

RESTITUTION AND PAROLE/PROBATION SURVEY

prepared by

VICTIM SERVICES UNIT

of the

MINNESOTA DEPARTMENT OF CORRECTIONS

1977

579305

Restitution and Parole/Probation Survey

The purpose of this survey was to better understand the attitudes of state-supervised probation and parole agents towards restitution as a condition of probation and parole as well as to pinpoint problems and concerns these agents experience with its implementation.

METHOD

Twenty-one statements about restitution and possible problems concerned with it were organized into a questionnaire. Respondents were asked to select the one of a series of five responses from "Strongly Disagree" through "No Opinion" to "Strongly Agree" that most closely describes their degree of agreement or disagreement to that statement. These questionnaires were sent to all 263 agents who were asked to return them anonymously.

THE DATA

A total of 197 questionnaires were returned for a response rate of 75%. Of these agents, 101 (51%) described themselves as primarily probation officers, 11 (6%) as primarily parole officers and 85 (43%) as having both probation and parole responsibilities. In addition, there were 73 agents (37%) who described their caseloads as being primarily juvenile clients; 67 (34%) had mostly adult cases and 57 (29%) served both juvenile and adult clients.

Despite the variety in caseloads, whether by age of client or probation/parole, there was, in general, little difference among the different groups of agents. In fact, unless otherwise noted below, for most items there was at least as much variability (variance) within groups as among them. Probation and parole agents then form a relatively homogenous population with regards to their attitudes and experiences regarding restitution.

ATTITUDES TOWARD RESTITUTION

Five statements were primarily directed at measuring the attitudes of agents toward restitution and their opinions regarding the ways it should be ordered. Table 1 summarizes their responses.

Summaries of this group's responses are given in two statistics. Reading left to right on Table 1, the "Mean Agreement Score" was computed by assigning the score 5 to the response "Strongly Agree" and only 1 to the response "Strongly Disagree", summing all respondents scores and dividing by the number of respondents. The "Percentage in Agreement" statistic merely reports on the proportion of respondents who marked either "Strongly Agree" or "Agree" to that question. Thus the latter number reflects only the number of agents agreeing with the statement while the former also reflects the strength of agreement or disagreement.

Table 1

Attitudes Toward Restitution

| Statement | Mean Agreement Score | Percentage in Agreement |
|--|----------------------|-------------------------|
| Restitution should be used extensively as a sentencing sanction in the Criminal Justice System. | 4.2 | 91% |
| Restitution should be handled in the civil courts (lawsuits) rather than the criminal courts. | 2.4 | 14% |
| Restitution should be limited to property offenders. | 2.5 | 19% |
| Work-ordered (service) restitution should <u>not</u> be ordered. | 2.2 | 10% |
| It is often desirable to involve the victim with the offender personally in the making of restitution. | 3.2 | 46% |

Table 1 shows that the vast majority of agents believe restitution is a viable criminal justice sanction and should be used extensively; 91% agreed or strongly agreed with a statement to that effect while only 6% chose "No Opinion" and 3% disagreed. Not one agent chose the "Strongly Disagree" response. The resulting mean score was 4.2.

The exact opposite of the statement: "I feel restitution should be handled as a civil courts matter" received a mean agreement score of only 2.4 - only 14% of the agents agreed with it. Clearly restitution as a criminal justice sanction is strongly supported by this group.

Only 19% of the agents indicated that restitution should be limited to only property offenders. Only 10% would limit it to cash restitution; this attitude was more likely to be held by agents with primarily adult caseloads rather than those supervising juveniles.

Nearly half of the respondents (46%) agreed with the statement, "It is often desirable to involve the victim with the offender personally in the making of restitution"; this resulted in a mean agreement score of 3.2. Juvenile agents were more receptive to this concept than adult agents (particularly adult parole agents).

CONCERNS AND PROBLEMS

The concerns agents have toward restitution and the problems they report with its use are summarized in Table 2.

Table 2

Concerns and Problems with Restitution: Rank Ordered

| | Mean Agreement Score | Percentage in Agreement |
|--|-------------------------|----------------------------|
| Problems when amount of restitution is not specified by court | 3.6 | 68% |
| Restitution is too time consuming | 3.6 | 65% |
| There is a lack of suitable chores for work-ordered restitution | 3.5 | 62% |
| Offenders often lack the earning ability to make restitution ("Ability to Pay" issue) | 3.4 | 58% |
| Victims who report losses dishonestly are a problem | 3.4 | 56% |
| Work-ordered restitution requires too much supervision | 3.1 | 41% |
| Concern over possibility of legal liability when processing restitution payments ("Bonding" issue) | 2.9 | 38% |
| Concern over liability for accidents incurred during work-ordered restitution | 2.9 | 35% |
| Concern that revocation of parole or probation for failure to make restitution may constitute "imprison- ment for debt" | 2.8 | 36% |
| Concern over a possible lack of legal justification for restitution | 2.6 | 21% |
| Difficulty in knowing whether the primary purpose of restitution is to aid offender or victim | 2.5 | 15% |
| Restitution interferes with client relationship | 2.4 | 19% |
| Concern with lack of ability to process restitution payments ("Bookkeeping" issue) | 2.4 | 18% |
| Concern that work-ordered restitution may conflict with child labor laws | 2.4 | 10% |
| Courts don't "back up" (enforce) restitution requirements | 2.3 | 16% |
| Restitution raises victims' hopes unrealistically | 2.3 | 13% |

Table 2 is organized in a manner similar to Table 1 except that the statements about concerns and problems are rank ordered by the mean agreement score.

Clearly the most pressing problems can be identified from Table 2 - five issues that were each selected by over half of the respondents. These are (in order): problems when the amount of restitution is not specified by the court (particularly for adult caseloads) (score 3.6), problems because restitution is time consuming (reported especially strongly by adult parole agents) (score 3.6), the lack of suitable projects for work-ordered (service) restitution (felt more keenly by juvenile agents) (score 3.5), the usual deficiency in offenders' earning abilities (seen more acutely by juveniles' agents) (score 3.4), and difficulties created by dishonest victims (complained of more often by juveniles' agents) (score 3.4).

A second group, composed of problems affirmed by about 1/3 of the agents were as follows: the perception that work-ordered restitution requires too much supervision (mean score 3.1), two legal liability concerns, the first regarding the agent's own personal responsibility when processing restitution payments (some agents commented that they should be Bonded for such activity) (2.9). (It would be ironic if, as one agent commented, the victim were liable in such a case.) The final concern reflects a hesitancy to recommend revocation of probation or parole for failure to make restitution because such revocation might be construed as "imprisonment for debt" and thus be unconstitutional (2.8).

The final group consists of statements that were agreed to by less than 1/4 of the respondents. In descending order these include a concern for a possible lack of legal justification for restitution (2.6), difficulties caused by the "bill collector" role an agent may be forced to assume (2.4), a concern for the perceived lack of ability some agents may have in processing restitution payments between client and victim (bookkeeping skills) (felt more strongly by parole agents and those probation agents with adult caseloads) (2.4), a concern that work-ordered restitution in juvenile cases may violate child labor laws (felt strongly by only a few - 10% - respondents) (2.4), problems occurring when courts fail to enforce restitution obligations (score of 2.3, noted by 16% of the respondents), and finally the fear that restitution conditions might unrealistically raise the hopes of victims (2.3).

END