered	_____	_____	_____	_____	_____
7. Got along with coworkers	_____	_____	_____	_____	_____
8. Performed tasks with minimal supervision	_____	_____	_____	_____	_____

Comments: _____

Supervisor's
Signature: _____

Overhead transparency #4

Juvenile Restitution Program Monthly Court Report

To: Judge _____ JCT. #: _____
Date referred: _____
Name: James _____ Age: _____

Legal Disposition: Probation/Restitution

Hours ordered: 150 _____ Due date: _____

Worksite: County Library SUPERVISOR: Debbie Milner

Activities:
Technical services

Evaluation of Performance:
James remains a conscientious and efficient worker. His supervisor is very pleased with his performance.

Attitude:
James is friendly and cooperative. He associates well with the library staff.

Comments:
James received an unexcused absence this month.

Hours ordered: 150.00
Hours worked: 70.75

Case manager: _____ Betty Obermeier _____

Group exercises

Here are three sets of management data. These exercises are designed to be used one at a time, or all three as one combined exercise. Participants should be asked as a small group, or first individually and then in a small group, to record their responses and feed back these responses to the larger group.

1. What does this information suggest?
2. What changes might be made to improve program effectiveness?
3. What additional information would be useful to know that is not presented here?

Victim Loss Claims

Average victim claim	\$275
Average staff recommendation	\$225
Average judicial order	\$150

Financial Restitution

Average order: \$150.00
Average amount paid: \$86.87

	<u>Hearing Date</u>	<u>30 Days</u>	<u>60 Days</u>	<u>180 Days</u>	<u>365 Days</u>
Full payments made (N = 185)	10	25	30	50	70
Percent	5	14	16	27	38

Community Service Restitution

Average order: 86 hours
Average performed: 63 hours

	<u>30 Days</u>	<u>60 Days</u>	<u>180 Days</u>	<u>365 Days</u>
Completion achieved (N = 160)	5	50	75	30

Unit Q:

Management Information Systems in Juvenile Restitution Programs

Suggested time: 8 hours

Keith Bumsted
Director
Administration and Technical Services
National Center for State Courts

Trainer's notes:

The purpose of this curriculum is to set forth a framework for the development and integration of automated management information systems (MIS) to support juvenile restitution programs. After attending the outlined session, the participant will be able to (1) tailor an MIS that will meet the particular requirements of different types of juvenile restitution programs (e.g., financial restitution, community service, etc.); (2) evaluate the administrative structure that is necessary for the success of an MIS; (3) develop a system that will monitor his or her agency's progress toward meeting goals; and (4) design a system that will track individual cases and the performance of each juvenile, that will signal if important events occur as scheduled, and that will assist those responsible for the various components of the operation to take corrective action.

The instructor will conduct a step-by-step analysis of an existing system. Using sample screens (either transparencies or the use of a monitor), the instructor will examine the modules typically found in an MIS. The examination will include identification of system inputs and outputs, hardware and software requirements, inquiry features, record types (financial, case, and party), and the overall organization of the information within the system.

Beginning with the feasibility study and requirements analysis, guidelines will be set forth for all phases of system design and implementation to include identification of system objectives; cost-benefit analysis and review; staffing, organization, and planning; software selection and procurement; hardware selection and procurement; testing and modification; implementation and staff training; monitoring and evaluation; and refinements.

15 min.

I. Overview of juvenile restitution

- A. Statistics on the use of restitution in juvenile cases
- B. Types of restitution programs--i.e., financial to the victim, services to the victim, community service
- C. Problems with existing manual systems and agency caseload

15 min.

II. Introduction to management information systems

- A. Collection, storage, manipulation, and reporting of information
- B. Administrative structure for an MIS should:
 - 1. Establish reasonable and measurable goals
 - 2. Monitor the agency's progress toward meeting those goals
 - 3. Track individual cases and performance

4. Signal when important events occur or fail to occur when scheduled
5. Enable those responsible to take corrective action when necessary
6. Prepare required reports for program evaluation and review

C. Advantages to automation of an MIS

1. Redundant data entry and recordkeeping eliminated
2. Information available immediately at all locations
3. Calendars and notices printed quickly and easily
4. Comprehensive management reports produced
5. Financial activities effectively monitored

D. Definitions and terminology to be used in the session

1. Explain relational database applications
2. Explain inputs/outputs relating to the juvenile restitution system
3. Explain records (case, financial, party)

60 min.

III. MIS Application to a juvenile restitution program

(Presentation of model juvenile program integrated with an MIS--use overhead transparencies as indicated or a monitor displaying a demo of a restitution MIS program)

- A. Basic case information (Overhead transparency #1, page Q-9)
- B. Information about the juvenile subject (Overhead transparency #2, page Q-10)
- C. Information about other parties (Overhead transparency #3, page Q-11)
- D. Financial history information (Overhead transparency #4, page Q-12)
- E. Directory or catalog of resources (Overhead transparency #5, page Q-13)

30 min.

IV. Description of basic modules/system features (display master menu on transparency or monitor)

- | | | |
|----|---|--|
| PF | 1 | Master file maintenance |
| PF | 2 | Case receipts |
| PF | 3 | Case disbursements |
| PF | 4 | Journal entries |
| PF | 5 | Case inquiries (Overhead transparency #6, page Q-14) |
| PF | 6 | Daily processing (Overhead transparency #7, page Q-15) |

- PF 7 Month-end processing (Overhead transparency #8, page Q-16)
- PF 8 Year-end processing (Overhead transparency #9, page Q-17)
- PF 9 On-demand special reports PF 10 Backup data library

5 hrs.
45 min.

V. Designing an MIS for a juvenile restitution program

30 min.

A. Feasibility analysis

Objective: To evaluate the nature of the program and the potential for improvement through implementation of an MIS; by assessing the efficiency and effectiveness of the operation of the restitution program; the cost of hardware, software, and staffing; and the value of the final work product relative to the investment in the new procedures

1. Determine type of restitution program for which the MIS will be designed
2. Evaluate the current workload, personnel, and overall system costs involved in the operation of the juvenile restitution program
3. Identify which phases of the program have the potential for automation
4. Identify potential savings in terms of time and money (personnel cost reductions, operational savings, benefits through better service, and increased likelihood of a speedier collection of restitution)

90 min.

B. Requirements analysis

Objective: To define system purpose, specify modules needed, identify system users, and identify sources of information (This step involves the specification of the type of information to be carried in the system)

1. Outline in detail the administrative structure of the agency and the program (Refer to agency operating and procedural manuals as a resource)
2. Identify the policies and procedures of the program that will constitute the substance of the MIS data requirements and reporting systems, to include:
 - a. Eligibility criteria for the program
 - b. Standardized forms to be used for subject intake
 - c. Monitoring and case closure forms
 - d. Procedures to be used in assessing victim losses
 - e. Criteria to be used in developing Victim Impact Statements

- f. Communications procedures, including the timing, preparation, and issuance of notices to the various parties as significant case events occur or fail to occur
- g. Procedures to be followed in dealing with victims
- h. A directory with descriptions of community resources for service related to employment assistance, including job rotation
- 3. Outline a database management system (DBMS) that will include:
 - a. Information about the case
 - b. Information about the other parties to the case
 - c. Case history and status (relate to records, e.g., case, party, and financial)
- 4. Small-group exercise (page Q-20)

15 min.

C. Identification of objectives

Objective: To provide examples of acceptable objectives for an MIS

- 1. The objectives to be served by the system should be stated in succinct, brief, and measurable terms

15 min.

D. Cost-benefit analysis and review

Objective: To identify costs and evaluate benefits of several alternative approaches to the problem

- 1. Include all relevant costs such as hardware, software, implementation, staff training, documentation, insurance, physical facilities, personnel changes, forms and record retention programs, additional energy expenses, supplies, furniture and fixtures, costs of installation, cabling, telecommunications
- 2. Make ongoing budgetary provisions for costs such as hardware maintenance and upkeep, currency of the software, ongoing staff training

30 min.

E. Staffing, organization, and planning

Objective: To assess the impact of the MIS on staff, organization and planning

- 1. Include impact from changes in staff responsibilities, the need for additional training, and possible realignments
- 2. Review the organizational planning process to make sure that the implications of current and future automation are included in the planning process

30 min.

F. Software selection and procurement (Overhead transparency #10, page Q-18)

Objective: To explain the implications and considerations involved in choosing various software options

1. Include in-house development, procurement from private firms (transfer systems), commercial packages
2. Review and prioritize the agency's requirements

30 min.

G. Hardware selection and procurement (Overhead transparency #11, page Q-19)

Objective: To examine the criteria for selecting hardware

1. Review printers, disk drives, and other peripherals including telecommunications equipment
2. Include a discussion on service and maintenance considerations

15 min.

H. Testing and modification

Objective: To cover procedures for testing and modifying the MIS; testing should check to see that:

1. The system is designed to accept and correctly process accurate information
2. The system has sufficient edit and validation checks built into it to detect wrong information
3. The system will reject accurate information which is incorrectly entered

15 min.

I. Implementation and staff training

Objective: To cover the three basic steps involved in this phase:

1. Development and dissemination of a user guide and system technical manual
2. The use of formal classroom training and the use of trained staff instructors to facilitate in-house training
3. A period of hands-on experience where the procedures learned can be practiced

15 min.

J. Monitoring and evaluation

Objective: To provide guidelines for setting up a monitoring and evaluation system

1. Outline a process for reviewing system performance

2. Make recommendations for resolving system deviances from the original design
- 15 min. K. Refinements
- Objective: To provide guidelines for making refinements or enhancements to the system
1. Rigorously test (as outlined above) any major changes to the original system
 2. Provide staff training and make the necessary revisions to the user guides and technical manuals
- 15 min. L. Timetable for implementation
- Objective: To provide guidelines for the suggested timetable for the complete implementation of an MIS
1. Allocate a time to completion for each phase (A transparency with each phase and the suggested time period could be displayed)
- 15 min. M. Interfacing an MIS with an accounting system
- Objective: To discuss the implications of an MIS within the larger accounting framework
1. Include a discussion on the importance of interfacing the two systems
 2. Outline how such an interface would be designed
- 15 min. N. Modern technology
- Objective: To discuss the current state of the art in technology, as applied to an MIS for juvenile applications
1. Include software and hardware developments as well as any legal implications
 2. The systems that are described can be either stand-alone microcomputers or a network of microcomputers; if the program already has the hardware in place, applications programs can be purchased or designed to run on the existing system
- 15 min. VI. Review and wrap-up

Teaching Aids

Overhead transparency #1

Basic Case Information

1. Case number
2. Case name
3. Date case filed
4. Charge/incident information
5. Court or other facility/agency handling the case
6. Judge or referee name
7. Present legal status
8. Case outcome information
9. Type of restitution program
10. Terms and conditions of restitution
11. Financial obligations and terms
12. Identification of payor
13. Identification of payee
14. Date case disposed or closed

Overhead transparency #2

Juvenile Subject Records

1. Party identification number
2. Parent identification number
3. Guardian identification number
4. Social Security number (if any)
5. Name of school
6. Address of school
7. City, State, and ZIP code
8. Telephone number
9. Contact person
10. Title
11. Employer identification number (from resource directory)
12. Approximate income
13. Frequency of payment
14. Withholding plan in effect (Y/N)
15. Other sources of income
16. Prior juvenile history--code/date
17. Other problems code (drugs, alcohol, mental health, etc.)

Overhead transparency #3

Case/Party Record

1. Case number
2. Party identification number
3. Name, including any alias
4. Address
5. City, State, ZIP code
6. Telephone
7. Party type code

JS - Juvenile subject

VM - Victim

ER - Juvenile's employer
etc.

Overhead transparency #4

Financial Records

1. Date
2. Record type code (case receipt, disbursement, etc.)
3. Transaction serial number
4. Account number
5. Case number
6. Amount
7. Description of transaction
8. Check number

Overhead transparency #5

Resource Directory Records

1. Identification number
2. Business/agency name
3. Address
4. City, State, ZIP code
5. Contact name
6. Title
7. Telephone number
8. Resource type code
9. Effective date of availability
10. Remarks/description of program

Overhead transparency #6

On-line Inquiries

1. Names of parties to cases--Soundex codes
2. Case number--docket records
3. Case comments
4. Resource directory entries
5. Financial history on individual cases

Overhead transparency #7

Daily Processing Routine

1. Master file maintenance--adds, changes, deletes
2. Case receipts and deposits
3. Cash disbursements
4. Adjusting journal entries
5. Accounts receivable accruals
6. Reports of daily activity
7. Delinquency reports prepared and notices dispatched

Overhead transparency #8

Month-end Processing Routine

1. Case summary report
2. Receipt and disbursement summary
3. Trial balance
4. Balance sheet
5. Monthly statistical reports

Overhead transparency #9

Year-end Processing Routine

1. Closed docket report
2. Receipt and disbursement summary for year
3. Annual statistics
4. Purge closed dockets/case records
5. Case summary report after purge

Overhead transparency #10

Minimum
Hardware/Software
Requirements

Microcomputer applications--up to 500-600 cases

- Memory--512 kilobytes to 1,024 kilobytes RAM
- 10 megabyte hard disk with tape backup
- 20 cps printer
- COBOL/BASIC/DOS 2.0 or higher
- Word processing, DBMS, spreadsheet, graphics optional

Overhead transparency #11

Minimum
Hardware/Software
Requirements

Minicomputer applications--up to 600 cases

- Memory--512 kilobytes to 2,048 kilobytes RAM
- 75 megabyte hard disk with disk backup--3,000 cases
- COBOL/BASIC/OS--multitasking, multiuser
- 250 lpm printer, letter quality
- Word processing, DBMS, spreadsheet, graphics optional

Small-group exercise

Participants will break into small groups and using one of their agencies as an example, will evaluate the information needed within an MIS for their system. Information will be evaluated on the following basis:

What kind of information is needed?

Why do they want to know it?

What data are included in their manual systems? What are needed in the MIS?

Each group should then report on its evaluation to the entire group; the evaluations should then be compared across the different groups, with feedback and direction provided by the instructor.

Unit R:

Evaluating Restitution Programs

Suggested time: 3 hours

Dr. Anne V. Schneider
Policy Sciences Group
Oklahoma State University

Trainer's notes:

This module covers two model evaluation designs: basic and advanced performance monitoring. The purposes are to describe in detail the basic data needed for performance monitoring and to show the kinds of evaluative information that can be produced from a relatively simple management information system.

Basic performance monitoring refers to an ongoing type of evaluation in which descriptive statistics are calculated from case-level data on a monthly, quarterly, and annual basis. The data collection instruments are summary intake forms for every case. These forms are to be filled out from an existing management information system (manual or computerized) or, if no MIS exists, these forms can serve as two of the data collection instruments within a more comprehensive MIS. The data from these forms can be tallied by program personnel (hand calculations) or entered into a microcomputer data management system (such as PFS:File or a special program written with dBASE or R:BASE).

The basic performance monitoring evaluation design does not require computerization (minicomputer or mainframe) and does not require much knowledge of statistics other than calculation of sums, averages, percentages, and other simple descriptive statistics.

The advanced performance monitoring design utilizes the same instruments and data but involves more sophisticated statistical analysis of the sort that can best be done on a minicomputer or mainframe computer using a statistical package such as SPSS or SAS. The skills required for this analysis include multivariate analysis and knowledge of statistical inference. Restitution programs that wish to have this level of evaluation may hire persons with these skills or contract with an evaluator who has statistical skills or access to a computer. More advanced forms of evaluation, such as recidivism analysis or comparisons of restitution with other options (e.g., probation, incarceration, etc.) are not covered in this module. Comparisons of components within the program (such as comparisons of victim-offender mediation cases with nonmediated cases) are included.

Persons attempting to present this training module should have a sound knowledge of evaluation research, statistical analysis, and computer use.

5 min.

I. Overview of presentation

- A. Types, purposes, and rationale of evaluation
- B. A systems approach to designing an evaluation
- C. Basic performance monitoring
- D. Introduction to Advanced Performance Monitoring

- E. Subtopics of Basic and Advanced Performance Monitoring
 - 1. Definitions
 - 2. Performance indicators included
 - 3. Examples of graphs, tables, and information produced from the evaluation
 - 4. Data needed and examples of instruments
 - 5. Type of computerization recommended
 - 6. Difficulty level and skills needed to carry through with the evaluation
 - 7. Type of statistical analysis
 - 8. How to design the instruments
 - 9. How to collect the data and ensure reliability
 - 10. Explanations of the statistical analysis
 - 11. How to interpret the data
 - 12. Cautions about causality

10 min.

II. Types of evaluation designs for restitution

- A. Performance monitoring (basic and advanced)
- B. Recidivism evaluation
- C. Cost or cost effectiveness
- D. Victim attitudes and perceptions (impact on victims)
- E. Professional and community attitudes (surveys of judges, probation, businesses, etc.)
- F. Juvenile attitudes and perceptions (interviews with juveniles in the program)
- G. Implementation analysis (analysis of implementation and operation of component parts, such as victim-offender mediation, financial restitution, community service)

(Of all these types of evaluation, basic and advanced performance monitoring are probably the most essential and many of the others cannot provide much information unless the performance monitoring evaluation is in place)

5 min.

III. Purpose of evaluation

- A. The purpose of evaluation is to produce scientifically valid information that is useful for a variety of constituencies
 - 1. External constituents
 - a. Victims
 - b. Judges and probation officers
 - c. Juveniles and parents
 - d. Legislators

- e. Law enforcement officers
- f. Prosecutor
- g. County or city government
- 2. Internal improvement
 - a. More effective
 - b. More efficient
 - c. More fair

B. Why evaluate?

- 1. Some people say, "If it ain't broke, don't fix it." Others say "How can we do better?" If something is broken, you don't need evaluation to tell you that--you need evaluation to tell you how to fix it; if it isn't broken, you need evaluation to tell you how to improve.
- 2. Think of the program and how well it is performing; the basic questions of evaluation: How well is the restitution program working? Could we do better?

30 min.

IV. A systems approach to designing an evaluation

- A. Think of the program as a "system" with inputs, standard operating procedures, outputs, and outcomes (Overhead transparency #1, page R-8)
- B. The inputs include resources (money, people), policies that constrain or guide the program, and demands for service (i.e., referrals to the program)
- C. The standard operating procedures include program components (such as monetary restitution, community service, job orientation seminars, mediation, and other specific, identifiable components or within-program programs)
- D. The outputs and outcomes are the goals and objectives that you want to achieve; performance indicators are data that provide some information about how well the program is doing; the actual performance indicators vary from one program to another, but some examples are: payment rate, successful completion, recidivism rate, cost per case, victim satisfaction, system satisfaction (e.g., judges' attitudes toward the program)

30 min.

V. Basic performance monitoring

- A. Definition (Overhead transparency #2, page R-9)
- B. Performance indicators

- C. Examples of the kinds of graphs/data a program will have from a basic performance monitoring evaluation model (Presenter should use actual information from his or her own evaluations or resources presented in attractive formats)
 - 1. Activity levels over time
 - 2. Profile of cases (Overhead transparency #3, page R-10)
 - 3. Amounts ordered and paid (Overhead transparency #4, page R-11)
 - 4. Successful completion rates (Overhead transparency #5, page R-12)
 - 5. In-program recidivism rates (Overhead transparency #6, page R-13)

- D. Requirements for the basic performance monitoring (Overhead transparency #7, page R-14)
 - 1. Data needed
 - 2. Computerization?
 - 3. Difficulty level

- E. Criteria for drawing conclusions from basic performance monitoring
 - 1. No criteria (intuition)
 - 2. Absolute standards
 - a. Program goals (not advisable)
 - b. State or national standard (none exist)
 - 3. Comparison (the preferred way)
 - a. With the past
 - b. With program comparisons (see Advanced Performance Monitoring, Section VI)
 - c. Cross-program comparisons

- F. How to design the instruments
 - 1. Design a summary intake form that can be filled out from data contained in the file of youth referred to the program (Handout #1, page R-15)
 - 2. Design a summary closure form that can be filled out when the case is closed (Handout #2, page R-17)

- G. How to collect the data and ensure reliability and validity
 - 1. Reliability--are the forms filled out the same way by different persons? Are they filled out the same way from one month to the next? To have reliable data, there must be a person specifically in charge of the data collection who supervises the data collection and who personally verifies the forms by

spot-checking the accuracy and by comparing forms filled out by different individuals

2. Validity--"face validity" refers to whether the data measure the concepts they seem to be measuring; for example, if the form says "prior arrests," is that what actually is being written in, or is it "prior referrals to court?"

H. How to analyze the data (addition, averaging, percentages)

I. Cautions about causality

1. One cannot infer cause and effect simply on the basis of comparisons of means or percentages across groups
2. If the successful completion rate for victim mediation cases is higher than for nonmediated cases, this could be caused by mediation, but it also could be caused by something else--such as the fact that the persons in the mediated sessions may have been easier cases to begin with; this is called "selection bias"
3. To infer causality, one must have careful statistical analysis utilizing either experimental or quasi-experimental designs

10 min.

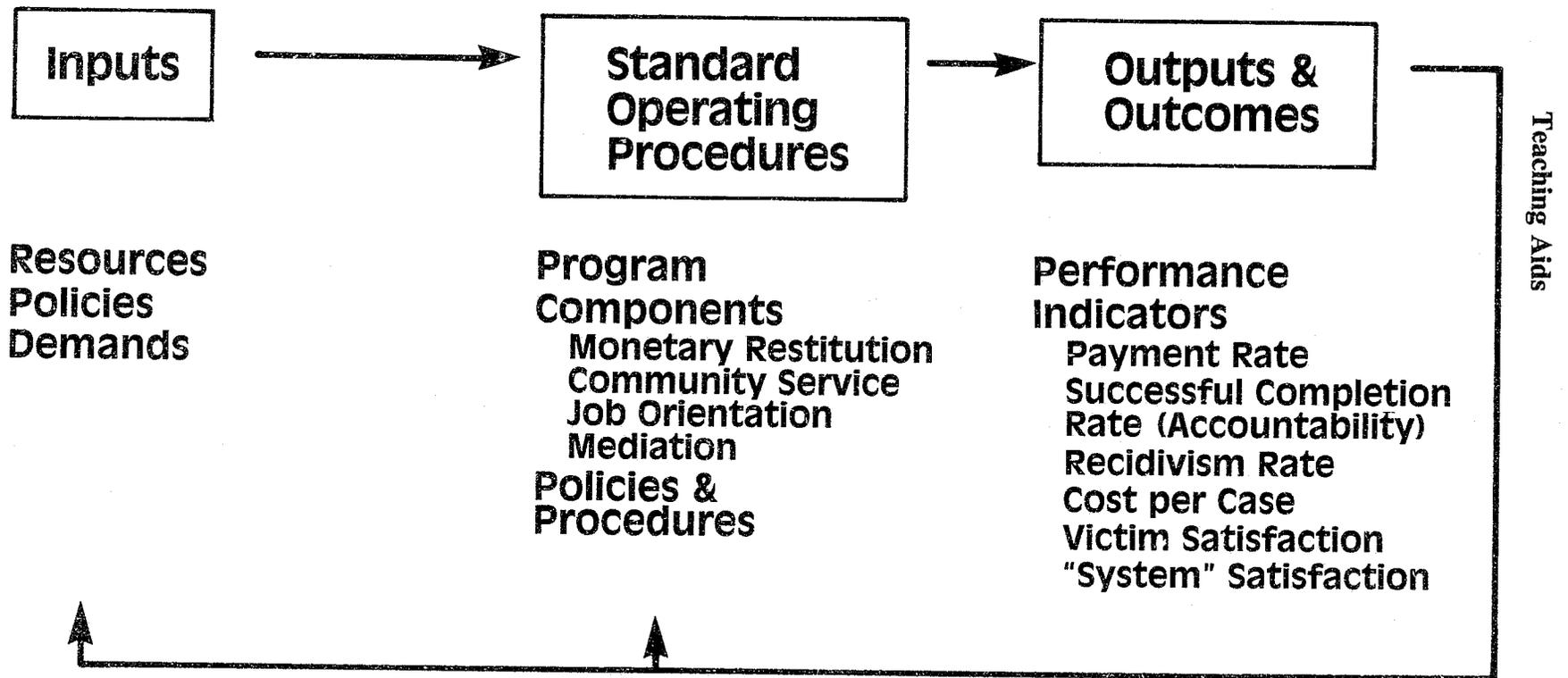
VI. An introduction to advanced performance monitoring

- A. Uses the same data as Basic Performance Monitoring
- B. Involves more extensive in-program diagnostics and analysis
- C. Requires computerization (minicomputer or mainframe with access to SPSS, SAS, or other statistical packages)
- D. Requires statistical expertise and evaluation research design, multivariate analysis, and statistical inference
- E. Examples of output (Overhead transparencies #8-9, pages R-19 and R-20)

90 min.

VII. Group exercise (page R-21)

Think of the Restitution Program as a "System"



Overhead transparency #2

Performance
Monitoring

Definition:

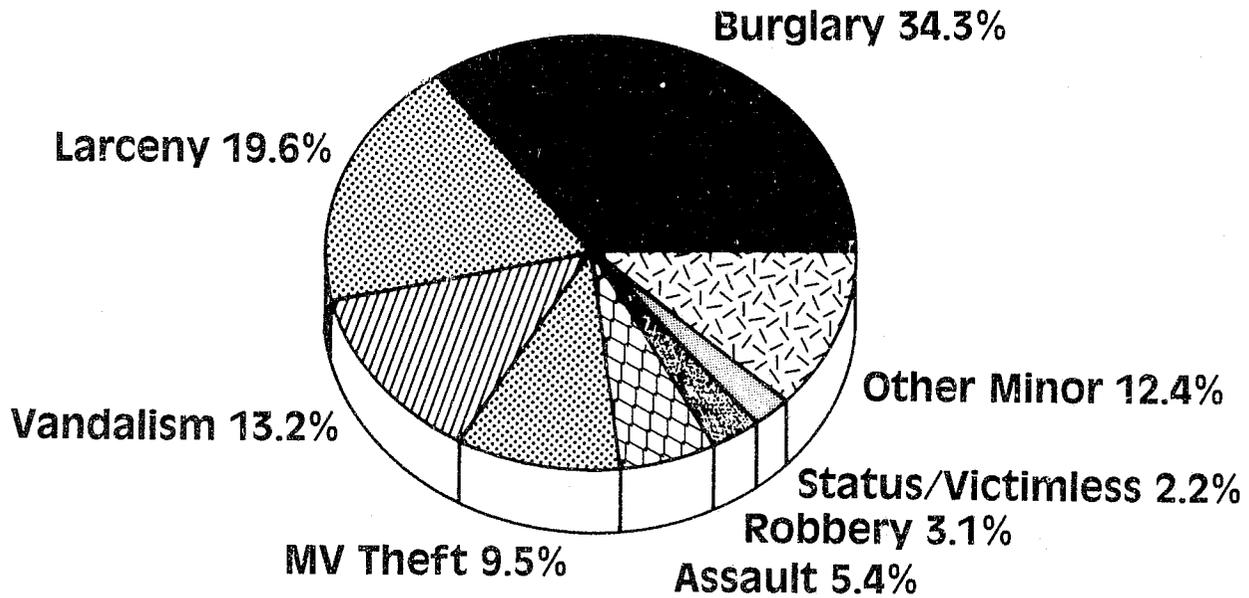
Regular, continuing measurement
of selected indicators or performance

Performance Indicators:

Activity levels
Profile of cases
Amount paid or worked
Collection rate
Successful completion rate
In-program recidivism

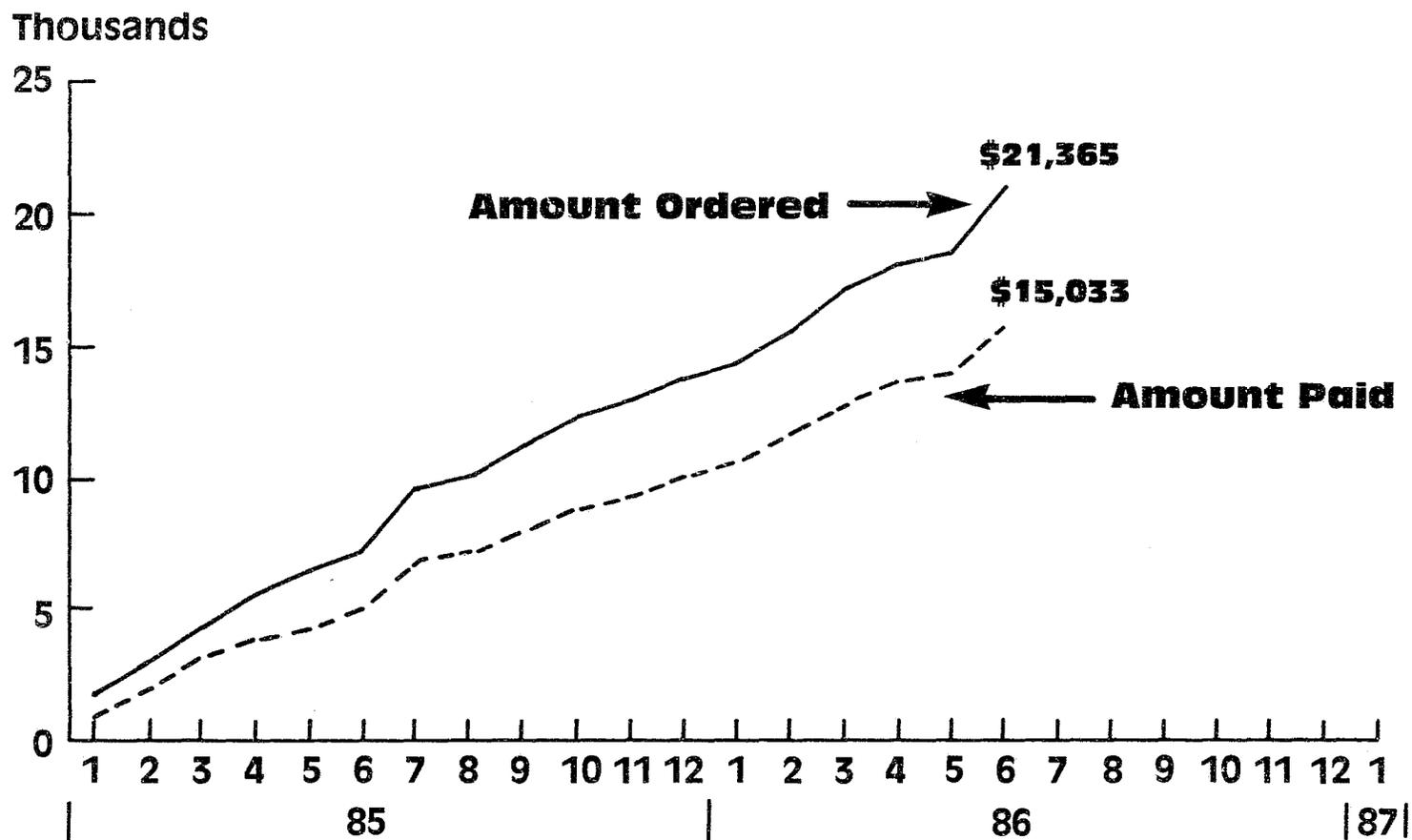
The "Stockholder's Annual Report"

Profile of Cases: Type of Offense



Data are from the National Juvenile Restitution Evaluation, using 17,315 cases.

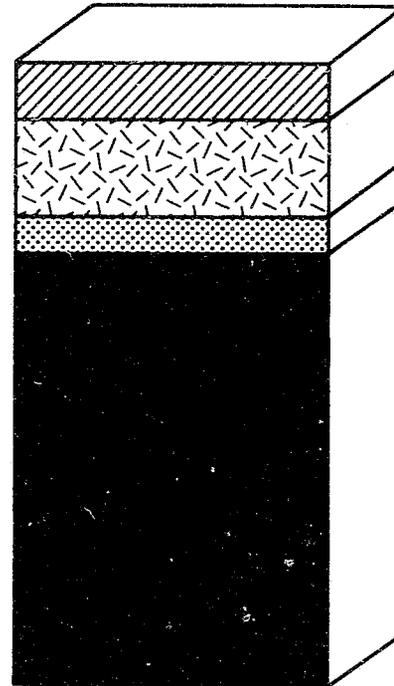
Amounts Ordered and Paid on Closed Cases



These figures are based only on closed cases.

Successful Completion Rates for 1985

Only 15% of the juveniles were
unable to pay restitution.



9.0% Ineligible*

15.0% Unsuccessful

6.0%

Successful Completion
of Adjusted Order

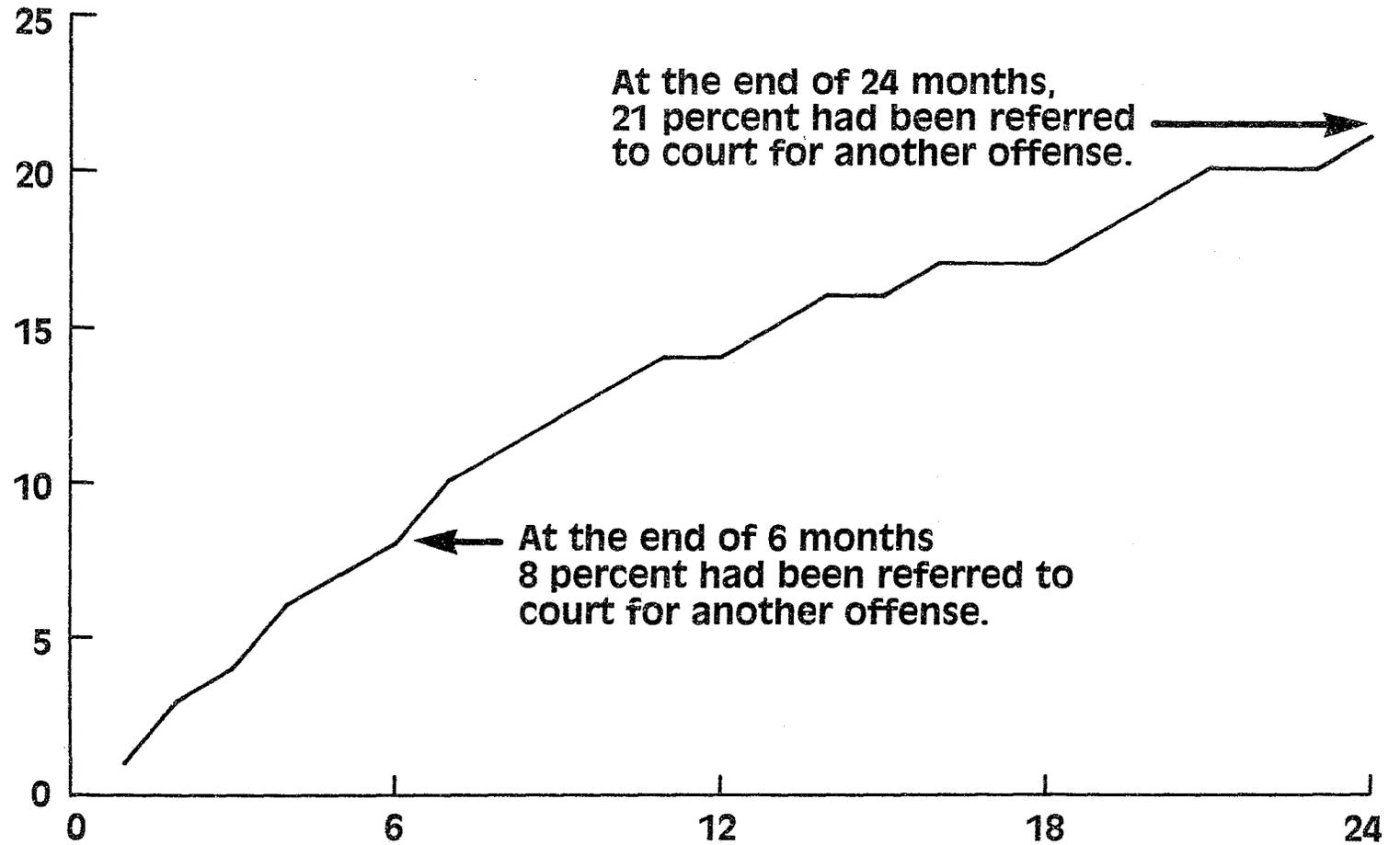
70.0%

Successful Completion
of Original Order

*This includes cases for which no plans
were developed and other cases where
the juvenile failed to pay through no
fault of the program.

July, 1986

In-Program Recidivism Rates



These data are from the National Juvenile Restitution Evaluation.

Basic Performance Monitoring

The "Stockholder's Annual Report"

Data Needed:

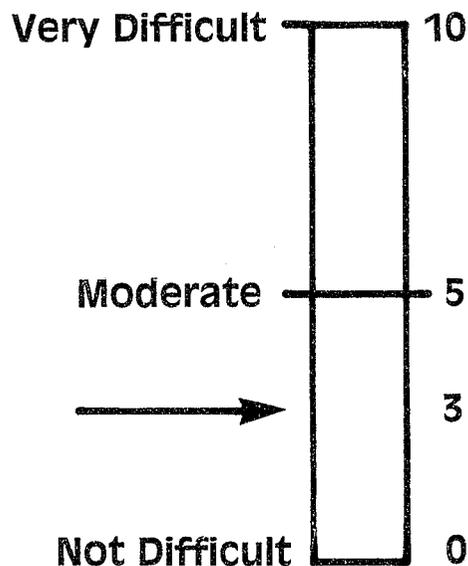
- Summary intake form on each referral
- Summary closure form on each referral

Computerization?

Not necessary, but microcomputer would be very useful.

Difficulty Level:

3



Handout #1

Form I (Individual Intake Statistical Report)

Project _____
(City or County & State)

Instructions: Fill out one form for each youth. At the end of each week, send completed forms to the Institute of Policy Analysis, 777 High Street, Suite 222, Eugene, Oregon, 97401, (503-485-2282). You may wish to copy the form and keep one for your records.

<p>Court File # _____ Restitution File # _____ Date of Referral to Program _____ mo da yr Evaluation Group _____ New Referral _____ Return Referral _____</p>	<p>3. Type of Victim</p> <p>_____ Person _____ Household _____ School or Public Property _____ Store or Business _____ Other (_____)</p>
<p>1. Offender Information</p> <p>Date of Birth: _____ mo da yr Sex: 1. Male 2. Female Race: 1. White 2. Black Other (_____) Number of prior court referrals for delinquent offenses _____</p>	<p>4. Victim Loss From This Offense</p> <p>Actual amount documented loss \$ _____ Total amount recovered or paid by other sources, <i>not</i> counting restitution from this offender \$ _____ Amount of restitution already paid by or on behalf of this offender (if any) \$ _____</p>
<p>2. Offense Information (Current Charge)</p> <p>Offense Code or Type _____ Date of Offense _____ mo da yr How many victims were there? _____ How many other referrals to the restitution project were involved in the same offense? _____ Description of offense: _____ _____ _____ _____</p>	<p>5. Court Actions (Check all that apply)</p> <p>_____ Restitution _____ Court probation _____ Informal court supervision _____ Nonsecure out-of-home placement _____ Secure facility (# of days _____) _____ Commitment to state corrections agency _____ Counseling _____ Other (_____) _____</p>
	<p>6. Development of the Restitution Plan (Check all that apply)</p> <p>_____ Interviewed victim to document loss _____ Face-to-face negotiation meetings (victim and offender) _____ Other (_____)</p>

(Information Report Continued on Back)

Form I (Individual Intake Statistical Report)

7. Details of the Restitution Plan				
Type of Restitution	Project Recommendation	Ordered by the Court	Expected Date to Begin Work	Expected Date to Complete
Monetary Restitution	\$ _____	\$ _____	____ mo ____ da ____ yr	____ mo ____ da ____ yr
Unpaid Community Service Hours	_____	_____	____ mo ____ da ____ yr	____ mo ____ da ____ yr
Victim Service Hours	_____	_____	____ mo ____ da ____ yr	____ mo ____ da ____ yr
(Other details, placements, comments): _____				

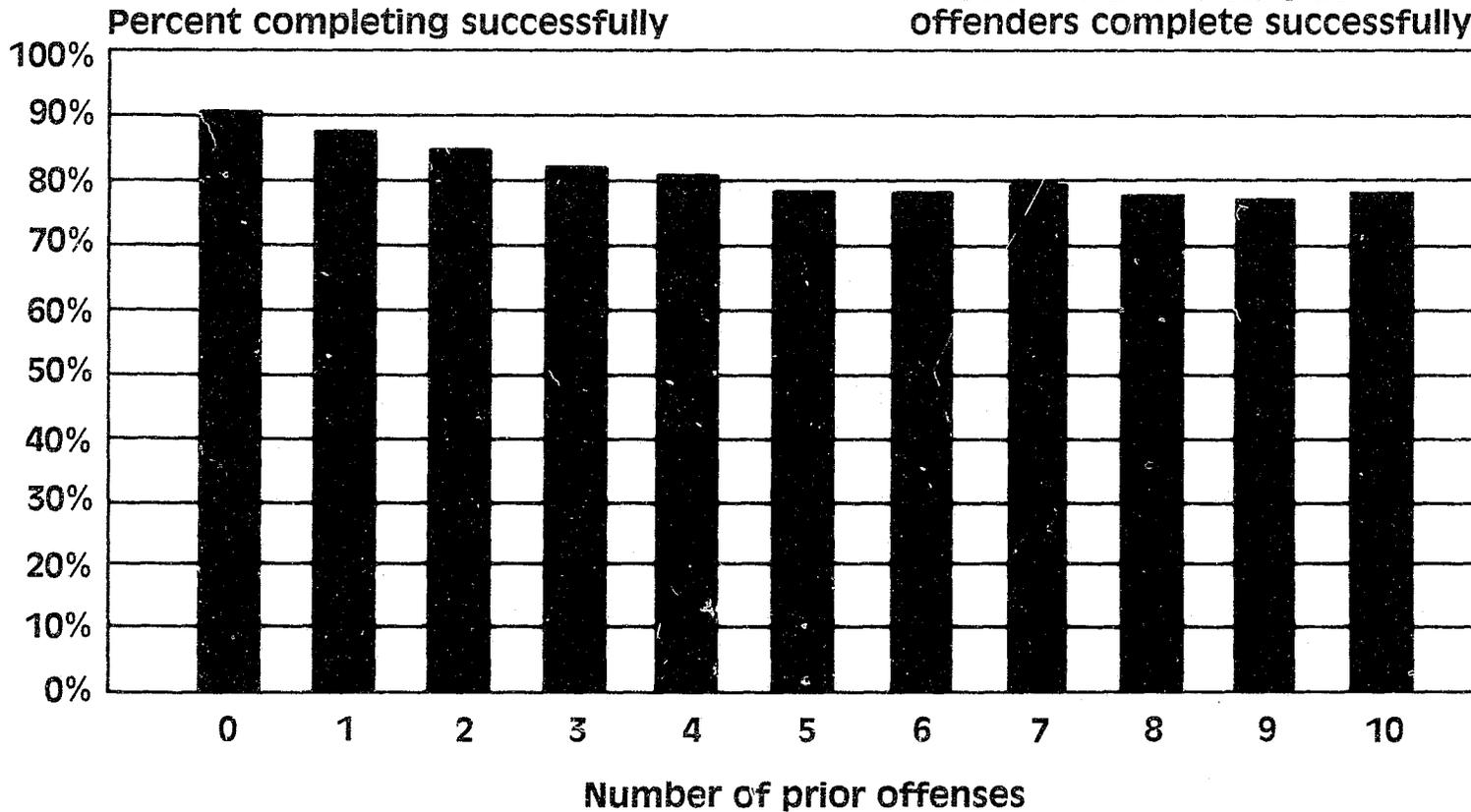
<p>8. Source of Monetary Restitution</p> <p>\$ _____ from youth</p> <p>\$ _____ from parents/family</p> <p>\$ _____ from other (_____)</p>	<p>11. Other Project Actions/Services in Relation to this Case:</p>
<p>9. Source of Youth's Restitution Funds</p> <p>_____ Employment found by youth</p> <p>_____ Employment found by project</p> <p>_____ Employment found by other</p> <p>_____ Youth's savings (\$ _____)</p> <p>_____ Other (_____)</p>	
<p>10. Type of Employment, Work, or Service</p> <p>_____ CETA position</p> <p>_____ Subsidized employment</p> <p>_____ Regular employment</p> <p>_____ Victim service</p> <p>_____ Unpaid community service</p> <p>_____ Other (_____)</p> <p>Are project personnel involved in on-site supervision of the work?</p> <p style="padding-left: 40px;">_____ Yes _____ No</p>	

Form C (Case Closure Statistical Report)

<p>7. Current Living Situation</p> <p><input type="checkbox"/> Living with family, guardian, relatives</p> <p><input type="checkbox"/> Nonsecure out-of-home placement</p> <p><input type="checkbox"/> Secure facility</p> <p><input type="checkbox"/> Other (_____)</p>	<p>9. Optional</p> <p>(Use the space below to indicate other details about this case.)</p>
<p>8. Current Employment Situation</p> <p><input type="checkbox"/> Not employed (does not want work)</p> <p><input type="checkbox"/> Unemployed (wants to work, but has no position)</p> <p><input type="checkbox"/> Employed (IF EMPLOYED, CHECK ONE OF THESE ENTRIES):</p> <p><input type="checkbox"/> Restitution job continuing</p> <p><input type="checkbox"/> Other position obtained through project</p> <p><input type="checkbox"/> Position obtained by youth</p> <p><input type="checkbox"/> Other (_____)</p>	

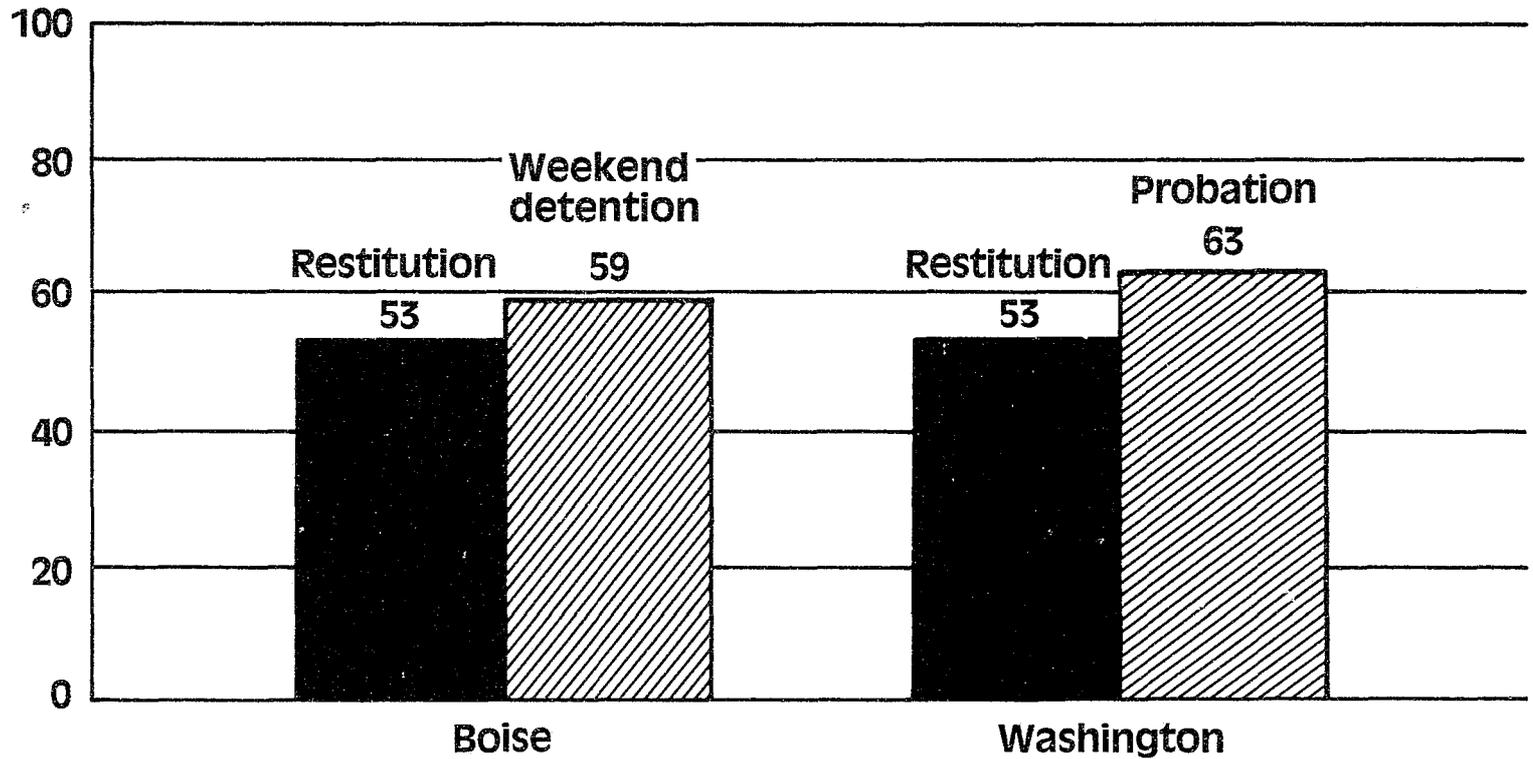
Chronic Offenders: How Well Do They Do in Restitution Programs?

About 77% of the chronic offenders complete successfully.



Data are from the National Juvenile Restitution Evaluation.

Recidivism: Comparison of Restitution with Probation and Detention (Percentage Referred to Court)



These data are from the National Juvenile Restitution Evaluation.

Group exercise

Have participant work alone or, if there are several from one program, have them work in teams to design an intake and a closure form that would be convenient for their program. Preparation for this might include having them bring samples of forms already used or samples of complete files. If they already have intake and closure forms, they should compare these to the sample forms and determine whether they have the data they need or whether their forms need to be revised. They should describe how the forms are (or will be) filled out--who will do it? who will verify the accuracy? where will the forms be kept? how often will they be tallied? Then, they should design some tables and graphs that they can produce from the data. The debriefing on this should refer them back to the system chart described earlier to determine if they have collected data on the key performance indicator and the key operating components of their program.