

**A Guide to
Restitution
Programming**

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A Guide to Restitution Programming

by

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I. *Introduction and Organizational Outline*

A. *Introduction*

The information presented in this guide to restitution and community service grows out of several years' experience with a variety of programs. During the course of a two-year period of evaluation of seven programs funded by the National Institute of Law Enforcement and Criminal Justice, the authors observed difficulties that arose in program implementation, and recorded solutions that were found. Based upon these observations and the experience of previously studied programs, this report attempts systematically to organize information that may be of use during both the planning and administration of restitution and community service programs.

As a guide to program planners and administrators, this report is meant to be as practical as possible. The aim is to promote and facilitate the clear formulation of purposes and objectives of restitution and community service, as well as to indicate alternative procedural approaches towards their achievement. Only a small part of the rationale and research data supporting the program suggestions is presented, in the cause of maintaining the practical focus of the report.

Because the report attempts to present and discuss objectives and procedures that might be pursued at different stages of the criminal justice system and in different jurisdictions, some of the options presented may not be feasible nor even permissible in all settings. Although many advantages and disadvantages of various options are discussed in the report, issues of legality and practicality will obviously vary and should be checked within each jurisdiction.

B. *Organizational Outline*

The report is organized to reflect a logical chronology of planning and administrative steps towards implementing a restitution/community service program.* At each stage, available options are listed and described, followed by a brief discussion of advantages and disadvantages.

The first section deals with program purposes and objectives, and suggests that the *primary* purpose can largely determine subsequent policies and procedures. Next, a brief description and discussion of the many stages in the criminal justice system at which restitution or community service may apply is followed by the corresponding stages of program processing. In this latter context, the scope of the program's role in the restitutive process is discussed and the importance of quality control and monitoring at each stage is emphasized.

A discussion of program procedures begins with the intake of offenders. The need for efficient screening procedures and carefully defined eligibility criteria at this stage is explained in terms of eliminating arbitrary selection patterns and conserving program resources for offenders most suited to program objectives. For programs that base the offender's sanction on the amount of loss sustained by victims, as opposed to a fixed scale of payments, the next intake stage involves the assessment of losses. Under this category, the types of losses and victims that can be investigated are discussed; in addition, various styles of ascertaining loss are considered.

*It will be noted that we routinely mention both restitution and community service, rather than subsume the second under the first. The reason for this separation is that the two types of programs are different in some important respects. In a restitution program, an offender pays back for the specific loss his/her behavior has caused to a specific victim. In a community service program, the offender does not repay the victim, nor does the service provided have any necessary connection to the offense committed. Thus, at the level of psychological meaning to the offender and with respect to the meaning to the victim, the two programs are clearly distinguishable.

Having dealt with the intake of offenders, the report turns next to the procedures and issues involved in preparing a "plan" of restitution or community service. Plans ranging from simple recommendations that victims' losses be repaid to complex contractual documents are discussed. Approaches are considered towards identifying who can receive restitution or community service and assessing the amount, type and schedule of an offender's obligation; also detailed are other obligations that the offender may incur, as well as the incentives for fulfillment and sanctions for non-completion of repayment.

The later sections of the report deal with program activities after restitution or community service obligations are established. At this stage program concerns shift to accounting and disbursement procedures as well as to routine monitoring and enforcement of the offender's repayment progress. Finally, the advantages of providing a restitution program evaluation are indicated.

II. Program Purposes and Objectives

Purposes: A crucial starting point for anyone considering the use of restitution/community service in criminal justice is a frank appraisal of the *primary purpose* to be achieved. Three purposes can be put forward:

- A. To benefit the offender
- B. To benefit the victim/community
- C. To benefit the criminal justice system

Discussion: Obviously, each of these purposes may overlap to permit the simultaneous pursuit of two or even all three in some instances. Nevertheless, at least two reasons exist to suggest that priorities be set. First, the three purposes can at times give rise to *conflicting* demands upon program personnel. What is best for the offender, for example, may be antithetical to the needs of the victim. In this situation decisions may have to be made to subordinate one outcome in favor of the overriding program purpose. Second, limited resources available to accomplish the various steps in program planning and operations detailed in this report may dictate decisions about division of energies among *competing* purposes. Examples of the need to reconcile both the competing and conflicting nature of program purposes will recur throughout this report at almost every step towards the successful implementation of a restitution program.

Objectives: Constituting a second step in progress towards clarifying the program focus are specific long-range and short-term *objectives* deriving directly from the stated purpose(s). Such objectives specify

desired outcomes of the program and can usually be stated in behavioral and quantifiable terms. Clarity at this level can provide direction at many turns in the course of program implementation and operation. In addition, with measurable objectives, program monitoring at regular intervals and evaluation of program achievement become possible. Within the general categories of purpose the following specific objectives might be pursued:

A. *Offender Benefit*

1. *Reduced Recidivism* -- among participating offenders compared with an equivalent group not processed by the program or compared with an expected recidivism pattern.
2. *Reduced Intrusiveness* -- of the offender's experience with the system. This might include an objective to divert offenders at a stage in the process earlier than would be the case without restitution or community service. Pre-trial restitution might be used, for example, instead of prosecution; restitution as a sole sanction might be used instead of probation; restitution as a condition of probation or continued probation might be employed instead of incarceration, or instead of a return to incarceration after probation violation; similarly, restitution on work-release, community residential release or parole might be used instead of continued incarceration or return to incarceration after a release violation. In addition to using restitution to reduce the *type* of criminal justice sanction, it might also serve to reduce the *length* or *hardship*. Probation could be terminated,

for example, upon completion of restitutive obligations, and conditions of confinement or supervision might be relaxed or ameliorated in return for a restitutive agreement.

B. Victim/Community Benefit

1. *Victim Compensation* -- financial compensation or service of an equivalent value, for the harm attributed to the offender's conduct in the incident leading to his involvement with the system. Similar compensation, or more usually symbolic or general services, might be provided to the community under this objective.
2. *Equity Restoration* -- to increase the victim's perception that equity has been restored through the offender's disposition.
3. *Victim Satisfaction* -- to increase the victim/community's satisfaction with the system and sense of confidence in it.
4. *Fear/Hostility Reduction* -- to reduce the victim/community's level of fear of offenders and hostility towards them.

C. System Benefit

1. *Alleviation of Agency Problems* -- this objective relies upon the strategic value of restitution/community service to promote solutions to agency problems. Used in the diversionary fashion already discussed, for example, a restitution program may have as an objective the relief of overcrowded court calendars, the reduction of probation or parole caseload, or the relief of overcrowded correctional institutions.

2. *Cost Reduction* -- the system objectives mentioned above can be pursued in the absence of specific problems, to meet a common objective of reducing the expense of processing offenders.

Discussion: Going beyond this simple listing, the various program objectives can be examined further in relation to the reasoning and underlying values which enter into their formulation. In addition, it is possible to identify specific areas of potential overlap and conflict.

Within the general category of offender-benefit, for example, a program emphasis upon *reduced recidivism* might be rooted in a belief in the evident rationality of a restitutive sanction, which could increase the offenders' sense of fairness about the system and lead, in turn, to a reduction of alienation. Alternatively, it could be argued that restitutive obligations may increase self-esteem through guilt reduction and by instilling a sense of responsibility, as well as by facilitating the reintegration of the offender through his or her increased acceptance by society after the payment of restitution. Lastly, reduced recidivism might be expected as a result of anticipated effects of a restitutive obligation upon the offender's social stability, especially insofar as it may provide incentive and possibly opportunity for employment in order to satisfy restitutive requirements.

Staying within the offender-benefit category, the objective of *reducing the intrusiveness* of the system might be the product of a value system that sees existing criminal justice sanctions as being too harsh or counterproductive; moreover, if one assumes the latter position has merit, reduction of the imposition or severity of such sanctions might also serve to enhance the recidivism objective.

Reasoning behind the victim-related objectives can be more straightforward. *Compensating* and otherwise assisting crime victims is often supported as a matter of "simple justice" that perhaps stems from an instinctive empathy with victims of all kinds. In the latter sense, the provision of restitution can be thought of as a type of social program not unlike other programs such as medical aid programs to ease the financial burden upon victims of physical illness. Not to be hidden behind such altruistic reasoning, however, are the very real *political* advantages to be derived from supporting a cause that invokes almost universal approval.

This political or strategic utility of restitution/community service, whether based upon expectations of offender or victim benefit, can play an important role for programs pursuing system objectives. In essence, the reasoning behind this type of objective might be that support for the ultimate objective, such as reducing prison overcrowding by increasing the incidence of work release or parole, can be secured more readily via an intermediate or ancillary objective involving restitution or community service. A prison administrator attempting to secure funding for increased bed space in work-release facilities, for example, might have more success before a legislature in today's political climate if the request were framed in the context of a humane gesture to facilitate restitution to victims, than if proposed because of either the potential benefits to offenders or to the system in general.

Finally, it should be apparent that, whatever the underlying reasoning or value structure, several of the objectives in one of the purpose categories can also achieve desired results from either of the other

perspectives. Diversion to improve the offender's situation can also reduce system costs; moreover, in the case of diversion from incarceration, it may be the only way to achieve victim compensation objectives, because of the traditionally low or non-existent earning opportunities for offenders in prison or jail. Conversely, diversion for either of these reasons may adversely effect the equity restoration objective, since research results so far have shown that many victims prefer to see traditional sanctions imposed *in addition* to restitution or community service.

The remaining topics of program interest discussed below, illustrate the continuing overlap and potential conflict of program objectives, not only with each other but with program procedures and other aspects of program planning and administration.

III. Program Location

If the restitution program is being proposed by a specific criminal justice agency, the location of the program may not be a matter of choice. If the program location is at issue, however, certain stages of processing may be more or less favorable to one purpose and/or objective than another. Restitution programs might be located at any or all of the following stages of the criminal justice process.

A. Pre-trial

1. Civil Compromise
2. Pre-trial diversion

B. Post Conviction

1. Conditional Discharge Condition
2. Sentence Condition
3. Probation Condition -- Community
4. Probation Condition -- Residential Program
5. Probation Condition -- Following Split Sentence

C. Post Commitment

1. Institutional
2. Work Release
3. Half-way House
4. Parole

Discussion: Advantages and disadvantages of each of the above stages can easily be projected in relation to the purpose(s) and specific objectives being pursued. From a victim compensation standpoint, for example, one

appeal of pre-trial diversion may be the immediacy of repayment, contrasted with delays of months and perhaps years for programs operating post commitment. Conversely, from a victim-equity perspective indications mentioned above from previous research suggest that many victims would prefer to see the offender suffer some additional penalty in addition to providing restitution.

From an offender standpoint diversion offers the advantage of minimizing the degree of penetration into the system and the types of offenders likely to be eligible for diversion (e.g., first offenders) might be most beneficially effected by the reintegrative potential of restitution; they might, for example, be considered already to have values closer to the general community than perhaps a more seasoned offender. Advantages such as these can be weighed against the advantage through probation of reaching a much larger group of offenders.

Finally, from a system perspective the costs are greatest and consequently the potential for savings may be higher in programs operating in corrections. Obviously, however, objectives aimed at relieving specific problems or increasing satisfaction will generally be location-specific by definition.

For the reader interested in further location-specific information, a listing of restitution programs by location in the system is provided in Appendix A.

IV. Scope of the Program's Role in the Restitution Process

The phases of the restitution process can range through the criminal justice system from initial screening of potentially suitable cases, to monitoring and termination of successful or unsuccessful payment obligations. Consequently, at least some aspects of the process are likely to be the responsibility of criminal justice agents other than the restitution program staff. The overall success or failure of restitution and community service may then hinge on the nature of the interaction among these various staffs.

Functions of the restitution program can be divided into six components, each of which may or may not be the direct responsibility of restitution personnel:

- A. *Imposition* of restitution/service -- program staff may:
 - 1. Have *authority* to set the amount and conditions imposed; or
 - 2. *Recommend* an amount to a higher decision-making authority; or
 - 3. *Document losses* for restitutive/community service recommendations.
- B. *Accounting and Disbursement* of restitutive payments -- program staff receive and disburse funds to recipients of restitution.
- C. *Monitoring and Enforcement* of restitutive/service obligations -- program staff may:
 - 1. Have *authority* to enforce obligations; or
 - 2. *Recommend* enforcement to a higher decision-maker; or
 - 3. *Monitor* delinquency in payment/performance without authority to recommend enforcement to the ultimate decision-maker.

- D. *Job Development* for restitutive/service tasks -- program staff secure adequate quantity and quality of employment and service resources for flow of offenders through the program.
- E. *Job Placement/Counseling* for restitutive/service tasks -- program staff work with individual offenders to secure appropriate employment/service placement.
- F. *Education* in the restitutive process -- program staff provides information to relevant system actors and/or victims and offenders about restitution/service developments and possibilities.

Discussion: It might be considered ideal to have all of the above components in the hands of the restitution program staff. But, if so, the ideal will rarely be achieved. The potential problems that arise from spreading the responsibility for these activities among a number of agencies or agency units involve issues of quality control and consistency among the program components and between the objectives and program components.

Programs at the prosecutorial level, for example, may have a great deal of control over the *imposition* of restitution/service through the plea bargaining process and through sentence recommendations; nevertheless, victim compensation objectives or offender sanctioning objectives may be frustrated if the program has little or no control over the *enforcement* stages of payment or service. Indeed, in this situation, if high amounts of restitution are imposed but poorly or never enforced, the victim

may not only receive no compensation but his or her expectations may be raised and dashed, possibly resulting in decreased levels of satisfaction with the program and the system in general. Moreover, an offender for whom restitutive or service obligations are set but not enforced is unlikely to be impressed by either the rationality or threat of the system.

Similarly, program objectives related to victim satisfaction may be frustrated if the program has control over imposition of restitution, but disbursement procedures are inefficient and beyond the control of program staff. At least one study has revealed, for example, that in cases in which restitution has been imposed on probationers, many victims never received money paid by offenders or were never even notified that restitution had been awarded. Victims are unlikely to be enthusiastic about a program if they know nothing about its efforts on their behalf.

Further examples of the interactive effects of actions at different stages in the restitutive process upon the achievement of program purposes and objectives only emphasize the underlying point made above: the extent of specific restitution program input to each component of the process may be a critical determinant of program success or failure.

V. *Intake Procedures*

A. *Offender Selection*

Among the first operational considerations for a restitution program is the need to determine which offenders might be eligible for processing by the program and what procedures will be necessary to execute the eligibility criteria. Selection of offenders can easily be inconsistent and inefficient without careful attention to:

1. Eligibility Criteria, and
2. Screening Procedures

1. *Eligibility Criteria* -- the different types of eligibility criteria that might be used to decide which offenders will be processed by the program include:

(a) *Risk Characteristics* -- programs may restrict services to only high-risk offenders on the assumption that they are otherwise the most unlikely to succeed; alternatively, programs can focus on only low-risk cases, to establish a baseline of successful experiences as a possible framework for later expansion. Eligibility criteria might take into account:

(i) *Prior criminal record/present offense*

(ii) *Psychological disturbance*

(iii) *Drug/alcohol history*

(v) *Inability to pay* -- e.g., chronic unemployment history.

(For a discussion of the potentially discriminatory consequences of excluding offenders who are unable to pay, see *Incentives for Program Participation/Completion*.)

(b) *Inappropriateness for Program Objectives* -- programs might exclude cases that do not serve program objectives. For a victim-oriented program, cases might be excluded if:

(i) *No victim* was involved -- e.g., victimless offenses such as pornography, drug or weapons' possession, and so on.

(ii) *No losses or trivial losses* were sustained -- e.g., if all stolen property was recovered by the police.

Similarly, a program focusing on reducing the intrusiveness of the system or alleviating system problems can exclude any offender who does not contribute to that problem. For example, programs seeking to divert offenders to reduce court backlog may exclude:

(iii) *Offenders who would be diverted even without the program's intervention* -- e.g., programs offering restitutive processing for offenders placed on probation, as an alternative to incarceration, might exclude offenders who would have received probation anyway.*

Lastly, offender-oriented programs might require as an eligibility criterion:

(iv) *Voluntarism* -- only volunteers can be eligible for the program. In some situations such as in pre-trial and correctional programs, voluntarism is legally required.

(c) *Jurisdictional Restrictions* -- programs operating in advance of the offender's disposition can avoid unnecessary processing efforts by excluding cases that are likely to be disposed in such a way as to take the

*At the heart of this eligibility decision is the question of whether the programs will use restitution as a sanction that will simply be added to existing penalties or whether it will be used in a diversionary fashion in mitigation of other penalties. (For a further discussion of this add-on vs. diversion question, see *Incentives for Program Participation/Compensation*.)

offender beyond the:

(i) *Legal jurisdiction of the program* -- e.g., probation programs can avoid the need to conduct pre-sentence investigation of losses, if it can be estimated with a high degree of certainty in advance that the offender is likely to be incarcerated for an extended period.

A further jurisdictional eligibility criterion that may be legally imposed, or invoked to conserve investigative resources is:

(ii) *Geographical jurisdiction* -- only offenders with specified geographical boundaries might be eligible.

Discussion: Essentially, three purposes can be achieved by establishing eligibility criteria: they can serve program objectives, conserve program resources by excluding all but the most important cases, and eliminate or keep at a minimum any arbitrariness in the selection of offenders for the program. Adherence to criteria that are based upon clearly justified reasons for including one offender while excluding another can prevent arbitrarily disparate handling of similarly situated offenders.

The need to reconcile eligibility criteria with program objectives can frequently lead to pressures upon program staff to compromise those objectives. Particularly in programs seeking to reduce the intrusiveness of the system and cut costs, both objectives have repeatedly been compromised by decision-makers who add restitution or community service to the sanction the offender would normally have received. Failing to employ eligibility criteria to avoid this compromise can result in

extending the intrusiveness of the system and adding to system problems. For example, offenders who would have received two years' probation without the program's intervention may instead receive two years' probation plus a restitutive obligation; failure to perform this *added* condition may, in turn, result in an extension of probation or even revocation.

Eligibility criteria based upon the need to conserve program resources can be formulated on the basis of planning data that permit advance estimates of the effect of any combination of the criteria upon the program's caseload. Continued monitoring of the number of cases screened out on each criterion will then permit informed revision of the eligibility criteria if program resources increase at a later date.

2. *Screening Procedures* -- whether eligibility criteria are applied by program staff or by criminal justice agents who refer cases to the program, two critical screening considerations are:

(a) *Access to Necessary Information* -- the most usual sources of screening information are from the offender in person or from the following types of criminal justice record data:

(i) *"Rap sheet"* -- for screening on prior record.

(ii) *Police reports* -- for incident descriptions to identify victims and preliminary loss estimates; also for listings of property held in custody as evidence.

(iii) *Recognizance forms* -- for offender background information about drug and alcohol use, employment record and number of dependents.

(iv) *Court documents* -- for official charges and convictions.

(v) *Probation and correctional reports* -- for more thorough offender profiles.

(b) *Time Available for Screening* -- benefits derived from each screening criterion can be weighed against the time and expense involved, in relation to the overall time available to process the case through other components of the program.

Discussion: The importance of careful attention to offender screening procedures cannot be overstated in the planning and operation of a restitution program. Inadequate or unavailable information sources can require heavy reliance upon the time-consuming and often unreliable process of personal screening of offenders. Unmanageable time constraints upon screening can result in either inappropriate application of eligibility criteria or ignoring them completely; in either case, the result can be a disastrous withering of program caseloads or an excess of cases that the program is not designed to handle.

Careful screening at the outset can reduce unnecessary investment of resources in later stages of the process. By applying the most readily available criterion first, more troublesome investigation is avoided for ineligible cases. Particularly where eligibility criteria are in the hands of criminal justice decision-makers other than program staff, constant reminder of the purposes behind the screening process may be needed to preserve the integrity of the program's operations.

B. *Loss Assessment*

Loss assessment procedures may have little or no relevance for programs operating after the stage in the criminal justice process at which restitution has already been set, or for programs such as those focusing on community service independently of the victim's losses (see *Amounts of Restitution/Community Service*). For most restitution programs, however, and community service programs that relate the type or amount of service to the harm attributed to the offender, the determination of losses for which the offender may be held responsible will be a central aspect of program procedures. Three components of the loss assessment process can be considered:

1. *Types of loss assessed*
2. *Types of victim investigated*
3. *Loss assessment style*

1. *Types of Loss/Injury Assessed* -- Two types of loss or injury might be included in the program's assessment:

(a) *Unliquidated damages* -- this category of loss or injury can include pain and suffering or other claims for which no common standard of value is used. The use of pain and suffering awards in criminal courts has not been widely explored. Also included in this category might be losses that cannot be assessed at the time restitution is imposed, such as continuing medical expenses for which accurate projections cannot be made.

(b) *Material injury* -- this category includes the following types of loss that a program may most commonly be called upon to investigate,

document, and verify (see *Loss Assessment Style*), whether for restitutive purposes or as a yardstick for the types and/or amount of community service to be performed (see *Amount of Restitution/Community Service*).

Those types of injury involving *actual losses* are:

(i) *Stolen Cash* -- whether outright in the course of a purse-snatch, for example, or perhaps as a result of fraudulently cashed checks or misappropriated welfare funds;

(ii) *Stolen Property* -- the cost of property unrecovered by the police or otherwise unreturned, or the difference between its value when stolen and its value when returned if returned in a damaged condition;

(iii) *Damaged Property* -- often in connection with a break-in, arson, or a driving offense. Interestingly, a program may encounter many offenders who have been charged or convicted of driving offenses which by their statutory titles may not invoke visions of loss or injury; many driving-while-suspended cases are prosecuted, for example, only after the offender causes damage or injury to other motorists, their vehicles, or roadside property;

(iv) *Fraudulently Obtained Services* -- this type of loss might involve failure to pay a hotel bill or theft of public or private utilities, and so on.

Those types of injury involving *consequential losses* are:

(v) *Medical Costs* -- costs incurred mainly as a result of assaults and driving offenses such as hit-and-run or reckless driving. This category includes costs for ambulance services, doctors' fees, and general hospital expenses;

(vi) *Lost Work Time* -- this category can include missed work days due to physical injury, court appearances, or other offense-related reasons. One example of this type of loss that is perhaps worthy of note because of the potentially high amounts of loss involved is the closing of a business establishment because of damage to the premises or injury to key personnel;

(vii) *Miscellaneous Losses* -- this final category might include the cost of alternative transportation arrangements in the period between a car theft and return of the vehicle. Also included might be such losses as the victim's towing expenses following a hit-and-run offense.

Discussion: Because of the difficulty of assessing the *quantum* of damages and because of legal restrictions in most jurisdictions, claims for pain and suffering have largely been left to the civil courts. The most troubling consequence of this for victim compensation advocates may be the virtual exclusion of compensation for the trauma of rape victims who frequently suffer little out-of-pocket expense as a result of the offense. In general, placing a dollar value on such consequences is likely to remain a difficult task. Claims that are more common in civil cases, such as for whiplash following a traffic offense, may leave many skeptical offenders with anything but a sense of the fairness of the criminal process.

Similar issues of perceived fairness can also arise when the program loss assessment moves beyond actual (or necessary) harm into categories of consequential losses growing out of the offender's conduct.

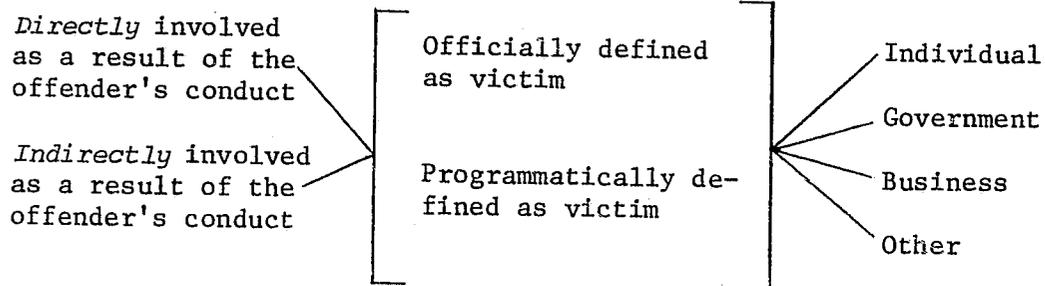
Programs may have to make decisions about when a loss or an injury is too *remotely* related to the offender's conduct to be assessed as part of his restitutive obligation (see *Amounts of Restitution/Community Service* below). Three reasons may necessitate such a decision. First, certain types of loss or injury may be so remotely related that the offender cannot *legally* be held responsible; second, the cumulative effect of adding more remote losses may make the size of the ultimate obligation moot as a *practical* matter; finally, programs concerned with the rationality and fairness of the sanction as an offender treatment mechanism may judge certain more remote damages to be inappropriate from the standpoint of program *objectives*.

Although there have been dramatic exceptions resulting in many thousands of dollars worth of loss and injury, the vast majority of losses in programs to date have been moderate, usually less than \$250.

2. *Types of Victim Investigated* -- It will be apparent from the types of loss discussed above that programs can be faced with a broad range of injured parties, both directly and indirectly related to the offender's conduct. For restitution programs, and programs that seek to relate the type or amount of community service to the losses attributable to the offender, the different types of victim that might be encountered are illustrated in Chart A.

Chart A

Types of Victim Considered for Program Loss Assessment



(a) *Direct victims* -- those parties associated directly with the offender's conduct. Included in this category are those most commonly or traditionally thought of as the victims of crime, such as the person stabbed or shot in an assault, the person whose wallet is stolen or the business whose goods are stolen, and so on.

(b) *Indirect victims* -- those parties injured indirectly as a result of the offender's conduct. Included in this category are most often those who provide services to the direct victim. Examples include insurance companies who pay claims on stolen or damaged property or for medical expenses; hospitals or doctors who provide emergency medical care; service agencies such as ambulance companies, garages, and fire companies that provide service in connection with arson offenses, traffic offenses such as hit-and-run, or drunken driving leading to an accident. One other class of indirectly injured party might be the survivors of deceased victims, such as the family of a homicide victim.

Discussion: The issue raised for loss investigators by this level of the victim classification is again one of *proximity*; how closely related to the offender's conduct is the injured party being investigated? Three factors make this an important question to be confronted by the program. First, relevant legislation and/or case law in the program jurisdiction may severely restrict the extent to which indirectly injured parties may be considered victims at all. Second, program purposes or objectives might be jeopardized by inappropriate selection. And, third, decisions must be made by program staff about the point at which the injured party is too tenuously related to the offender's conduct to be considered.

If relevant case law or statutes limit the imposition of restitution to certain directly injured parties, a program objective to secure victim compensation for a broader range of victims could be frustrated. An approach by one program in this quandary has been to secure, as part of a plea negotiation, a formal waiver from the offender of his rights to have restitution restricted in this way, in return for advantages of program participation.

Similarly, if a program objective is to impress upon the offender the rationality and fairness of the system, the task is likely to be more difficult as his responsibility for repayment grows more remote. This, of course, is related again to the program's need to decide upon relevant degrees of proximity.

As indicated in Chart A above, both direct and indirect victims may be further classified into:

(c) *Officially defined victims* -- where restitution is imposed upon the offender rather than where the offender volunteers for the program (see *Offender Selection*), programs may be restricted to only those victims associated with the conviction charges (i.e., those on the judgment/disposition order). Similarly, a post-commitment program may be restricted only to victims associated with the charges upon which the offender was committed (those on the commitment order).

(d) *Programatically defined victims* -- in some programs, losses are assessed for parties who have not been defined as victims at all prior to program intervention, or who have not been officially defined in connection with the offender's conviction or commitment offense. In the course of investigating officially defined victims, for example, program investigators may encounter losses to other parties not included in official processing. Similarly, program staff may investigate victims in the police report whose charges were never brought by the prosecutor, or whose charges were dropped in plea bargaining, or who were associated with lesser included conviction charges than the ones for which the offender is incarcerated.

Discussion: Many of the same questions facing program staff in connection with direct and indirect victims reappear at this stage. Legislation or case law in the program jurisdictions may prohibit the ordering of restitution for losses sustained by parties other than those

associated with charges for which the offender has been convicted or committed. Victims of charges dropped or never filed as a result of plea bargaining, for example, may be ineligible and consequently inappropriate for program loss investigation.

From the standpoint of a program whose purpose is to benefit offenders or to divert them to save system costs, several important questions arise. Benefits to be derived from diverting an offender, for example, in return for a negotiated agreement to make restitution for incidents for which he will not be convicted or perhaps even charged, might be counterbalanced if the offender feels unjustly coerced because of the unattractive system alternatives. Similarly, if the diversion objective is achieved at the expense of negotiating away the potential claims of victims, the program may have to make difficult decisions about which victims to include and which ones to ignore. As indicated above, to avoid this difficult choice, and to achieve broadly defined victim compensation objectives, at least one program has relied upon a formal waiver by the offender of his right to have restitution restricted to victims defined by statute or case law. The legality of this type of procedure has not been tested.

For programs making choices about which victims to investigate, the last part of the three-way victim classification may enter into consideration:

(e) *Individual victims*

(f) *Governmental victims* -- this category most frequently includes agencies dispensing welfare and unemployment benefits, as well as aid to dependent children. In addition, theft and damage in governmental buildings, including public schools, may also create victims in this category.

(g) *Business victims* -- this category includes insurance companies, major finance and credit card companies as well as department stores and other outlets at which credit cards and checks are used. Also included can be embezzlement victims and businesses that are the victims of theft and damage offenses.

(h) *Other victims* -- although the three preceding categories may be exhaustive for some programs, other victims such as churches or private non-profit associations may also arise.

Discussion: Programs in which any part of the motivating force relates to sympathy with the plight of victims, may find that an idealized vision of the injured victim does not often match program realities. A program expecting to focus upon relieving the need and suffering of individuals traumatized by crime, for example, may be disillusioned to find that a majority of victims in every study of adult restitution to date have been business, governmental, or other organizational victims.

The implications of this consistent finding cut across all types of program objectives and spill over into program procedures. In an offender-focused program with rehabilitative objectives, for example, an offender may be more easily impressed with a sense of responsibility for any harm attributed to him if the victim is an individual suffering visible hardship, than if the victim is a large and apparently prosperous business organization. Other program objectives could also be jeopardized if program staff or policy makers who can authorize action towards system change share similar sympathies for individual victims.

That such beliefs may be held by program staffs is suggested by policy decisions in some programs; that where investigative *priorities* had to be established, individual victims would be preferred over business or governmental victims. Reasoning behind such decisions can range from assessing the relative needs of different victims to principled objections to repaying certain types of injured parties. A program might take the position that amounts paid by insurance companies are inappropriate for restitution on the belief that repayment of such sums by offenders would have no effect on premiums and would constitute double profits for the company. Of course, such losses might still be assessed by the program as part of the offender's obligation -- an obligation that might be discharged through symbolic restitution or community service (see *Identification of Recipients*).

A number of practical issues should be addressed with reference to certain business victims. Business victims such as banks and finance companies, which may most often be the victims of forgery and fraud offenses, may require special attention from the standpoint of loss investigation and payment priorities. This may be necessary because forgers tend not to strike once but repeatedly and because of the difficulty of proving forgery, these business-claims to repayment may often be associated with *plea-bargained* charges. Second, and perhaps most importantly, there is a potentially enormous quantity of these cases (one program reported 101 victims for one offender). Third, these businesses may typically be indirect victims because the actual crime

may be committed at a store or elsewhere using an improperly authorized check or credit card. Finally, the store may be reimbursed by the finance company which may itself be insured against such losses.

3. *Loss Assessment Style* -- when approaching the task of assessing losses, programs may follow any combination of three approaches that might very loosely be termed:

(a) *Convenience model*

(b) *Insurance model*

(c) *Negotiation model*

(a) *Convenience model* -- under this approach, the loss assessment may be based upon information that becomes available during the criminal justice process. Obviously, the amount of information available under this model will vary from one jurisdiction to the next; it will also vary according to the point in the system at which the program must make its assessment of loss; and finally, it will vary from case to case. Most typically, however, any combination of the following sources of information might be relied upon:

(i) *Official Reports* -- estimates of loss or injury costs in documents such as police reports and pre-sentence or supervision reports are almost exclusively based upon statements by the victim and/or the offender. In addition, items contained in a police officer's narrative

description of the incident may give further indications of loss or damage and some independent estimate of the possible expense involved.

(ii) *Victim Statements* -- in addition to statements recorded in official reports, victims may make statements during the course of processing the offender, or in the case of some organizational victims, such as welfare departments, the victim may submit detailed reports of the losses involved.

(iii) *Offender Statements* -- in addition to statements recorded in the official reports mentioned above, the offender may advance estimates of the loss involved during plea negotiation or in open court, probably in response to other estimates being offered.

Discussion: As implied by the title, the major advantage of this model is the convenience of simply relying on the most readily available information. Because of the minimal expenditure of program resources for loss investigation, this model might be the most economical; consequently, it might also be suited for programs in which concern for precise loss assessment is outweighed by objectives of reducing the intrusiveness of the system upon the offender and/or diverting offenders to save system costs.

For programs that are more concerned with compensating crime victims or with making the offender fully accountable for loss or injury, the convenience model has major drawbacks. The primary drawback might be a lack of consistently accurate or available information. The scope and accuracy of official reports, for example, is likely to vary depending upon

which individual agent prepares them. Moreover, losses not noticed at the time a report was filed, or subsequent recovery through insurance or direct return may be overlooked. Similarly, because of the various paths a case may follow through the system, some of the reports may not always be prepared for all offenders and victims, and the offenders or victims themselves may not always have or take the opportunity to offer estimates of loss during normal processing.

(b) *Insurance model* -- under this, the most common model, the loss assessment is based upon a balancing of information secured by program staff, with very much the same approach as an insurance claims' adjuster might take. The end product sought under this model is an objective loss assessment by the program investigator, arrived at after consulting any combination of the following information sources:

(i) *The Direct Victim* -- sometimes in person, but more often by telephone and/or mail, the victim can be contacted from identifying information in official records, usually a police report. Information typical of the kind that might be sought from the victim is shown in Table 1. In addition to securing the victim's estimate/statement of losses, the program may require *documentation* of claims through the submission of receipts or other verification of value. Documentation of this sort might be waived in certain cases involving, for example, minimal losses or victims with sophisticated records such as banks or government agencies. Conversely, in cases where the loss assessment is extremely complex or where there is some controversy, the victim might be required to provide sworn testimony.

Table 1

Victim Loss Assessment Matrix

Type of Loss	Column I Gross Amount Lost	Column II Recovery-Police/Other (Not Insurance)	Column III Recovery-Insurance/Workman's Comp.	Column IV Amount Not Recovered
Money Stolen	-----	-----	-----	-----
Property Stolen	-----	-----	-----	-----
Property Damaged	-----	-----	-----	-----
Medical Expenses	-----	-----	-----	-----
\$\$ Value-Work Lost	-----	-----	-----	-----
Other ^{1*}	-----	-----	-----	-----
Other ^{2**}	-----	-----	-----	-----
Total	-----	-----	-----	-----

*Specify _____

**Specify _____

(ii) *Relevant Third Parties* -- as suggested in Table 1, the investigation of actual offenders may reveal that all or part of the losses sustained are insured or that other third parties such as doctors and others providing service to the victim have incurred expenses. Whether independently to assess the losses of these third parties or to verify the actual victim's statements, the following contacts are those most frequently made:

- victim's insurance company
- hospital financial departments
- doctor's billing clerks
- ambulance services
- automobile repair stations
- state victim compensation agency (to avoid double compensation)

In addition to third parties that may have suffered loss, one further contact might be made:

- police property desk (to check on police recovery of stolen property and the condition of any items being held as evidence)

(iii) *Reference Materials* -- just as an insurance appraiser might consult a standard reference for the value of a stolen or damaged vehicle, so the program might use retail or trade catalogues to set estimates at fair market value or to verify estimates from other sources.

(iv) *The Offender* (optional under this model) -- the offender's contribution to the loss assessment process under this approach is likely to be minimal. Only in the event that some unusual discrepancy

occurs between any of the other information sources might the offender's views be sought. Otherwise, the offender's input would be restricted to the right to contest the program's conclusions.

Discussion: The thoroughness of this style of loss assessment allows it to be implemented to meet broad victim compensation objectives, or in programs seeking to hold offenders strictly accountable for all losses. As might be suspected from the offender's minimal role, this model might be used in programs in which the offender is *ordered* to make restitution, rather than a more voluntary or negotiated arrangement. Consequently, a possible disadvantage for a program with offender-oriented objectives can be the potential for frustration and resentment against the system if the offender feels that his opportunity to contest the assessed losses is inadequate. For example, an offender faced with the prospect of probation, in which restitutive conditions are an integral part of a plea offer or judicial disposition, may be reluctant to challenge the fairness of the assessed losses because of apprehensiveness that a more severe disposition might result.

From a practical standpoint, this model of loss assessment can require the assignment of considerable staff resources to investigative duties. In addition, much of the contact with victims may have to be done after normal working hours in order to catch the victim at home. For victims with no telephone, personal interviews may be required, especially when processing time constraints or other reasons make mail correspondence

inadequate. In this situation, and for programs wishing to interview victims in person as a matter of general policy, considerable travel time and expense is likely to be incurred unless the interview takes place in the program's offices.

Because of the requirement of documentation and the independent checking through third parties and reference materials, the chances of inflated claims by victims is likely to be low. As an added precaution, programs may also politely advise victims, especially those suspected of "padding," that false claims may constitute an offense under the state's penal code.

(c) *Negotiation model* -- under this model losses are assessed in an interactive process in which the views of both the victim and offender are exchanged and a mediated or arbitrated settlement is reached. The interaction may be of two kinds:

(i) *Face-to-Face* -- negotiations under this model occur directly between offenders and victims or representatives of victims (e.g., employees of a business victim). This style of loss assessment might involve a program staff member as a third party mediator/arbitrator; alternatively, independent mediators such as community volunteers may be used. Standard mediation techniques such as reality testing (reminding one or both parties of the possible adverse consequences of failing to reach an agreement) might be employed.

(ii) *Third-Party* -- negotiations under this model are conducted by a third party, usually a program staff member, acting as a

go-between to resolve any discrepancies between estimates of loss by the victims and the offender. Depending upon the objectives of the program the third party may be neutral or an advocate for one or another party to the dispute.

Discussion: Face-to-face negotiation is probably the most frequently suggested and infrequently implemented model of loss assessment. From the standpoint of the various program objectives, this model may offer the greatest potential for satisfying a wide variety of needs. From the offender's perspective, the opportunity to take an active role in at least part of the outcome of the case may provide an increased sense of fairness about the system; at the same time, personal exposure to the victim's side of the case and the losses or injuries sustained may reduce the extent to which the offender is able to rationalize his conduct, and possibly increase his sense of responsibility for the harm he may have caused.

From the victim's perspective the personal interaction with the offender may serve to reduce levels of hostility and fear, and increase satisfaction with the criminal justice process because of the chance to be heard and have losses and injuries considered. Because of the time investment required from the victim and program staff, however, there is no evidence to suggest that this style of loss assessment offers any advantages over the insurance model discussed above if the primary objective of the program is simply victim compensation.

From the standpoint of system objectives, the potentially high investment of time and money in organizing and running face-to-face sessions can be weighed against any benefits that might be secured. One advantage

for program staff is that many other aspects of the restitution plan in addition to loss assessment can also be resolved in the course of a negotiation session; for example, potentially thorny questions about victim culpability (see *Plan Formulation*) might be resolved more easily between the two parties than under any alternative model.

As a practical matter the use of face-to-face negotiations may often be unworkable because of the victim's unwillingness to become involved. Especially for programs operating in remote and possibly forbidding correctional settings, the problem may be particularly acute. Programs in the past have varied in their response to non-cooperation by victims; some have excluded the offender from the program while others have substituted a service sanction for the restitution.

The third-party negotiation model lies between the face-to-face alternative and the insurance approach. The principal difference from the latter model is the greater degree of concern for the offender's estimate of the value of the injury attributed to him; as a middle-ground approach this option obviously shares advantages and disadvantages of each of the other two.

VI. *Plan Formulation*

Depending upon the program's objectives and its role in the imposition of restitution or community service, the program "plan" may range from simply a *statement of losses* attributable to the offender, to a *recommendation or order* as to the offender's obligations, to a *contractual document* setting forth rights and obligations of all parties involved. Each of the following elements might be included:

- A. Recipient identification
- B. Type of payment/service obligations
- C. Amount of payment/service obligations
- D. Arrangements for payment/service
- E. Ancillary obligations
- F. Incentives for program participation/completion
- G. Conditions/sanctions for program failure

A. *Recipient Identification*

Essentially three classes of recipient can be taken into account.

1. *Victims* -- (see *Types of Victims Investigated*)
2. *Symbolic Recipients* -- parties related symbolically to the offender's conduct. This might include other uncompensated crime victims, either directly or through a program fund established to pay victims whose own offenders do not pay. Other recipients in this category might include agencies providing services to victims such as victims' assistance programs, victim compensation programs, hospitals treating those injured in assaults, arson, negligent

driving offenses, and so on. In addition, agencies providing services to similarly situated *offenders* might also fall into this category.

3. *The Community* in general -- persons or agencies unrelated to the offender's conduct. Examples have ranged from public works projects to ecology projects, to more mundane tasks for highway departments, cleaning roadways and so on.

Discussion: Obviously programs concerned with victim compensation may focus exclusively upon the actual victims, but may also be interested in the idea of a program fund for other victims whose offenders have not been required to make restitution or have defaulted. Offenders paying into this fund might be those whose own victims are not interested in restitution or who cannot be located. In addition, it has been suggested that offenders in high profit victimless crimes, such as drug sales or gambling offenses might appropriately pay into such a fund. Comparable practices with fines are employed in some states (e.g., California) to help finance the otherwise publicly funded victim compensation programs. Finally, offenders such as forgers apprehended while attempting to pass bad checks might pay into the fund the amount entered on the checks.

For programs pursuing offender-oriented objectives the choice of recipients is less clear-cut. If concern is with the relationship of the recipient to the offender's conduct, compensating the actual victims may again be the most appropriate route. Alternatively, it might be argued that a well-matched symbolic recipient could provide a more rational

and beneficial experience for the offender. In either case, if an objective is to reduce the intrusiveness of the criminal justice system, whether from offender or system concerns, the number of eligible offenders can be greatly increased through the use of symbolic or community recipients and the inclusion of victimless crimes and crimes resulting in no compensable losses.

In addition to the potential relationship between program objectives and the type of recipient, program resources must also be considered. Previous studies have emphasized the difficulty of maintaining an adequate supply of available and willing community recipients, and the task of finding recipients symbolically meaningful to the offender is likely to be as difficult, if not more so. The need for job development staff or outside resources has been repeatedly stressed in this regard. Community organizations, churches, and good public relations have all proven helpful.

B. Type of Payment/Service Obligations

Three styles of obligation might be included in the plan.

1. *Service* -- this type of obligation may be further subdivided as:

(a) *Direct service to victim* -- such service may be *restorative*, repairing the actual damage caused during the incident leading to the offender's involvement in the criminal justice system. Alternatively, this type of service may be *compensatory*, not repairing the original damage but providing service of equivalent value. Lastly, with the agreement of the victim, the service to the victim may merely be a *token* or *symbolic* gesture by the offender.

(b) *Symbolic service to others* -- such service is symbolically related to the offender's conduct in the incident leading to his involvement in the system. A well-known example is the tight-rope artist who illegally balanced between New York's World Trade Center buildings. Part of his sanction was to give a free tight-rope show for children in Central Park.

(c) *General service* -- this type of service is not related to the offender's conduct and is usually performed for a community group or charitable organization.

2. *Monetary Payments*

3. *In-kind Payments* -- return of original item(s) or substitution of an alternative item with agreement of recipient.

Discussion: Strictly from the standpoint of achieving program objectives, the most generally acceptable type of obligation might be direct service to the victim. This option can relate the sanction directly to the offense, while offering a positive contribution by the offender, compensation to the victim and possible reconciliation between the two. Despite its theoretical appeal, however, judges interviewed for the national evaluation and in previous research do not favor its use. They fear repeated victimizations and feel that victims do not want service from the offender. Preliminary indications from the national evaluation show that victims are overwhelmingly opposed to the direct service route. Programs interested in this option might have more success with business or other organizational victims who may be in a better position to allow the offender to work off the restitution.

For personal victims, even if they are willing to be involved, repair of damage or injury may often be beyond the skills of offenders to remedy directly, and individuals are less likely than organizations to have alternative tasks for the offender.

Program objectives that focus upon reducing the intrusiveness of the system, whether from concern for offenders or to save costs can reach the largest number of offenders through the community service option. Although possibly lacking some of the political appeal and strategic utility of a victim compensation program, the community service alternative allows the inclusion of offenders with no victims or victims with no losses. If the service is not based upon the amount of loss involved (see *Amount of Restitution/Community Service*), this alternative also eliminates the time and resources needed for loss investigation. In addition, because this option does not require linking the type of service to the offense, it may be easier to find placements than if symbolic recipients are used. The most obvious disadvantage of the community service option, if employed by itself, is that victim compensation objectives are ignored except in the sense that the victim, as a member of the community, benefits indirectly from the service. Consequently, it has been largely reserved for those cases of victimless or no-loss crimes or for cases where the victim does not want restitution or cannot be reached.

The use of symbolic service restitution has many of the advantages of the more general service, and represents a more rational linkage between the offender's conduct and the offense. Perhaps the biggest difficulty

with this approach, however, has been to find and/or maintain an adequate number of relevant service options. For both this and the community service approach an important component of the program is likely to be its public relations and job development resources.

The use of monetary restitution has been the most widely used of the different obligations and has obvious advantages for victim-benefit objectives. From an offender's perspective, programs attempting to impress upon the offender the rationality of restitutive payments might take special steps to ensure that such payments are not equated by the offender with punitive financial sanctions such as fines. From a system viewpoint, programs using financial restitution can capitalize on the political appeal of helping victims. In addition, the need for extensive job placement and development resources may be less essential, especially if payments are extended over long periods of time.

The use of in-kind restitution, used extensively in less industrialized times, has not received much attention in more recent discussion. It might be considered, however, by programs that set restitutive obligations through one of the victim-offender negotiation procedures outlined above (see *Loss Assessment Styles -- Negotiation Model*).

Of all of the alternatives presented, the use of financial restitution might be the most restricted in terms of the location of the program in the system. Although some service tasks might be performed in an institutional setting, the use of financial restitution is limited by the very low earnings of inmates. And, the significance of financial restitution

may lose much of its impact upon all parties involved, if it can only be paid upon an inmate's release, possibly many years after the offense.

C. *Amount of Payment/Service Obligations*

The amount of restitution or community service assessed against the offender may be determined in two ways:

1. *Based Upon the Amount of Loss* -- using this approach the size of the offender's obligation might reflect *the full amount of loss*; either monetary restitution for the full amount of loss might be used, or service can be related to the loss through a formula incorporating the amount of loss and the number of hours to be worked x the minimum wage or value of the service to be performed. Alternatively, the offender's obligation might be set at only *a fraction of the loss*; partial monetary payment, or service, computed in the way just discussed might be required, in consideration of the following factors:*

(a) *Co-offender liability* -- a reduction from the actual amount of loss, based upon the relative responsibility of other offenders involved. Programs face two types of decision: first, where all co-offenders are to incur obligations, and the decision is how much *each* should pay; second, where all co-offenders are not available for payment

*Also suggested by some writers is the idea of punitive restitution in which the offender is required to pay *more* than the full loss amount, usually some multiple of it.

and the decision is how much the *available* offender(s) should pay. Examples of the latter may occur when a co-offender is not caught, or is processed as a juvenile or disposed of to different authorities, or sentenced to probation while his/her co-offender is sent to prison. One option can be to make offenders jointly and severally liable for the full amount, discounted by any payments made by co-offenders. Alternatively, amounts can be set according to the offender's role in the crime (lead role, peripheral role), his share of the proceeds from the offense, or based upon some further assessment of the relative culpability of each offender in the incident.

(b) *Victim culpability* -- a reduction from the actual amount of loss based upon an assessment that the victim was contributorily at fault in the incident leading to the offender's involvement in the system. Programs might employ principles comparable to those used by victim compensation boards and in civil courts. One further type of victim culpability that has been employed in the past has been based on the need to guarantee the integrity of program procedures. This concern might lead to reduction of obligations because the victim has attempted to gain unjustly by artificially inflating or generating claims for restitution.

(c) *Remoteness of harm* -- a reduction from the actual amount of loss, based upon the excessive size of the amount in relation to the severity of the offense or in relation to the offender's *intent* at the time of the criminal incident. Although this particular factor is not likely to cause frequent problems for program staff, cases may arise in which documented losses far exceed any harm intended by the offender and which occur in otherwise trivial offenses.

(d) *Ability to pay* -- a reduction from the actual amount of loss, based on an assessment that the offender is unable to repay the entire amount. Factors that can be considered in this assessment include the size of the original loss amount, time available for payment, the offender's earning capabilities, his obligations for dependents, debts, other system costs such as fines, court costs, fees, and room and board and savings-upon-release (from a correctional program). Reductions in this category can be made by payment of partial amounts to all victims or by excluding some victims from recovery (see *Types of Victims Investigated*).

(e) *Full loss not ascertainable* -- this may occur in cases involving continuing medical expenses or other unresolved loss questions. Program alternatives in this situation include settling upon losses known to date, projecting final losses, or setting an acceptable maximum which may be reduced once actual losses are determined.

2. *Independent of Loss or Injury* -- fixed tasks, money amounts, or lengths of service might be required, for example, for certain offenses. This method can be used by programs that do not focus upon compensating victims. It avoids the entire loss-investigation procedure and the amount of payment might be based upon a weighting of offense, offender, and task characteristics.

Discussion: Basing the offender's obligation upon the losses incurred by victims can help to achieve victim compensation objectives, and impress upon the offender the relationship between the offense and the sanction; program objectives of diverting offenders and/or saving system costs, however,

might also be achieved by setting the offender's obligation independently of loss, thus saving the time and expense needed for investigation.

Where the offender's obligation is based upon the amount of loss, the conversion to service time raises issues of potential discrimination; if the length of the offender's obligation is based upon the value of the service performed, for example, it may discriminate against those with fewer skills. Conversely, unless some allowance is made for the difficulty of some tasks as opposed to others, offenders in less desirable types of service may feel unjustly treated.

If the amount of the offender's obligation is considered in relation to program objectives, a victim orientation might require full repayment as often as possible. Programs concerned that the offender should assume responsibility for his actions might also press for full repayment, whereas programs simply trying to reduce the level of intrusiveness of the system or divert offenders to save system costs might be more willing to settle for partial payments.

Where the possibility of partial payment might otherwise be considered, victim compensation programs can take the position that all co-offenders are responsible for the full amount of loss, minus anything paid by their partners.* Offender-oriented programs, however, might make adjustments for the relative culpability of each offender; this might especially be desirable when the offender can justifiably point to inconsistencies in the system, as may be the case, for example, if a co-offender is sentenced

*Care must be taken of course that over-payments are not made to the victim (see *Disbursement*).

by a different judge who does not believe in imposing restitution at all.

In most cases involving victim culpability the offender may be screened out of the criminal justice system before the point at which the program operates. For the remaining few cases, assessing the degree to which the victim may have been at fault is likely to be a very difficult and sensitive task, except perhaps in the context of victim-offender negotiations (see *Loss Assessment Style*). Similarly, reduction of payment obligations because of the remoteness of the harm (see *Types of Loss Investigated*) may involve comparable difficulties in balancing the offender's responsibility against that of third parties. For example, an offender convicted of negligent driving, after colliding with a car that explodes easily upon impact, may feel that the injuries to the victim are at least in part attributable to the automobile manufacturer. The program may then be in the unenviable position of considering the liability of a third party over which it has no jurisdiction in the case.

Probably the most frequent context in which programs may have to consider partial repayment is when the offender seems unlikely to be able to repay the full amount of loss. Because most loss amounts tend to be of moderate size, the issue of ability to pay may be a problem that has been overstated in previous studies. Inability to pay, however, can especially be a problem in cases involving extensive losses, chronically unemployed offenders, or very short periods of time during which the offender will be under the jurisdiction of the program. In each case, in order to

recover even a part of the losses, there might be a danger of possibly discriminating against these offenders, by extending their supervision time beyond what it might otherwise have been. For example, an offender whose offense merits a short probation period may find himself with a much longer, possibly maximum, period so that repayment obligations can be fulfilled. In programs seeking to divert offenders from a more intrusive sanction, the danger exists of subverting the objective if the overall amount of time under state control is increased to permit repayment.

Even in cases in which full repayment is not a realistic expectation, programs focusing on victim compensation may nevertheless *impose* the full amount, just in case the totally unexpected happens and the offender's circumstances alter significantly.* Programs that are concerned not to place the offender in an almost certain failure-experience might reduce the obligation at the outset. In either case, programs can attempt to minimize the likely dissatisfaction of victims by informing them of the offender's circumstances and the probability of only partial recovery.

D. *Arrangements for Payment/Service*

Three aspects of arranging for payment or service with which a program may be concerned include the form of payment, the mechanics of payment delivery, and the scheduling of payments and service.

*Such programs might, however, set disbursement priorities so that certain victims are paid before others. (See *Types of Victim Investigated*; see also *Priority of Disbursements*.)

1. *Form of Monetary Payment*

(a) *Cash*

(b) *Personal check* -- drawn on a personal account, usually required to be the offender's.

(c) *Money order* -- purchased, usually for a nominal sum, from banks or post offices; made out by the purchaser to the recipient, with a copy for the purchaser; checking account is not necessary.

(d) *Bank or official check* -- purchased from a bank and made out to a specific recipient by a bank official; free, or for a nominal charge; no checking account is necessary.

2. *Monetary Delivery Arrangements*

(a) *Offender responsibility* -- the offender delivers, in person or by mail, to the victim, the program, or to another criminal justice agency such as his supervising agent, counselor, or to the fiscal department of an agency.

(b) *Employer responsibility* -- automatic payment may be made from a garnishment arrangement, especially in a corrections situation where financial arrangements in general are controlled.

3. *Schedule of Payments/Services*

(a) *Frequency* -- the number of times payments are to be made or services performed.

(b) *Periodicity* -- how often payments/services are to be made. Payments may coincide with the offender's salary/wage period (weekly/monthly) or be in lump sum. Services may be performed on weekends, evenings, or during the working day by unemployed offenders.

(c) *Amount per period* -- amounts may be spread over the entire time during which the offender will be under the jurisdiction of the criminal justice system. Alternatively, the amount per period may be set at a level based upon the offender's ability to pay or availability for service.

Discussion: The primary questions that arise in connection with the form of payments concern the program's and offender's convenience, and security. Although cash payments may in many ways be convenient for the offender, the large amounts involved in many programs can make this an inadvisable approach for obvious security and accounting reasons. Unlike cash, personal checks might be mailed by the offender, but the convenience of this method can be weighed against processing difficulties with "bounced" checks; there may also be more than irony involved in the case of many offenders who are paying restitution for checking offenses. Consequently, either money orders or bank checks might be considered.

Indications from the national evaluation suggest that payment delivery might best be directed to a fiscal officer of the program staff or of another criminal justice agency. Probation officers in the past have objected that receiving payments from offenders interferes with their "helping" relationship; payment directly to the victim may jeopardize the privacy of the victim, and could place the victim in a policing role that might be uncomfortable in the event of unsatisfactory performance by the offender. Whereas programs concerned with the security of payments to victims can make garnishment arrangements, programs concerned with improving the offender's sense of responsibility may leave the task to the offender.

When devising a schedule of payments the least amount of program work is necessitated by simply dividing the amount owed by the number of payment periods during which the offender will be under the program's jurisdiction. To achieve victim compensation objectives, however, the program may raise the amount per period as high as the offender's circumstances will allow. Two purposes might be sought by using the latter approach; first, to expedite the return of the victim's money to increase victim satisfaction; and second, to secure as large an amount as possible quickly in case the offender recidivates.

The approach of fewer, higher payments might also be used to achieve offender objectives, reasoning that the longer payment drags on the greater chance there may be for any initial feelings of being rationally and justly treated to be replaced by resentment of the payment obligation. Nevertheless, for both victim-equity and offender-fairness reasons, allowing those offenders who can afford to make large lump-sum payments to satisfy their obligations immediately may be thought of as discriminating against those less able to do so, especially if significant incentives are offered for fulfilling the restitutive obligation.

Finally, possibly a most important aspect of making arrangements for payment or service is notification; to prevent frustration, confusion and enforcement difficulties later on, the program staff can take steps to make sure that all parties concerned are fully aware of the arrangements.

E. Ancillary Obligations

This component of the plan can include obligations related to the completion of restitution or community service. Such obligations are usually upon the offender, but when taking contract form, may also be upon the program. Most commonly it might include:

1. *Employment Counselling*
2. *Employment Training*
3. *Financial Counselling*

Discussion: To achieve both victim compensation and reduced recidivism objectives, programs might seek to improve the offender's job and financial prospects in order to avoid subsequent difficulties in meeting obligations discussed above. Especially with chronically unemployed offenders, or in areas with generally high levels of unemployment, availability of employment services may be crucial to the eventual success or failure of the program. Provision of these services by the program may require a major allocation of staff resources of quite a different nature from those required at other stages of the program.

F. Incentives for Program Participation/Completion

As an incentive for the offender to fulfill restitutive or community service obligations, or as part of a program objective to reduce the intrusiveness or expense of the criminal justice system, the following types of incentive may be considered.

1. *Incentives for Program Participation* -- these are benefits which begin from the time the offender officially incurs the restitutive obligation. They include:

(a) *Diversion* from a more intrusive type of penalty -- in return for the offender's restitutive or community service agreement (and perhaps in order to be able to perform it). The offender may be diverted from normal prosecution to a pre-trial diversion setting; from incarceration to a probation or conditional discharge setting; or from incarceration to a work release or parole setting.

(b) *Reduction or amelioration* of disposition conditions -- in return for the offender's restitutive or community service commitment the conditions of his supervision or confinement might be relaxed or positive privileges such as increased good time conferred.

2. *Incentives for Program Completion* -- rather than beginning at the time the obligation is incurred, similar benefits to those for program participation would only occur *after* restitution or community service is completed. At this point, the following options may be employed:

(a) *Release from system* -- this might include the dropping of charges after completing a pre-trial program or termination of conditional discharge, probation, or parole after the offender's obligations are met.

(b) *Reduction or amelioration* of disposition conditions -- this might include moving to a lower supervision status for probationers or parolees, or moving to work release, furlough, or parole for incarcerated offenders.

(c) *Release from further civil liability* -- this marginal option might be employed if the victim is involved in the program.

Discussion: The use of incentives for program participation or completion may be approached from a positive judgment that the offender might benefit from a lesser intrusive sanction, costs might be averted, or the offender might be more highly motivated to compensate the victim. Alternatively, the use of incentives may be no more than a realization that restitution or community service cannot be provided at all unless, for example, the offender is released from prison to work release or parole.

A fundamental question is whether program objectives and considerations of fairness can be met if restitution is simply added to traditional sanctions, increasing the intrusiveness of the criminal justice system. If the answer to this question is no, and the program seeks to allow a restitutive or community service obligation to act in mitigation of the remainder of the offender's sanction, the danger that this intent will be frustrated seems great. *In almost every restitution program studied to date, restitution has been used in an add-on fashion, even where the original program objectives included reducing the intrusiveness of the system.* Programs established to handle offenders through probation who would otherwise have been incarcerated, for example, run the risk instead of processing cases that may have resulted in probation anyway; similarly, diversion programs offering the possibility of restitution may develop a caseload of offenders who would otherwise have been dismissed from the system entirely.

Although pressures to "widen the net" of criminal justice control may not always be readily avoided, one precaution that might be possible in some programs involves having knowledge, before consideration of restitution or community service, of what the offender's fate otherwise will be.

G. Conditions/Sanctions for Program Failure

Especially in a contractual plan, but more generally to place the offender on notice, programs might consider clearly specifying in advance the *conditions* under which the offender may be considered to have failed to fulfill his obligations. These might include an *unjustified* failure:

- (1) to meet a certain *number* of payments/service appointments (e.g., missing three consecutively);
- (2) to meet a certain *level* or *standard* of payment/service (e.g., below 80 percent of the payment per period for three periods; drunk at the service site);
- (3) to meet a certain *consistency* of payment/performance (e.g., more than two hours late for four service appointments; or more than one week late for four payment periods).

Having established such conditions, the program may further specify *sanctions* for failure. These might include:

1. *Retraction* of any incentives already awarded.
2. *Revocation* to more serious type of sanction. This may include prosecution on the original charges following failure in a pre-trial program; probation revocation, and so on.

3. *Extension* of existing supervision conditions or period. This might include, for example, extension of probation beyond the period originally set.

Discussion: Precise instruction of the offender at the outset about the consequences of failing to fulfill restitutive or service obligations, can greatly facilitate subsequent enforcement procedures. Early specification may deter tendencies to fall behind in payments or service delivery, and reduce the incidence of objections and feelings of unfairness in the event that enforcement action must be taken (see *Monitoring and Enforcement*).

VII. *Accounting and Disbursement to Restitution Recipients*

In addition to the obvious need for efficient bookkeeping resources to handle the potentially large sums of money changing hands, two general aspects of disbursement procedures* to be considered are:

- A. Frequency of Disbursements; and
- B. Priority of Disbursements

A. *Frequency of Disbursements*

Money can be disbursed to recipients through either:

1. *Lump-sum Payment* -- before any money is disbursed to the recipient, the entire amount obligated to the recipient is collected from the offender.
2. *Periodic Payments* -- disbursements are made to recipients at set intervals, usually coinciding with the offender's payment schedule (see *Arrangements for Payment/Service*).

Discussion: At least two factors might be considered to support disbursement of restitution as a lump sum. First, it might be thought that in order for restitution to be as meaningful as possible to the recipient, the amounts received should be large enough so as not to appear trivial. Second, the single-payment approach offers the advantages of lower costs and greater bookkeeping convenience for both the program and the victim. Conversely, especially in the case of businesses, recipients of restitution

*Under a negotiated agreement between the victim and the offender, disbursement arrangements might also be included in each agreement. More often, however, they are likely to be fixed by general program policy, or by the fiscal office responsible for disbursement.

may prefer to receive periodic payments to settle any questions about ownership of interest on potentially sizeable restitution accounts.

B. Priority of Disbursements

As a general rule, and especially in cases in which the offender can only make partial payment or is revoked or released before full payment is made, programs may face decisions concerning disbursement priorities among:

1. *Multiple Financial Sanctions* -- restitution, fines, court costs, attorneys' fees, and supervision fees; and
2. *Multiple Recipients* -- direct and indirect victims, officially defined and programmatically defined victims, individual, business, governmental, and other recipients (see *Types of Victim Investigated*; see also *Identification of Recipients*).

Discussion: Decisions about payment priorities rest to a large extent on value judgments about the utility and merit of paying some recipients before others or at a higher rate than others, as opposed to paying them all equally. As far as priorities between different financial sanctions are concerned, all criminal justice personnel interviewed in connection with the national evaluation favored the payment of restitution first. This approach has also received approval by most standard-setting commissions in criminal justice.

Establishing priorities between recipients of restitution is a more divisive issue. Several different approaches can be used, varying from periodic payments in equal amounts or amounts in proportion to the total loss

for each recipient, to complete payment of some recipients before others; in this latter category, the most usual priority has been to reimburse individuals before other recipients on the basis of presumed need. Clearly, under this last approach some low-priority recipients may receive little or no restitution, with possible adverse reactions to the program, ranging from personal dissatisfaction to public challenge of the payment procedures. Faced with this prospect, any priorities set by the program should be clearly reasoned and defensible.

VIII. *Monitoring and Enforcement*

A. *Routine Monitoring of Payments/Service*

Once the offender enters into a restitution or community service obligation, the task of checking that conditions in the program plan (see *Arrangements for Payment/Service*) are being met will vary by type of obligation.

1. *For Financial Obligations* -- monitoring payments for program reports and to check the offender's progress can be guided by the following indicators:

- (a) *Missed Payments* -- the number of times the offender has failed completely to make a payment.

- (b) *Late Payments* -- the number of times the offender has been more than a specified number of days late in paying.

- (c) *Partial Payments* -- the number of times the offender has paid less than the full amount set per payment period.

2. *For Service Obligations* -- monitoring service performance can be reduced to a checklist of similarly objective criteria, to show:

- (a) *Number of hours of service performed*

- (b) *Number of specific tasks completed*

- (c) *Number of times the offender was late/missing*

- (d) *Number of times the offender's performance was unsatisfactory*

- (drunk; obstructive; lazy).

Discussion: The task of monitoring financial restitution can be completely routinized in conjunction with procedures for accounting (see *Accounting and Disbursement Procedures*). For service obligations, the seemingly logical procedure of having the recipient or work supervisor provide monitoring information can lead to difficulties. Unless independent supervision is provided by program staff or other criminal justice agents, the recipient/work supervisor can be placed in an awkward policing role; as a result, fear of reprisals, threats, or empathy with the offender can lead to inaccurate reports of the offender's performance. Conversely, placing supervision duties in the hands of non-criminal justice personnel, especially victims, might lead to overzealously critical reports for personal or vindictive reasons. Independent checking through occasional site visits and adherence to objective performance criteria can minimize this problem.

B. Actions in the Event of Default

If irregularities appear from routine monitoring, program responses can involve:

1. *Actions Short of Termination* -- depending upon whether or not the irregularity can be justified by the offender, supportive or sanctioning responses can include:

- (a) *Increased Supportive Service* -- this might include new job placement following a lay-off, or assistance with travel arrangements to a service site.

(b) *Warning of Impending Termination* -- notification (through counsel, if necessary) of the possible consequences (e.g., revocation) of continued payment delinquency. Warnings can be reinforced by intermediate official steps to enforcement (e.g., a hearing to show cause why probation or parole should not be revoked).

(c) *Plan Modification* -- any or all terms of the original payment/service plan might be modified to:

(i) *Extend the supervision period* in the case of willful default.

(ii) *Increase supervision conditions/intensity* in an effort to resolve the underlying reason for payment delinquency.

(iii) *Modify payment/service arrangements* to reflect a justified change in the offender's circumstances (e.g., temporary lay-off; unforeseen expenses).

2. *Termination* -- if the offender's default is intentional, or his circumstances have changed so that continuation of restitutive or community service obligations is unrealistic, two responses can be made:

(a) *Release from the Obligation* -- this might occur where the offender is permanently disabled or otherwise justifiably unable to fulfill the obligation.

(b) *Retraction of Incentives* for program completion (e.g., no early termination of probation).

(c) *Revocation* to more intrusive processing (e.g., probation revocation, return to inmate population).

Discussion: No matter what objective is being pursued through the use of restitution/community service, unsuccessful terminations for willful non-performance can have very limited utility. Beyond the possible deterrent effect upon other offenders considering default, termination can only frustrate victim compensation objectives and increase the level of costs and intrusiveness of the system. Consequently, actions short of termination must be considered extensively by program planners.

Experience from the national evaluation shows that even these intermediate actions can often be very expensive in relation to the amounts of restitution or community service involved. If show-cause hearings came to be used extensively as a warning to delinquent probationers, for example, the potential system time and expense for defense and prosecuting attorneys, probation officers, and judges could be considerable.

Finally, experience from the national evaluation and previous research shows that criminal justice officials, and sentencing judges in particular, are extremely reluctant to revoke offenders who are delinquent in payment. Particularly where offenders are satisfying all other conditions except payment or service, reluctance to take any but the most cursory action has been the norm.

IX. *Program Evaluation*

Three reasons may be given for providing a restitution program evaluation:

- (1) To assess the extent to which program goals are being achieved
- (2) To provide feedback information valuable in making program changes
- (3) To provide a measure of accountability

Discussion: The reasons for providing a restitution program evaluation are both internal and external. For both the restitution unit staff and the parent agency staff, it is important to have a continual reading on whether or not the program goals are being achieved. At this level, both process goals and outcome goals are at issue. The essential *process* evaluation questions involve whether the program is running as planned; e.g., whether the intended offenders are entering the program, whether the victims are being located and are participating in the anticipated way, whether the criminal justice processing is occurring as expected, whether the needed data are available, and whether the individual restitution plans are being developed and are leading to appropriate repayments.

Outcome goals relate directly to the specified program purposes and objectives. That is, if primacy is given to offender purposes, outcome measures will reflect impact on recidivism and/or offender social stability, as well as the extent to which the restitution obligations are met. If victim concerns are at issue, outcome measures will involve

restitution received and victim satisfaction. And, if the criminal justice apparatus is the focus of the change effort, the specific target of the change (e.g., reduced jail population), assessed on a pre-program vs. post-program basis, will be the measure of outcome.

In addition to the assessment of goal achievement, another internal purpose of restitution program evaluation has to do with program improvement. As process and outcome data are collected and analyzed, feedback can be given to program personnel and decision-makers. This feedback permits identifying as soon as possible those aspects of the program that are not working well, so that staff can make immediate and appropriate program changes.

Providing a measure of program accountability focuses primarily on an external audience. Funding agencies, legislative bodies and the public generally may be interested in whether the program is handling its mandates and financial responsibilities properly. A specific component of the external constituency is the group of victims involved in the restitution offenses. Program progress reports represent useful ways of providing for these various audiences an accounting of program activities and a non-technical presentation of purposes and achievements.*

*Those interested in types of evaluation designs that might be used for restitution evaluation, as well as those interested in research instruments that can be used in both recording program processes and assessing program impact, should see E.J. Brown, A.T. Harland, R.A. Rosen, M.Q. Warren and B.R. Way, Selected Data Instruments, National Evaluation of Adult Restitution Programs, Research Report No. 2 (Washington, D.C.: LEAA, NILE&CJ, 1977) and; Alan T. Harland and Marguerite Q. Warren, Evaluation Objectives and Design Implementation, National Evaluation of Adult Restitution Programs, Research Report No. 4 (Washington, D.C.: LEAA, NILE&CJ, 1978).

X. *Conclusion*

As stated at the outset, and as illustrated in many of the more mundane procedural details addressed throughout, the intent of this report has been to reduce the various stages of restitutive programming to as practical a level as possible. Extensive theoretical and empirical background materials have been omitted in an attempt to restrict discussion to a systematically organized set of basic principles and procedures. Nevertheless, it should be clear that, even at this level, the practices of restitution and community service raise complex issues for program planners and administrators.

Experience from interviews during the national evaluation shows that much of the popular support for restitutive sanctions derives from instinctive reactions that it is a matter of "simple justice." The scope of this report shows clearly that restitutive programming can be far from simple and that the extent to which justice might be served depends upon a careful balancing of values, objectives, resources, and procedures. A diverse array of staff skills may be needed, covering the potentially sensitive task of investigating victim's losses, to accounting for large amounts of money, to job development and counselling, and even to public relations to secure support from other agencies and the community.

Consideration of the justice of restitution and community service can lead in similarly varied directions. Pursuit of justice between victims and offenders may clash with principles of fairness between one offender and another, as well as between offenders and the criminal justice system or even the more general social order.

Finally, it should be noted that this report is based primarily upon the evaluator's experience with the implementation and operation of restitution and community service programs. Experience that can only come from knowledge of the *outcomes* of such sanctions will be included as the follow-up stages of the national evaluation begin to produce more information about the effectiveness of different kinds of programs for different kinds of clients.

APPENDIX A

(From Steven Chesney, Joe Hudson, and John
McLagen, "A New Look at Restitution: Recent
Legislation, Programs and Research." Judicature
61(8):348-357)

Known restitution programs in the United States

Programs administered by the state department of corrections or department of public safety (26)				Programs administered by the county attorney (4)				Programs administered by county probation departments (cont'd.)			
Program	Point of contact	Clientele*	Residential	Program	Point of contact	Clientele*	Residential	Program	Point of contact	Clientele*	Residential
California Restitution Project, San Bernadino	Parole	Adults, M-F	No	Adult Diversion Project, Pima County Attorney, Tucson, Arizona	Pretrial diversion	Adults, M-F	No	Lowell Diversion Program, Lowell, Mass.	Pretrial & probation	Juveniles, M-F	No
Restitution Shelters, Albany, Atlanta, Macon and Rome, Georgia	Probation and parole	Adults, male only	Yes	Chisago Victim Witness Program, Center City, Minn.	Probation	Adults & juveniles, M-F	No	Restitution Component of Lowell Program, Lowell, Mass.	Parole	Juveniles, M-F	No
Adjustment & Restitution Centers, Athens, Augusta, Atlanta, Cobb and Gainesville, Georgia	Probation and parole	Adults, male only	Yes	Night Prosecutor's Program, Columbus, Ohio	Pretrial diversion	Adults, M-F	No	Project Remand, Ramsey County, St. Paul, Minn.	Pretrial diversion	Adults, M-F	No
Sole Sanction Restitution Program, Alcovy, Macon, Huston, Waycross Circuits, Georgia	Probation	Adults, M-F	No	Project Repay, Portland, Oregon	Probation	Adults, M-F	No	S.A.V.E. (Sentence Alternatives Volunteer Employment), Ramsey County, St. Paul, Minn.	Alternative sentence	Adults, M-F	No
Maine Restitution Project (Portland), Cumberland County, Maine	Probation	Adults, M-F	No	Programs administered by county probation departments (19)				Self-Sentencing Restitution Program, Winona, Minn.	Probation	Adults & juveniles, M-F	No
Victim Restitution Project, Boston, Mass.	Work release for prisoners	Adults, M-F	Yes	Colorado Victims Restitution Project, Denver, Colorado	Probation and jail	Adults, M-F	Yes	7th Circuit Court Victims' Assistance Program Rapid City, S.D.	Pretrial diversion, probation	Adults & juveniles, M-F	No
Minnesota Restitution Unit, St. Paul, Minn.	Parole	Adults, M-F	No	Restitution Service, Hartford, Conn.	Probation	Adults, M-F	No	Aid to Victims in Distress, Austin, Texas	Pretrial diversion, alternate sentence	Juveniles, M-F	No
Restitution Pilot Project, Jackson, Miss.	Probation	Adults, male only	Yes	Community Work Program, Tallahassee, Fla.	Probation	Juveniles, M-F	No	Victim-Juvenile Court-Police Liaison Project, Salt L. City, Utah	Pre-court, probation	Juveniles, M-F	No
Restitution Counselor, Raleigh, N.C.	Institutional work release	Adults, M-F	Yes	Off Days Sentencing Program, Miami, Florida	Work release	Adults, M-F	No	City-administered program			
Restitution Officer, Raleigh, N.C.	Probation, parole	Adults, M-F	No	Alternative Community Service Program, Agana, Guam	Probation	Adults, M-F	No	Community Accountability, Seattle, Wash.	Pretrial diversion	Juveniles, M-F	No
Restitution Accounting, Oklahoma City, Ok.	Probation	Adults, M-F	No	Assessment of Restitution in Probation Experiment, Des Moines, Iowa	Probation	Adults, M-F	No	Privately-administered program			
Salem Community Corrections Center, Salem, Oregon	Work release and jail	Adults, M-F	Yes	Porter County PACT Project (Prisoners and Community Together), Michigan City, Ind.	Diversion from jail	Adults, M-F	No	New Life Restitution Center, Clayton County (Jonesboro), Ga.	Jail & parole	Adults, male only	Yes
Restitution Work Release Center, Salem, Oregon	Parole	Adults, male only	Yes	Urban County Detention Service, Lexington, Ky.	Probation	Adults, M-F	No	Programs administered by local law enforcement agencies (3)			
Dept. of Corrections, Nashville, Tenn.	Probation	Adults, M-F	Yes	District Court and Special Probation Collection Units, Baltimore, Md.	Probation	Adults, M-F	No	Restitution Shelter, Orleans Parish (New Orleans), La.	Probation	Adults, male only	Yes
Division of Probation and Parole, Montpelier, Vt.	Suspended sentence, probation	Adults & juveniles, M-F	No	Community Arbitration Program, Annapolis, Md.	Pretrial diversion	Juveniles, M-F	No	Washington County Restitution Center, Hillsboro, Oregon	Probation	Adults, male only	Yes
Changing Focus, Milwaukee, Wisc.	Probation	Juveniles, M-F	No	Earn-It, Quincy, Mass.	Presence	Adults & juveniles, M-F	No	Victim Restitution Project, Warwick, R.I.	Probation	Adults & juveniles, M-F	No

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