National Evaluation of Adult Restitution Programs

RESEARCH REPORT #4

EVALUATION OBJECTIVES AND DESIGN IMPLEMENTATION

by

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TABLE OF CONTENTS

CHART LIST

I. Introduction

This is the fourth in a series of reports detailing the progress of the first phase of a national evaluation of adult restitution programs.[1] The national evaluation is funded by the National Institute of Law Enforcement and Criminal Justice as part of an action-research venture in cooperation with the Office of Criminal Justice Programs of the Law Enforcement Assistance Administration. Seven programs were funded by OCJP in October 1976, at which time funding also began for the national evaluation.

Very briefly, the evaluation encompasses programs at numerous stages in the criminal justice process in the states of California, Colorado, Connecticut, Georgia, Maine, Massachusetts, and Oregon. Detailed descriptions of the seven programs being evaluated are presented in an earlier report.[2] The present report explains the context in which the evaluation is set, reviews previous research in the area, describes evaluation objectives and procedures, and documents current progress towards those objectives. A concluding section contains plans for the remaining stages of the evaluation.

II. Context and Perspective

A. Operational Definitions

In the past few years the use of restitution has not only aroused widespread academic interest, but it has also gained an extremely broad base of political support and approval among criminal justice agencies. The diversity of its proponents is matched by, and probably derives from, the many different meanings attributed to the term *restitution*. Each of the following has been considered a restitutive response to criminal behavior:

1. *To the actual victim,* the offender might attempt to atone for an offense in any of three major ways:
   - a. *Return* of unlawfully obtained property;
   - b. *Financial compensation* in an amount:
     - (i) *Equivalent* to the victim's loss or injury; or,
     - (ii) *Symbolic* of the victim's loss or injury, either in the form of partial payment, or punitive payment in excess of the amount of loss, usually some multiple of it.
   - c. *Service performance* of a type that:
     - (i) *Repairs* damage attributable to the victim's conduct; or is
     - (ii) *Equivalent in value* to loss or injury sustained by the victim; or is a
     - (iii) *Symbolic gesture* by the offender.
2. *To symbolic victims*, the offender's obligations might include:
   - a. *Financial payment* to a designated third party, such as a fund from which uncompensated victims of other offenders could be paid, or to a charity of the victim's choice;

b. *Service performance* of a type that is related to the offender's conduct; for example, an offender convicted of drunken driving might perform services in the road-accident ward of a local hospital.

3. *To the community*, the offender might perform a service of a type that is unrelated to the offense; service of this type is most often for a public agency such as a parks' service or human resource organization.[1]

By far the most frequently employed sanctions for offenders in the national evaluation were financial restitution, and, to a lesser extent, community service.[2] In the only program to attempt systemmatically to use direct service to victims (Colorado), there was overwhelming rejection of the idea by a large sample of victims contacted. None of the programs evaluated made systemmatic efforts to employ service placements that were symbolic of the offender's conduct.

B. Background

Although an in-depth analysis of the history of restitution remains to be produced, examples of its existence in the laws and customs of ancient societies have been repeated almost ritually in previous writings.[3] The widespread statutory authorization for the use of financial restitution as a condition of probation is also well-known, as are the extensive, if sporadic, collection practices of some probation departments in the United States.[4] Only in this decade, however, have specialized restitution programs begun to appear, undertaken almost exclusively with the backing of federal funds.[5]

The introduction of numerous federally-funded programs has helped to focus attention on financial restitution, and has also prompted a growing interest in the use of community service sanctions. Community service has achieved a high level of publicity and system-acceptance in the United Kingdom and its use is beginning to increase in the United States.[6] A further impact of the growing number of restitution and community service programs has been to extend their applciation to a wide variety of criminal justice settings. Whereas restitutive sanctions previously were concentrated in the form of conditions of probation, new programs range from pre-trial diversion to parole.

Evaluation in program activity is paralleled by a growing body of literature in the areas of restitution and community service.[7] Most recently, a profusion of legislative activity can also be detected and massive efforts are underway to expand the use of restitutive sanctions in the juvenile justice system.[8]

C. Problem

Despite activity on so many fronts, a crucial component of criminal justice innovation has been almost entirely overlooked. Although the enormous sums of money expended to develop programs have succeeded in drawing attention to restitution and community service, past investments have rarely been accompanied by *evaluations* to assure accountability and the develpment of a knowledge-base for future planning. Consequently, despite the proliferation of new laws and programs, there continues to be an almost total lack of empirical evidence in this country about the effects of restitution or community service, upon offenders, victims, and the criminal justice system.

Although rough approximations have been made of the *amount* of restitutive activity, there is almost no information about the *quality* of service delivery or of the *effects* that new programs may be having. More often than not, even the most basic descriptions of program goals and procedures have not been reported. Similarly, details about the program populations have been provided, if at all, in only the most superficial terms.[9] In addition, the sparse information that has been accumulated has usually been site-specific, permitting very little comparison of experiences across programs.

A result of these unquestionning excursions into uncharted areas of restitution and community service has been to leave unaddressed many questions about the effectiveness of such sanctions in achieving numerous purposes discussed in the literature. Questions need to be answered about the impact of programs upon system problems such as overcrowded caseloads and institutions, as well as high processing costs; in particular, does restitution/community service operate *in addition* to normal sanctions, or does it serve a *diversionary* or mitigating role? Finally, effects upon offenders' recidivism, victims' satisfaction and even compensation, all remain to be tested.

III. Evaluation Objectives

Two principal objectives of the national evaluation are to *describe* in detail the seven restitution programs, and to assess their *effectiveness* in a variety of ways related to offenders, victims, and the criminal justice system. Descriptions of the seven programs and a synthesis of their practices are contained in a separate report.[1] The remainder of the present report focuses upon the current status of research procedures implemented to permit the assessment of program effectiveness. In combination, the aim is to develop a reliable source of guidance for current and future research and program planning, as well as to contribute to knowledge about the concepts of restitution and community service.

In addition to evaluating programs in relation to their own goals, which are quite often very narrowly defined, an objective of the national evaluation is to test effectiveness in the following respects, wherever relevant to particular programs:

1. *Restitution/Community Service* -- compared with pre-program experience, to what extent are restitutive or community service obligations imposed and met? Considerations include the amounts of restitution and community service provided, and late, partial and missed payments.

2. *Offenders* -- in relation to a comparable group of offenders (randomly selected) not participating in the program, how do offenders with restitutive or community service obligations compare in terms of:

a. *Processing* experiences -- do non-program offenders receive more severe dispositions and/or remain in the system longer than their program counterparts?

b. *Recidivism* -- do non-program offenders experience more, or more serious, subsequent law violations, rule infractions, and reprocessing through the criminal justice system?

c. *Social Stability* -- are program offenders more stable in their employment, residence, and family life?

d. *Attitudes* -- do offenders undergo changes in attitude towards crime, victims, and the criminal justice system during the course of their program experience?

3. *Victims* -- in relation to a comparable group of victims (randomly chosen) whose offenders do not participate in the program, how do victims in whose cases restitution or community service is imposed compare in terms of:

a. *Attitudes* -- do victims undergo changes in attitude towards crime, offenders, and the criminal justice system during the course of their program experience?

4. *System* -- are system costs and/or specific problems, such as overcrowding, reduced through offenders participating in the program (see 2a above).

Within each assessment category outlined above, more specific questions can be raised about *differential* effects, depending upon the type of offender, victim, and program involved. Are certain offender, offense, victim, and program characteristics related to success or failure along any of the relevant dimensions mentioned? And, is restitution or community service employed more effectively at some points in the criminal justice system than in others?

One of the most important objectives of the evaluation is an assessment of the interaction among the answers to the above questions. The interest at this level is on how effectiveness depends upon type of offender, type of victim, type of program, and the stage in the criminal process at which restitution arises. Do certain types of offenders do better in repaying certain types of victims? Are certain types of offenders more willing to repay via service than via money? Are certain kinds of victims more satisfied with a restitution program which involves repayment close to the time of the offense (e.g., a court-based program) rather than with a program which locates repayment at a more distant point in time (e.g., a work-release program)? For these and other questions of differential impact, an objective of the national evaluation is to address systemmatically the factors associated with outcome variations within each program and to some extent by observing variation among the programs.

IV. *Review of Previous Research*

A. *Introduction*

Very few research studies exist to shed light upon the many claims, fears, and suppositions that have been raised in connection with the use of either restitution or community service.[1] The generating influence behind the growing number of programs appears to be one of intuitive optimism rather than demonstrated merit.

The few studies that have been conducted have fallen into three overlapping categories, covering a variety of criminal justice settings. Ranging from simple *surveys* to estimate the number and type of programs, to *evaluations* of specific sites, the studies have also included very basic *descriptive accounts* of existing practices. Among the three types of study, restitution has been examined for adult and juvenile offenders, probationers and parolees, misdemeanants and felons.[2]

Unfortunately, with noted exceptions, the only unifying link between the published studies is a very low level of metholodogical adequacy or sophistication, and, as Hudson and Chesney point out, the fact that "[m]ost commonly, the research on restitution has not concerned itself with theory."[3] Accordingly, following a brief critical review of the studies themselves, their findings can perhaps be discussed most profitably in relation to some of the major issues addressed in the present study and raised in the literature about restitution by adult offenders.[4]

B. *The Studies*

1. *Program Surveys*

a) *The Chesney, Hudson, and McLagen Survey:*[5] This most recent attempt to identify the number and type of restitution programs in the United States took the form of a mail survey of 54 state planning agencies and 82 state correctional agencies "or their equivalents." Fifty-one of the SPA's and 73 of the corrections agencies completed the mailed questionnaires (response rate of 94 percent and 89 percent, respectively). Although by no means inclusive of all programs,[6] the high response rate and the recency of this survey support the claim of the authors that "it is probably the best listing available."[7]

Questions in this survey were aimed mainly at identifying the program's administrative organization, its location in the criminal justice system, and the type of clients served, as well as whether the program was residential or not.

b) *The Hudson, Galaway, and Chesney Survey:*[8] Nineteen restitution programs known to the authors were contacted in this telephone survey, in the United States and Canada. Four of the programs were for juveniles only and three others handled both adults and juveniles. The authors make no claims for the overall representativeness of their survey:

> We do not know the total number of restitution programs, but our telephone survey clearly did not reach all of them. Thus, the information we gathered reflects tendencies which may or may not apply to all such programs.[9]

Questions in this survey concerned the nature of restitution, its relationship to other criminal sanctions, how the amount of restitution was determined, and the victim's role in the process.

c) *The Batelle Survey:*[10] One of the earliest attempts to identify the extent of restitution experience in the United States was by a mail survey conducted in 1974 for the National Institute of Law Enforcement and Criminal Justice. As described by the authors, the survey consisted of letters to all state planning agencies, "requesting information in regard

to programs involved with offender restitution to victims of crime. All agencies were informed that the purpose of the inquiry was to provide a preliminary overview of operating programs and identity benefits and problems which might be associated."[11]

A total of 32 agencies, or approximately two-thirds of those contacted, replied to the request for information.

2. *Program Evaluations*

a) *The Georgia Restitution Shelter Program:*[12] The Georgia Department of Offender Rehabilitation established four residential restitution shelters in late 1974 and early 1975. Designed for "marginal risk, second offense felons,"[13] the program accepted cases from direct probation sentences or following probation revocation, and from the parole board through direct parole grant or revocation. The four shelters each were reported to have a 20-40 inmate capacity and were intended, *inter alia*, to reduce prison overcrowding in the Georgia system. In addition to its availability to probationers as part of a court sentence, the Georgia program can be distinguished from its Minnesota predecessor (see p.) by less of a victim-financial orientation; the Georgia program from the outset was more prepared to use symbolic or service restitution.

During the evaluation period, September 1, 1974, though June 30, 1976, 413 offenders were referred to the program; 80 percent came directly from the courts on probation and the remaining 20 percent were referred by the parole board. Nine of the referred offenders were not placed in the program, 400 were accepted, and although random allocation of offenders had beer planned as part of the evaluation,[14] only four cases were rejected randomly during the evaluation period. Consequently, the final evaluation presents simply a description of characteristics of program clients, and the performance of 274 offenders for whom at least partial data[15] were available at 18 months from release from the program. Victims are almost totally ignored in this report.

b) *The Restitution in Probation Experiment, Polk County, Iowa:*[16] The Restitution in Probation Experiment (RIPE) was implemented in September 1974 in response to new legislation in Iowa. Known as Senate File 26 [Iowa Code, S. 204 (1974)], the new law established a state policy:

> . . . that restitution be made by each violator of the criminal laws to the victims of his criminal activities to the extent that the violator is reasonably able to do so.[17]

As offenders were assigned to the Department of Court Services from the district court of the State's Fifth Judicial District, a determination was made whether restitution under the law was in order. Some judges included restitution in the disposition; in other cases no mention was made in the sentence but the law was applied. Following assignment of restitution cases to a probation officer, or a counselor if the offender was sent to a community residential facility, the project provided for development and administration of restitution plans based upon face-to-face meetings between victims and offenders. Immediate payments could be made for small amounts of restitution, with the court simply being notified; otherwise the project required presentation of a formal plan for judicial approval.

During the evaluation period from July 1, 1974, to November 1, 1975, a total of 102 program offenders had made restitution or were fulfilling an approved plan; 73 of these offenders were assigned to probation, while the remaining 29 were placed in residential facilities. Once again, however, because of both programmatic and evaluation reasons, the information on these few cases is of very questionable value.

From a program standpoint, for example, the project's final report notes that:

> Reportedly, one important motive for the development of the project was to facilitate the expenditure of available LEAA dollars.[18]

and,

> The design and development of the project occurred without broad staff initiative. Neither staff nor administrative and management personnel appeared to possess the strong commitment to project objectives that is imperative for the success of a new program. The principal objective of the Department of Court Services in consenting to operationalize the project appears to have been the acquisition of additional staff.[19]

Similarly, although the original evaluation plan called for the use of an experimental design, the evaluators conclude that:

> Due to the late project implementation and the short-term nature of the evaluation, valid measures of major project effects such as correctional effectiveness (absence of recidivism) or social effectiveness (rehabilitation or social reintegration) were not possible.[20]

Consequently, the findings of the RIPE report are limited mainly to tallies of the number of victims and offenders, with some descriptive information about the process of preparing restitution plans.

c) *The Minnesota Experiment:*[21] The Minnesota Restitution Center was a community corrections residential facility established in 1972 by the state's department of corrections. The Center was the focus of a program designed to provide a diversionary residential alternative to the continued incarceration of selected offenders in the state prison. Within four months of admission to the prison, the program called for eligible inmates to be released on parole to the Center, after working out a restitution contract with the victim and the program staff. Program residents assumed parole status upon entry into the Center, and release depended upon completion of both restitution and parole obligations.

The evaluation design for the experiment involved random allocation of eligible offenders into experimental (Center population) and control (continued incarceration population) groups. During the 22-month evaluation period, from May 1972 through March 1974, a total of 144 prison admissions met the program criteria.[22] Sixty-nine men were assigned to the control group to complete a regular program of incarceration prior to parole or release. Of the 75 experimental offenders, 4 refused the program and nine others were denied release by the parole board; the remaining 62 offenders were admitted to the Restitution Center.

Offenders were tracked for 24 months after initial release from prison to determine success or failure in the community for the two study groups. Success in the community was defined in terms of returns to prison for parole violations and new felony convictions.

Several limiting factors must be taken into consideration when interpreting any results of this study. First, the program entry sequence of randomization *followed by* volunteering on the part of the offender led to the possibility of bias when four experimental offenders refused to cooperate. Because no comparable drop-out point existed for the control group the continued comparability of the two groups was placed in question. Similarly, the random assignment was further compromised by the insistence of the parole board that certain eligible offenders be denied entry into the program.[23] Again, no comparable fall-out decisions were made for control cases, introducing the possibility of further selection biases. Both of these threats to the integrity of the evaluation design are compounded by the small number of cases, resulting in a loss of more than 17 percent of the cases that were originally assigned experimental.

One further caveat to be observed with this study concerns the degree to which the experimental and control groups were treated differently in ways other than through the use of restitution. Not only was the level of parole supervision much greater for the experimental group, but as problem cases arose in the Center "the focus of attention tended to turn to more traditional "treatment" methods while restitution was placed in a secondary role."[24] To the extent that this occurred, the question is raised whether the study tested the effects of restitution or the more dominant "traditional treatment methods."

3. *Descriptive Accounts of Restitution Practices*

a) *The British Magistrates' Court Study:*[25] The most notable study of restitution published to date was begun in 1974 by the Research Unit of the British Home Office. Based upon a national sample of adult defendants convicted of six selected offenses by magistrates' courts,[26] the study assessed how and to what extend the courts were ordering offenders to pay restitution.[27] The three-stage study was implemented in September 1974 when police throughout England and Wales provided information for adult offenders during a one-week period on charges resulting in summary conviction for any of the six selected offenses. Data were submitted for 3,604 such charges on 3,552 convicted offenders.

The second stage of the research in April 1975, required court clerks to provide data on the results of proceedings relating to the above-mentioned charges. For appropriate cases this included payment information within six months of sentence and any enforcement actions during that period. Usable data were received for 3,240 (91.2 percent) cases in the sample.[28]

The final part of this study occurred in April 1976. At that time court clerks provided information about subsequent payments and/or enforcement actions, to provide for each offender an 18-month follow-up record from the date of sentence. Offender records were supplemented for analys at each stage of the study by prior record information and background data of the type found in pre-sentence reports in the United States.[29]

The study focuses upon the extent to which restitution was ordered for different offense and offender classes and considers factors associated with both ordering and paying restitution. In addition to the principal reliance upon univariate analysis, multivariate analytical techniques

are employed, to examine, for example, the interactive effects of sentence-type, employment status and amount of loss when assessing the probability of restitution being ordered.[30]

In addition to the obvious comparability problems between this and American studies, several other factors must be taken into account when considering its findings in relation to the *general* use of restitution as a sentencing option. Besides truncating, by selection, the range of offenses for which restitution might be employed, the study further narrows its scope by excluding from analysis wounding and assault cases. The author suggests that restitution is rarely used in such cases in magistrates' courts because of "the difficulty of assessing the quantum of damages for various injuries" and because information about the effects of injury, such as loss of earnings, might not have been available to the court. The study becomes restricted, therefore, to the *selected property offenses* and, for the most part "[n]o results are shown for wounding and assaults because the number of compensation orders was very small."[31]

Two final limitations upon this study involve its very limited treatment of *victim* information, and its inattention to the major question of whether restitution mitigates or makes no differnece to the harshness of other aspects of the offender's sentence. This question assumes particular relevance in the British system because of the new legislation discussed above. If restitution is employed much more extensively under the recent law as one might expect, the question of what, if anything, the new sanction displaces in the sentencing hierarchy becomes critical. Questions such as whether offenders are being diverted from incarceration to pay restitution or whether trade-offs are being made against other sanctions are not addressed in the Home Office study.

b) *The Minnesota Probation Study:*[32] This study attempts to describe the use of restitution as a condition of probation in Minnesota from October 1973 through September 1974. The study is essentially in 3 parts: a statewide *mail survey* of the clerks of county and district court; examination of *court records* and probation files for a sample of these courts; and *attitude surveys* with judges, probation officers, victims and offenders.

In the court *survey*, 87 district court clerks were asked to list the number of (felony) offenders who received probation and the number for whom restitution was ordered as a condition of probation during the months of October 1973, January 1974, April 1974, and July 1974. Eighty-seven county court clerks were asked to provide similar information for juveniles. Responses were received from 68 (78.2 percent) and 69 (79.3 percent) of the clerks for district and county court, respectively.

For the examination of *court records*, counties were randomly stratified by population and 17 (of 87) were selected at random within those strata: 3 metropolitan, 7 categorized as populous outstate counties, and 7 non-populous outstate counties. All cases in the 14 outstate counties and a randomly selected 15 percent sample of cases in the urban counties were then reviewed for the period October 1, 1973 through September 30, 1974. The net results was a sample of 525 cases in which restitution was ordered; 215 juveniles (41.0 percent), 219 misdemeanants(41.7 percent), and 81 district court (felony) offenders (15.4 percent).[33]

Although this part of the research is one of the better organized and presented studies available of restitution in the United States, its findings are subject to a number of very severe limitations. Because of

the small sample size, especially for adult felons, the author pools for analysis adult and juvenile offenders as well as misdemeanor and felony cases. Despite this, however, the resulting cell sizes are often inadequate to assess the significance of even the simplest comparisons. Similarly, although information on the outcome of the probated sentences was collected, no comparisons with non-restitutive groups were drawn. Consequently, the limitations of this part of the study are well expressed by the author:

> While there is a need to determine the relative outcome effects of restitution as a correctional tool, such an objective remains beyond the scope of this study. Such an inquiry would utilize comparisons between groups, using matched samples or a control group to approximate an experimental design. In contrast the data presented here are purely descriptive, listing the circumstances of cases and outcomes for essentially only one group of subjects, those who were ordered to pay restitution.[34]

As part of his research, Chesney also conducted brief standardized telephone interviews with judges, probation officers, victims, and offenders.[35] From a total of 75 judges and 82 probation officers in the target sample -- all those from the rural strata and 50 percent of those from the three urban counties -- participation rates were 96 percent (72 judges) and 100 percent, respectively. One victim was randomly selected from each of the case files of 172 offenders who themselves comprised a stratified random sample of probationers from all court jurisdictions in the counties included in the study. One hundred thirty-three victims (77.3 percent) and 71 offenders (41.3 percent) were interviewed.

Judges were asked about the extent to which they used restitution, the factors they considered when deciding whether to order it, and the value they ascribed to it as a correctional tool. Similar questions were asked to rate the "fairness and workability" of restitutive dispositions and to describe their role in the entire process. The primary questions put to victims and probationers concerned their assessment of the fairness of their restitution, and whether they approved of restitution as an alternative to other forms of punishment.

Because no serious claims are made about the general validity of this exploratory attitudinal survey,[36] the principal factor to be considered when interpreting the results is the structured nature of the interviews. Especially with respondents who have had little experience with restitution, and even for those who have, answers to particular questions about, for example, the rehabilitative effects of restitution can be misleading. Whereas an open interview, especially face-to-face rather than be telephone, might reveal that almost no respondent had *thought* about, for example, the rehabilitative potential of restitution, much less used it as a primary rationale for an award, a specific question about whether restitution could have such an effect might result in a high number of affirmative responses. The focus of the interview in this situation might not reflect the importance attached to any particular factor by a respondent when considering restitution. Accordingly, the author notes that some of the more interesting responses were given *despite* the wording of the question,[37] when respondents refused to be restricted to structured response categories and instead expressed their true preferences.

c) *The British Crown Courts Study:*[38] This study is based upon two samples of major property offenders sentenced by the Crown Court in London in 1972 and 1973, before and after the implementation of the Criminal Justice Act of 1972.[39] The purpose of the research was to test whether restitution orders in Crown Court in London increased after the Act, and to assess factors associated with the judges' decision to make an award.

In this latter respect the study is very similar to the later magistrates' court study described above.

Excluding all inchoate offenses and cases in which property had been totally recovered, the remaining samples consisted of 277 offenders in 1972 and 521 in 1973.[40] After documenting a sizeable increase in restitution between the earlier and later samples, the study report focuses exclusively on the larger second-year sample. For this group of offenders, the authors use similar techniques to those used in the magistrates' study to consider factors associated with restitutive dispositions.

This study shares many of the difficulties encountered in the subsequent magistrates' court research. Little attention is given to victim-related factors, and the analysis is once again limited to a selected group of property offenses. Violent offenses are excluded completely. One further qualification to the results of this study, however, is of particular importance when considering its assessment of factors related to whether restitution is ordered. For, as the authors point out, "the personal characteristics of the offender were not so well documented in the files as certain other aspects of the cases sampled and it might be that such factors carried more weight in court than the available evidence suggests.[41]

C. *Findings*

1. *Incidence of Restitutive and Service Sanctions*

One of the more general findings to have emerged from the above studies was a considerable amount of variation in the incidence of *financial* restitutive sanctions at different stages of the criminal justice process. By far the most usual context in which financial restitution was reported was probation, rather than in an institutional or other correctional setting.[42]

With the exception of the evaluation of the Minnesota Restitution Center, which housed a parole program, all of the remaining evaluative or descriptive studies reviewed were primarily in probation settings. Similarly of 36 restitution program identified by Hudson, Chesney, and McLagen, 21 (58 percent) involved the use of probation and 7 (19 percent) used restitution in a parole setting; four programs operated in work-release and four were pre-trial; no programs were identified in which prison inmates made restitution from their earnings.[43]

Whereas it is by no means as clear that similar variation exists in the incidence of *service* obligations, most of the same programs surveyed indicated that both cash and service were used.[44] Among the programs studied in more detail, service obligations were reported in the Minnesota probation and parole studies, as well as in the Georgia Shelters. Only in the latter two residential programs, however, were both financial and service obligations reported for the same offender. Services to the actual victims of crime as well as the community were reported by an unspecified number of programs surveyed by Hudson, Galaway, and Chesney, and in the Minnesota probation study. In addition, services to the community were found in the Minnesota Center and Georgia Shelters.

Beyond such variation in the absolute incidence of restitution and service in different parts of the system, there were indications of further variation in the proportional use of each sanction from site to site. Chesney, for example, reported that in this 1974 Minnesota study restitution orders occurred in only 24 percent of the adult felony probation dispositions.[45] For only the completed *property* offenses resulting in loss included in the two British studies, the proportion of restitutive awards was much higher; in the crown court study, 44 percent of the non-incarcerated offenders were sentenced to pay restitution," while the comparable figure for magistrates' court was 72 percent;

in the latter 2 studies only 12 and 22 percent of custodial dispositions involved restitution, making sentence type the most predictive factor in the decision whether to impose restitution sanctions.[46]

The proportion of service obligations compared with financial restitution was reported in only three studies. Of the 629 adult and juvenile obligations identified by Chesney, only 37 (6 percent) involved service.[47] In the Minnesota Center, only 9 (14 percent) of the offenders had purely service obligations.[48] Only in the Georgia Restitution Shelters was there a significant proportion of service obligations; of the 400 cases accepted for that program 157 (39 percent) were ordered to perform services.[49]

Just as service obligations were few in comparison to financial restitution, so services to the actual victim of an offense were reported very rarely in comparison to more general services to the community. Offenders in the Minnesota Center, for example, performed services primarily for human resources agencies,[50] while a similar community service focus was adopted in the Georgia Shelters where "personalized symbolic restitution" was excluded as a matter of policy.[51] Of 19 restitution programs surveyed in 1976, it was estimated by 9 respondents that community service comprised at least 80 percent of all service restitution.[52] And, in the Minnesota probation study service was ordered to only 15 actual victims (2 percent) and 22 "symbolic victims" (4 percent), usually the community.[53]

2. *Size of Restitutive and Service Sanctions*

For victims in cases of financial restitution the prior studies revealed a marked tendency towards the requirement of full rather than partial or token repayment. In the 1976 program survey, of 17 programs responding to an item concerning full and partial restitution, 13 stated that full restitution was required for more than 80 percent of the newly admitted offenders.[54] The 62 residents of the Minnesota Restitution Center were *all* required to make complete repayment,[55] and only 28 (4 percent) of the probation obligations identified by Chesney involved partial amounts.[56] Similarly, full restitution was reported in the British magistrates' study for all but 75 (12 percent) of the cases in which any restitution was ordered.[57]

In the case of service obligations the emphasis upon full repayment was less clear. Although services could theoretically be equated with actual losses by employing, for example, a wage-rate formula for the hours to be completed, previous studies have included little detail about such operational policies. In the Minnesota Center, for example, it was not made clear how the policy of full repayment was operationlzied in service cases that arose because "the victim suffered no out-of-pocket losses,"[58] nor was it evident from the Georgia study whether a similar policy existed in those cases in which service was used "because of the ofenders' economic circumstances."[59]

Examination of specific amounts of restitution reported in prior research showed them mostly to be moderate, with no clearly discrepant findings from one study to the next. Chesney reported a mean restitutive probation condition of $167, the largest amount being $10,000.[60] In the Minnesota Restitution Center, 44 (83 percent) of the 53 offenders ordered to make financial restitution had obligations of less than $500; 53 percent had restitution obligations of under $200; and only 5 offenders owed more than $1,000 in restitution.[61] Amounts ordered in the British magistrates'

study were also low; only one-fifth of the offenders for whom restitution was ordered had to pay more than £50. Although the average amount ordered was £51.50, over one-half of the offenders ordered to pay restitution owed less than £17.[62] The highest figures appeared in the Iowa probation experiment in which the average restitution plan called for $681 in restitution, the highest case being for $4,789.[63]

Unfortunately, information on lengths of service was not reported in most studies. For the few cases identified by Chesney, there was a range for community service from 10-48 hours ($\bar{X}$ = 23), and for direct service to victims a range of 10-300 hours ($\bar{X}$ = 152 hours).[64]

3. *Relationship of Reported Losses to the Imposition of Restitutive and Service Sanctions*

In the only study that gave details of the unrecovered losses of victims at the time restitution was considered, Softley found a high proportion of cases in which there was practically no loss or damage. For the sample of 2,872 offenders convicted of property offenses, 71 percent of theft cases, 51 percent of burglary cases, 26 percent of cases of obtaining property by deception, and 6 percent of criminal damage cases resulted in no loss or very trivial amounts (<25 p.). Only 1 percent of all offenses resulted in loss or damage greater than than £400.[65] Nevertheless, as one might expect from the incidence of selective and partial use of restitution illustrated above, the overall level of restitutive obligations in the studies reviewed was considerably lower than the losses reported.

Comparison of property losses with the restitution amounts in Softley's study showed that the amounts offenders were ordered to pay covered approximately one-half of the total loss. For criminal damage, offenders were ordered to pay approximately 69 percent of the total value of the damage reported by the police to be outstanding at the time of conviction; corresponding figures for theft, deception, and burglary were 59 percent, 50 percent, and 45 percent of the loss, respectively.[66] The discrepancy was due to the incidence of partial restitution in 12 percent of cases in which it was ordered, and to the non-imposition of restitution in approximately 30 percent of all property offenses resulting in loss.[67]

Although the contribution of partial or non-imposition of restitution to the overall discrepancy was not reported, it is noteworthy that whereas partial restitution occurred in relatively few restitution *cases* (12 percent) it may have accounted for a sizeable reduction in the overall *amount* imposed; more use was made of partial restitution as the value of loss or damage increased, rising from 5 percent of offenders in the 25p - £20 loss category to 41 percent in the £50-£400 group.[68] In addition, although only a slight correlation appeared between the decision to order restitution and the value of loss or damage ($r = .10$, $p < .001$), a stronger positive correlation was discovered between the value of unrecovered losses and the use of partial restitution ($r = .27$, $p < .001$).[69]

Similar results were reported in the Minnesota probation study. Although only 4 percent of the 629 restitutive *obligations* involved partial restitution, their overall impact was to reduce by 22 percent the mean *amount* of restitution ordered. Whereas victims' losses in these restitutive cases ranged from $0 - $13,000, with a mean of $214, restitution ranged from $1-$10,000 with a mean of $167 or 78 percent of the corresponding loss figure.[70]

4. *Offense Characteristics*

Despite the wide variety of criminal justice settings in which financial and service obligations have been observed, there was a striking

homogeneity in the types of offense for which either has been required. First, there has been an almost exclusive focus upon *crimes with victims*. Victimless crimes were not included in the two British studies,[71] and they were excluded as a matter of policy from the Minnesota Restitution Center program.[72] In the Minnesota probation study, only 1 percent of the offenses for which monetary or service repayment was required could have been victimless crimes.[73] In the Georgia program all offenses involved victims, with the possible exception that 5 percent of program placements had committed "drug offenses."[74] Lastly, it seems likely that, because of the financial focus of the Iowa program and because the state law provides for restitution for "any person who has suffered pecuniary damages as a result of the criminal's activities," victimless crimes would not have been included.[75]

Second, *offenses against property* have been the crimes for which restitution has been ordered most frequently. The Minnesota Center restricted its intake exclusively to property offenses,[76] and the probation study in the same state found that property offenses accounted for 96 percent of all offenders sampled who were ordered to fulfill service or monetary obligations.[77] An equally low incidence of non-property offenses resulting in restitution was found in the British magistrates' study in which woundings and assaults, the only personal offenses, accounted for than 4 percent of the convictions for which restitution was required.[78] Approximately three-quarters of the offenders in both the Georgia and Iowa programs were reported to have committed property offenses (77 percent), compared with much lower totals for personal offenses of 18 percent and 5 percent, respectively.[79]

In addition to the dominance of property offenses and crimes with victims, previous studies have also reported the impositions of restitutive and service sanctions most frequently for less serious offenses. Chesney's sample of Minnesota probation cases ordered to satisfy service or restitutive conditions contained only 81 cases (15 percent) from felony court, as compared with the much larger number of 219 misdemeanants (42 percent).[80] The Iowa probation experiment, however, dealt exclusively with felonies,[81] and the Georgia residential shelters involved a high proportion of felonies (87 percent);[82] further indications of the actual severity of these felonies was not reported. Even in the Minnesota Restitution Center, however, despite the fact that the offenders were accepted from prison, program criteria excluded all crimes of violence and offenses involving possession of a gun or knife.[83]

In terms of specific offenses for which restitutive and service sanctions have been imposed most often, comparisons across programs were made difficult by different reporting styles of collapsing into offense categories, and due to the unique titles of certain offenses in specific studies. In practically every study, however, the incidence of restitutive or service sanctions was accounted for almost entirely by damage or trespass to property (most often in the course of burglary or attempted burglary), thefts, burglaries, and forgeries. Burglary and theft-related offenses were encountered most frequently, followed in most studies by forgeries.

If one turns from the absolute incidence of restitution and service across offenses to the proportionate use within categories of crime, one finds very little information presented in prior research. So few cases of victimless crimes were reported, for example, as to prevent consideration

of variation within that class.[84] Even comparing property and personal offenses, the studies offered little indication of the proportionate use of restitutive or service sanctions within each category. In the Iowa probation study, however, among offenders placed on probation, restitution seemed more likely to be invoked against property offenders than against those convicted of offenses against persons; whereas property offenses accounted for less than half (44 percent) of the conviction offenses among all probation clients, they represented more than three-quarters (77 percent) of the offenses for which restitution plans were developed.[85] In the only other study to report relevant findings on this question, Softley found that a much lower proportion of offenders convicted of wounding or assault were ordered to pay restitution than in any of the property offenses studied; although only 9 percent of offenders in the personal offense category of wounding or assault incurred restitutive obligations, corresponding figures for property crimes ranged from 58 percent for thefts to 90 percent for offenders convicted of criminal damage.[86] Comparable findings were not reported in any of the U.S. studies.

Within specific offenses in the British magistrates' study the proportion of non-incarcerated offenders ordered to pay restitution within each property offense was generally comparable (burglary, 66 percent; deception, 63 percent; theft, 58 percent) with the glaring exception of criminal damage cases for which 90 percent were so ordered.[87] Once again, comparable findings were not present in any of the U.S. studies reviewed.

Beyond the above findings concerning types of offenses and the incidence of restitutive and service sanctions, very little information was found relating to *amounts* of loss or obligations to those offenses. With the exception of the considerable variation from offense to offense discussed above in the British magistrates' study,[88] the remaining studies reported little or no offense-specific information on losses, or the amounts of restitution or service imposed.

5. *Victim Characteristics*

The most general finding to emerge from review of prior restitution studies was considerable variation in the *operational definition of victims* from one program to the next.[89] A major difference was exemplified by the definitions adopted in the Minnesota parole program and the Iowa program which was more representative of the other probation programs reviewed. The study of the Minnesota Restitution Center, for example, pointed out that the staff dealt only with "officially defined" victims and added:

> In fact, however, it should be noted that 'officially defined' victims bear no necessary relationship to actual victims. There were a large number of other, actual, but not official victims directly associated with the 62 offenders released to the Center. Plea negotiations and lack of sufficient evidence will, in most cases, account for the missing, actual victims.[90]

Unfortunatley, no information about the number or characteristics of these missing victims was given.

In contrast to the exclusion of victims of plea bargaining and uncharged offenses by the Minnesota program, the Iowa probation study defined the victim more broadly, to include "*any* person who has suffered pecuniary damages as a result of the defendant's criminal activities."[91] As the authors noted: "Under the law, it is possible to require offenders

to make restitution for offenses of which they have not been convicted."[92] Victims of non-conviction offenses were also included among the restitutive and/or service sanctions in the Minnesota probation study, as well as in the British studies. Victim information was not reported in the Georgia study.

The only *documented* incidence of restitution for "bargained victims" was in the British magistrates' study; in the 1974 sample of 854 property offenders ordered to pay restitution, 81 offenders (10 percent) were ordered to pay restitution for "offenses taken into consideration."[93]

In addition to the dearth of information in prior research about the incidence of restitution for victims who were not connected with charges for which the offender was convicted, a similar paucity was evident concerning restitution to recipients who were not *direct* victims at all. Although fewer of the legislators polled by Hudson, Chesney, and McLagen favored restitution to the *insurance companies* of crime victims, for example, than to individual victims and small business firms,[94] actual experiences in this regard have gone unreported. Other possible "third party" victims, such as survivors of deceased victims have also not been discussed in previous studies.

More specific focus upon the types of victims involved in restitutive dispositions revealed an overwhelming preponderance of organizational victims such as businesses and governmental agencies. In the Minnesota probation study 179 (28 percent) of the victims of offenses for which restitution or service was required were individuals, 329 (52 percent) were businesses and 75 (12 percent) were other governmental and non-profit agencies.[95] The highest proportion of individual victims reported was among the 211 victims identified in the Minnesota Center program where 79 victims (36 percent) were individuals, 133 (60 percent) were businesses, and 9 (5 percent) were other organizations such as schools and hospitals.[96] The lowest proportion of individual victims occurred in the Iowa study in which only 38 (10 percent) of the 374 victims were individuals and the remaining 336 (90 percent) were classed as businesses.[97] Lastly, although directly comparable figures were not reported in the British studies, in the magistrates' courts 886 (31 percent) of the offenders convicted of property offenses committed offenses against individuals, 1,487 (52 percent) against commercial enterprises, and 397 (14 percent) against public bodies.[98]

The proportional use of restitution or service within victim categories has received little research attention. In the Minnesota Center, for example, although bargained victims were excluded the actual effect upon the number of victims eligible for reimbursement was not reported. As we have seen, in the British magistrates' study, although only 10 percent of the offenders were ordered to pay restitution for "offenses taken into consideration," the number of victims in this category was not reported. In the same study, however, examination of factors related to the imposition of restitution showed that individuals were slightly, though not significantly, more likely than corporate victims to be awarded restitution.[99] Whether further variation in the decision to impose restitution or service could be explained by reference to other specific victim types, such as insurance companies versus direct victims, is a question that has not been discussed in previous studies. One possible explanation of the low incidence of restitution in assault and wounding cases in Britain,[100] however, may be that readily quantifiable expenses such as medical bills are covered by

the National Health System; corresponding coverage in the U.S. would involve private insurance which could increase the incidence of restitution, if insurance companies were defined as victims.

Examination of amounts of loss and corresponding restitution or service obligations in relation to victim characteristics was not generally possible from previous studies. The only concrete indication of the effect of expanding the definition of victims by including bargained offenses was in Softley's study; although the 81 offenders ordered to pay restitution for offenses "taken into consideration" only represented 10 percent of all offenders ordered to pay, the £7,163 in restitution ordered for these offenses was 17 percent of the total amount ordered for all the property offenses included.[101] Additionally, the Iowa Study reported that restitution for non-conviction offenses occurred most often in cases involving bad checks:

> While restitution is required for all of the known checks outstanding, convictions are seldom obtained for each separate offense.[102]

When this is taken together with a finding in the same study that one forgery case involved 90 victims,[103] the potential cost-impact of broadening the definition of victim in this way becomes apparent.

The effect upon restitution amounts from including third parties, such as insurance companies, was not addressed in previous studies; nor were loss or restitutive or service figures reported within other categories of victims such as individuals versus organizations. In addition, only the study of the Minnesota Center provided such a breakdown by offense. Whereas corporate victims were spread rather evenly across mainly the three offenses of burglary (28 percent), theft (27 percent), and forgery (34 percent), individual victims were primarily associated with burglaries (51 percent), vehicle theft (18 percent), and other theft (12 percent).[104] No further victim breakdowns were reported.

6. *Offender Characteristics*

When one turns to the types of offenders being required to make restitution, comparisons are rendered difficult because of the extremely sketchy and varied reporting of offenders' characteristics in most of the studies reviewed. To the very limited extent that comparisons can be made, restitutive and service obligations were incurred, for the most part, by young, white, unmarried males with quite short prior records. The mean age, for example, of the adult offenders in the Minnesota probation study was 26 years,[105] which matches very closely the mean of 24 years for the Georgia Restitution Shelter clients, most of whom were also probationers.[106] In the latter program, 313 offenders (78 percent) were 27 years old or less,[107] and in the Minnesota Restitution Center 37 offenders (60 percent) were 30 years or under.[108]

The majority of offenders required to make restitution in studies in which race is reported were white, ranging from 56.8 percent of the Georgia offenders,[109] to fully 92 percent of the probationers in Chesney's Minnesota study.[110] The samples were most homogeneous with respect to sex; Chesney reports a high percentage of males (82 percent) in his sample,[111] and the Minnesota Restitution Center and the Georgia Shelters were restricted exclusively to male offenders.

Offenders in the different studies are less similar in terms of marital status; 69 percent of the Minnesota adult probation sample were single,[112] compared with 54 percent in Georgia,[113] and only 26 percent in

the Minnesota Restitution Center.[114] In the latter program, however, another 24 offenders (29 percent) were separated, divorced or living in a "non-legal association," and only 22 offenders (36 percent) were married.[115] Similarly, in the Georgia study, 23 percent of the referrals to the Restitution Shelter were married, and the remaining 23 percent reported being divorced, separated or "other."[116]

Employment and income levels reported in the restitution studies revealed some surprises. A majority of offenders were employed at the time restitution was imposed in both of the studies reporting such information.[117] Similarly, although income levels were generally quite low, Softley reports that 59 percent of the magistrates' court offenders with very low incomes (<£10 per week) were nevertheless ordered to pay restitution.[118]

The prior criminal records of offenders ordered to pay restitution in these studies tended not to be extensive. Chesney reported that most offenders for whom information was available had had prior contact with the court, but that few had ever been convicted of a felony.[119] Softley grouped all types of prior convictions in his study of British magistrates' courts, with the largest proportion of offenders (39 percent) having no priors at all, 28 percent having 1-2 prior convictions, and 31 percent having 3 or more.[120] As might be expected, the parolees in the Minnesota Restitution Center had rather more serious records; 19 percent had 3 or more *felony* convictions prior to the commitment offense for which restitution was required and 44 percent and 1-2 previous felony convictions. Even here, however, more than one-third of the offenders (37 percent) had no felony convictions prior to their present commitment.[121]

Whether offenders were selected based upon formal program policies such as in the Minnesota Center, or considered by criminal justice decision-makers in routine sentencing, there was little indication in most of the previous studies of the weight given to different offender characteristics in deciding upon a restitutive or service sanction. The only concrete indications came from the two British studies.

In the property offenses of theft, burglary and forgery in the Crown Courts study, for example, type of sentence (non-custodial versus custodial) and value of unrecovered losses accounted together for 20 percent of the variance in the decision to impose restitution; all offender factors including age, income, employment, marital status and dependent children accounted for only another 4 percent.[122]

In the study of magistrates' courts, although ordering restitution was related to the income of the offender the correlation was quite weak ($r = .12$, $p < .001$); 59 percent of persons who were receiving no more than £10 a week were ordered to pay restitution, compared with 77 percent who were receiving more than £30 a week.[123] Similar findings were reported in the Crown Courts' study, in which 20 percent of offenders who were receiving £10 or less were ordered to pay restitution, compared with twice that proportion (40 percent) of offenders receiving £30 or more.[124]

Examination of the offender's employment status, revealed results similar to those reported for income. In magistrates' courts, employment and the imposition of restitution were correlated ($r = .18$, $p < .001$), but more than half (59 percent) of the unemployed offenders were ordered to pay restitution, and almost a quarter (24 percent) of employed offenders were not ordered to do so.[125] In the Crown courts, 31.3 percent of the

offenders known to be employed were ordered to pay restitution, compared with 21.4 percent of those not employed.[126]

Both of the above findings clash with the reported practices of the judges in Chesney's study in Minnesota; 40 of the 72 judges interviewed (56 percent) *reported* that the offender's ability to pay was the most important factor when determining whether restitution should be ordered.[127] Despite the apparent unimportance of employment and income factors in the decision to impose restitution in the British studies, however, in the Georgia program specific provision was made to use service rather than financial restitution in cases in which monetary repayment might have been difficult "because of the offenders' economic circumstances."[128]

If offender characteristics have not been shown to have much impact upon the decision to impose restitution or service,[129] there is even less evidence that they have influenced the amounts ordered. Probably the most relevant finding came from Softley's analysis of the extent of restitution (full versus partial) by offenders' incomes, showing no clear relationship even where loss or damage was quite high.[130]

More detailed differential analyses of restitution in relation to offender characteristics by offense and victim factors have not been reported in previous studies. Questions remain unaddressed concerning the frequency of offenses involving multiple offenders, and the ways in which restitution has been allocated in such instances. Similarly questions about victim-offender relationships remain largely unanswered beyond simple victim-offender ratios. In the Minnesota Restitution Center, 211 victims were identified for 62 offenders, for a victim-offender ratio of 3.6 to 1.[131] An almost identical ratio of 3.7 to 1 was reported in the Iowa probation study, in which 374 victims and 102 offenders were involved.[132] Chesney, however, found a much lower ratio of 1.2 to 1, with 629 victims for the 525 adult and juvenile offenders in his sample.[133]

Although such ratios may have some planning utility for estimating caseload size and time needed in a restitution program for loss assessments, they may be a misleading representation of the average number of restitutive obligations per offender. In the Iowa study, for example, despite the ratio of 3.7 victims to 1 offender, a substantial majority of offenders had only 1 victim. Of the 102 cases studied, 74 (72.5 percent) involved only a single victim, and, of the remaining 28 multiple-victim cases (27.5 percent), one particular forgery case accounted for 90 victims. The 74 single-victim cases involved 20 individuals and 54 businesses, whereas the 28 multiple-victim cases involved 18 individuals and fully 282 businesses.[134] Finally, comparison of the victim/offender ratios across programs is hazardous because of the varying definitions of victim discussed above.

7. *Processing Characteristics*

Procedures for determining loss are not well documented in most of the studies reviewed. Police estimates were relied upon in the British studies, and they were used in conjunction with probation estimates in the Georgia Restitution Shelters and for the vast majority of cases in the Minnesota probation study. However, in the 133 victim interviews conducted in connection with the latter study, 7 cases (5.3 percent) reported *face-to-face negotiations* with offenders.[135]

Of the 19 programs surveyed in 1976, only 5 "usually" involved offender-victim agreements, 9 stated that victim-offender involvement occurred "occasionally," and 5 reported that it never occurred.[136] In both

the Minnesota Restitution Center and the Iowa probation experiment there was programmatic emphasis upon involving the victim in loss determinations. In the Minnesota program, victims were generally found willing to meet with offenders, although during the first year of program operation 13 of 44 victims either refused to participate or could not be contacted.[137] In the Iowa program a vast majority of victims did not participate in direct negotiations with their offenders. Of the 374 victims in the study, only 32 or 8.6 percent had personal meetings with the offender and another 46 or 12.3 percent dealt with the offender through a representative (usually the employee of a victimized business). Compared with these 78 victims (20.8 percent) with whom the offender had some form of contact, 128 victims (34.2 percent) had no involvement at all, 108 (28.9 percent) were contacted by telephone only, and 60 victims (16.0 percent) dealt with program staff through an employee or other representative.

If one examines the use of victim-offender negotiations from the offender's perspective, the results look quite different. For example, although only 21 percent of all victims in the Iowa study were involved in face-to-face meetings with offenders, almost one-half of all offenders participated in such meetings; the discrepancy was due to a number of offenses involving multiple victims. Of the 102 offenders in the study, 20 (19.6 percent) met with the victim directly while another 125 (34.5 percent) met with representatives of victims. Viewed from this angle, only 15 cases (14.7 percent) were handled with no victim involvement, 22 (21.6 percent) were resolved through telephone contact with the victim, and 20 offenders (19.6 percent) had restitution determined by correctional agents in consultation with representatives of victims.[138] In total, 45 offenders participated in 78 meetings; 65 meetings (83 percent) were with business victims and 13 (17 percent) were with individuals. Because some of the businesses were small individual proprietorships, 32 of the meetings were considered to be with the victim in person, while 46 involved representatives of the victim.[139]

Except for the few reported cases of victim-offender negotiation the remaining procedures for determining loss and damage have not been clearly specified in previous studies. Whether victims or offenders were contacted at all, whether any victim culpability was taken into consideration, whether documentation of losses was required, and countless other questions of processing detail were not spoken to in the studies reviewed.

Similarly, previous research reported almost no information about the details of supervising restitutive or service obligations. Practices and policies concerning collection and disbursement of monies were not described, nor were comparable tasks for community service supervision.

D. *Summary*

The foregoing review of the findings of previous research into restitution demonstrates quite clearly that the number of published research studies available for review is greatly outdistanced by the number of programs in existence. As a result, the practice of restitution is rapidly outgrowing the accumulation of knowledge about its purposes, its use and its effects.

Most of the laws and programs dealing with restitution were in the context of probation, where by far the dominant type of restitution seemed to involve cash rather than any form of service repayment. In the few cases in which service restitution was employed, communtiy service was the most common type, with direct service to the victim being rare. Full,

rather than partial restitution was used in the vast majority of cases, and the amounts ordered were usually quite moderate.

Procedures for determining loss are not clearly documented in the studies reviewed. Very few programs utilized any form of negotiation between the offender and the victim; instead most programs have relied upon loss assessment by a third party, usually the police or a correctional agent, in contact with the victim. The studies show that whatever procedure was employed for loss assessment, investigations for most offenders involved only a single victim, but where multiple victims were involved the number was as high as 90 in one study.

The definition of victim was seen to vary in the studies reviewed, sometimes including only victims of offenses for which the offender was convicted, and sometimes including victims of charges that were never brought or were dropped or reduced through plea bargaining. However defined, the victims in all studies reviewed were mainly corporate entities rather than individuals.

Although comparisons of the characteristics of offenders being required to pay restitution were difficult to draw because of limited information in the prior studies, most tended to be young, white, unmarried males with quite short prior records. In the only two studies reporting employment information, the majority of offenders were employed at the time restitution was imposed. However, a sizeable proportion of unemployed and low income offenders were also ordered to pay restitution in at least one of the studies reviewed.

The types of offense for which restitution was examined in these studies consisted almost entirely of the property offenses of burglary, forgery, theft, and damage. Most offenses dealt with via a restitutive sanction in these studies, have also tended to be relatively minor, involving a larger proportion of misdemeanants than felons, and excluding most types of violent crime and victimless crime.

The proportionate use of restitution was seen to vary enormously from offense to offense, although the main study to have examined factors related to the imposition of restitution concluded that, at least among property offenses, the same factors seemed relevant to all the offenses studied.

Not surprisingly the factor most related to whether restitution was imposed was the type of sentence; relatively few incarcerated offenders were ordered to pay restitution. Other factors positively related to whether restitution was imposed included the amount of loss, the offender's income, and his employment status. Using all these factors, however, the only two studies to have applied multivariate techniques to try to explain the imposition of restitution have accounted for only very small amounts of the variation in decisions whether or not to impose it.

From the very limited information available about the outcome of restitutive dispositions, most of the restitutive obligations in the studies reviewed had been met within two years. A sizeable proportion of offenders in each study, however, had not paid within two years; no information is given in any of the studies about the relative frequency of restitution versus other failures among the offenders being revoked from probation or parole.

Factors related to *failure* to pay restitution range from the amounts of loss to the length of the offender's prior record. Weak positive

relationships, on the other hand, were found between the completion of restitution and the offender's employment at the time of disposition, as well as his occupational level and income. In no case was a strong relationship between restitutive outcome and any other factor found consistently across the different studies. Procedures for monitoring and enforcing restitutive payments are almost totally ignored in prior research.

Finally, in terms of the effects of enforcing a restitutive obligation, there is almost no evidence beyond the perceptions of criminal justice agents that restitution has any effect on the offender's or the victim's subsequent attitudes or behavior. A majority of all respondents whose attitudes have been assessed favored the use of restitution and thought its imposition had been fair in their jurisdiction or case. There is some indication, however, that a sizeable minority of victims, offenders, and criminal justice agents were dissatisfied with some aspects of restitution. Many of the offenders interviewed by Chesney, for example, thought that their restitution was too harsh, while many of the victims would have preferred to see more punitive action taken in addition to restitution. Similarly, most probation officers in this study indicated that they would prefer not to have to collect restitution, and 13 (18.1 percent) of the judges interviewed said they thought in-kind restitution would be unconstitutional forced labor.

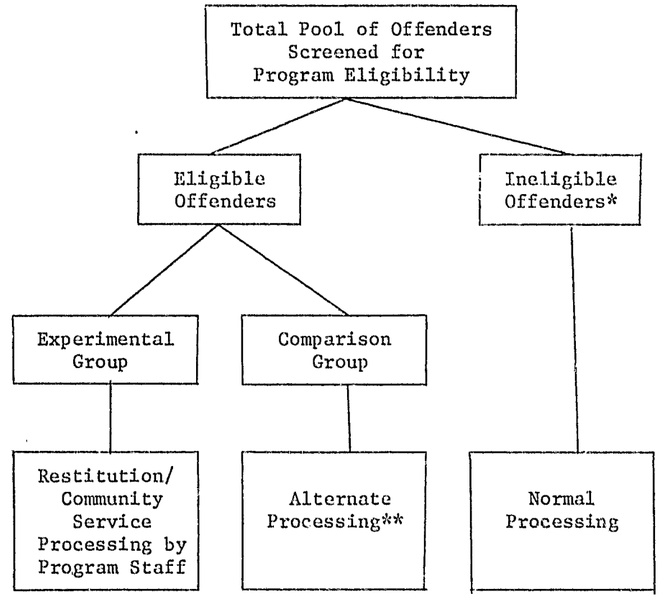
V. *Research Procedures*

A. *Research Design*

The evaluation designs for the seven sites have a number of features in common. The overall design that shows this relative consistency in format across sites is presented in Chart A.

Chart A

General Evaluation Design



*Examples of reasons for estimated ineligibility: offense too serious, prior record too long, offense too trivial, considerable negative publicity, offender characteristics (psychological disturbance, heavy narcotics or alcohol use).

**Alternate processing was usually normal processing by criminal justice officials other than program staff; in some programs an alternate type of processing by program staff was employed.

In their most general form the procedures used were:

First, persons eligible for participation in the program were defined in such a way as to differentiate them as clearly as possible from the total population of offenders. Selection criteria, formulated at each site, were applied to screen out offenders who were in inappropriate risk categories, beyond a program's jurisdiction, or otherwise unsuitable for a program's objectives. Criteria ranged from specified offense exclusions to voluntarism by offenders and more probabilistic assessments of risk by program staff or other criminal justice decision-makers. Screening procedures were monitored periodically by national evaluation staff and routinely by on-site evaluation personnel; the composition of eligible and ineligible groups was examined to confirm that the two groups actually differed along the specified dimensions. Offenders screened out as being ineligible were unaffected by remaining design procedures.

A second stage of the design involved the random allocation of offenders meeting a program's selection criteria into two subgroups: an experimental group processed toward a restitutive or community service sanction by the program, and a comparison group that was handled via an alternate processing route. As long as each group contained a sufficient number to assure the reliability of statistical techniques to be employed, the numbers in the subgroups were not required to be equal. Where it was perceived to be advantageous from the program administrator's perspective at each site, the size of the restitution (experimental) group was maximized.

The advantage of random allocation, of course, is to increase confidence that any differences discovered between the two groups at a later stage can be attributed to the experimental treatment (restitution), rather than to any initial differences between the groups. To assure faithful adherence to this crucial aspect of the evaluation design, on-site evaluation staff supervised and monitored the mechanics of randomization.[1]

A particular advantage of the design at this point is that the random assignment of offenders also results in random groups of victims. Consequently, inferences about comparisons and experimentals can be made for both offenders and victims with equal confidence that no selection bias has intervened.

Following random allocation, the remaining steps in the design involve following offenders in the experimental and comparison groups through further processing stages of the system. For offenders released from the system during the course of the evaluation, records are checked for subsequent contacts with criminal justice authorities.

Variations on the general design were necessary to fit the different processing patterns at each site:

California Design: In California the program director screened case files for eligibility among cases scheduled for revocation-of-parole hearing, using a set of criteria agreed to by the parole board (see Chart B). Final decision of eligibility depended on the offender being given a return-to-prison order by the board. Individuals declared eligible at this latter stage were read a short description of the program and asked whether or not

Chart B

Site-Specific Evaluation Design -- California

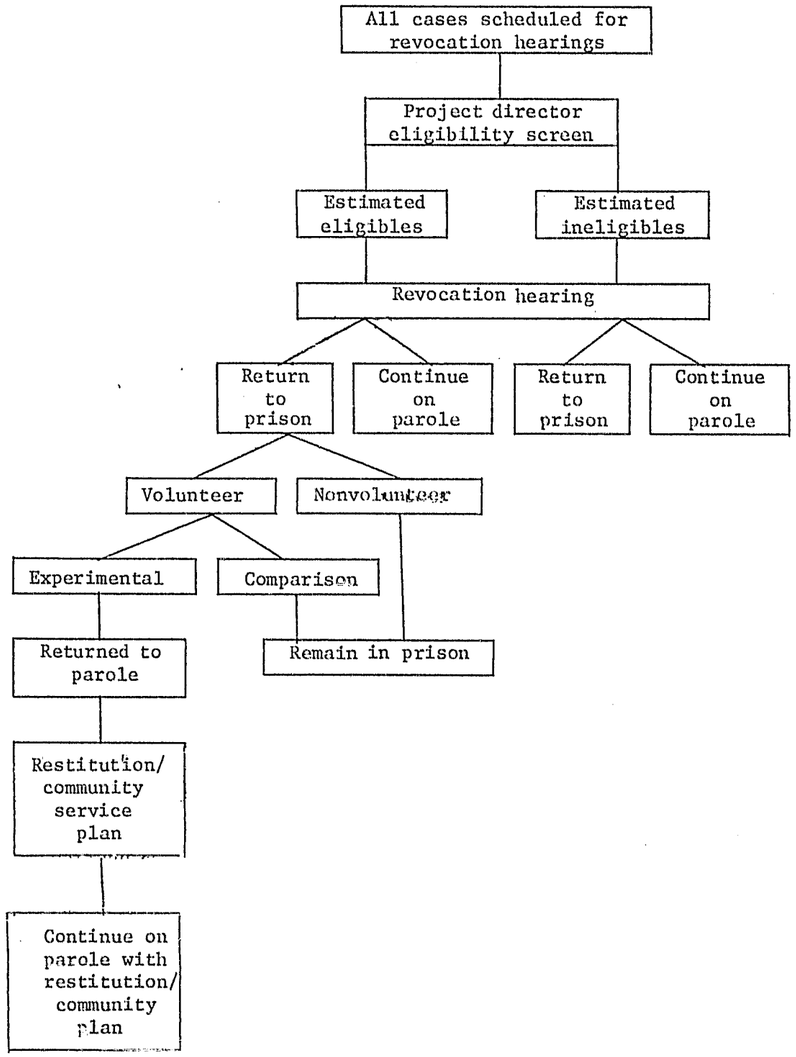
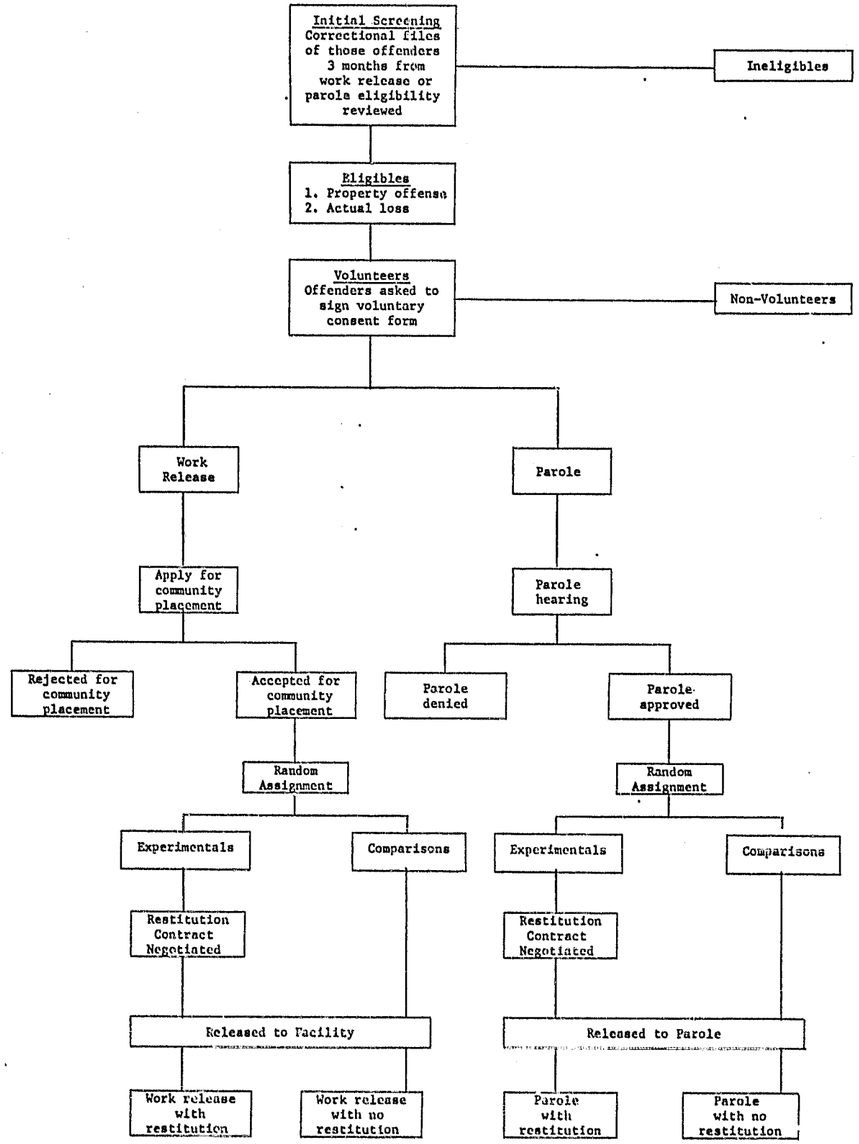


Chart C

Site-Specific Evaluation Design -- Colorado



they wished to volunteer. Volunteers were randomly assigned to experimental and comparison conditions using a 3:1 ratio. The experimental subjects were returned to parole and a restitution/community service plan was developed; the comparison subjects followed the normal disposition and were returned to prison.

Discussion: California corrections has a history of using random assignment procedures in experimental projects, and the design operated precisely as planned. Unfortunately, the program only operated for a short time and processed only 33 offenders (23 E's:10 C's) before being terminated in December 1977. Termination came after a determination that the number of cases being designated as eligible for the project was too low to insure the feasibility of both the program and the evaluation.

Primary responsibility for the program's difficulties rests with the enactment of determinate sentencing legislation on July 1, 1977; known as Senate Bill 42, the new law significantly altered the procedures governing the revocation process. Under the new legislation the maximum period of return-to-prison for revocation was six months. In addition, alterations in administrative procedures governing the revocation process resulted in fewer and fewer cases ultimately reaching the board. In the months immediately prior to enactment of the new legislation, the Adult Authority began to anticipate that a major impact of the new law would be to shorten the terms of many offenders under jurisdiction of the Department, hastening their release from parole or reducing the time available to serve if revoked. A great many cases received early discharges or were not revoked in anticipation of their impending release from custody. When the legislation took effect, this decreased the number of offenders being released to parole generally and also decreased the numbers being ordered to return to prison.

Finally, fewer cases than anticipated ever became available to the program because the program director interpreted the offender eligibility criteria very conservatively. Under pressure from the Parole Division, cases involving potential aggression were added to the list of excluded behavior already agreed to by the Paroling Authorities; this added restriction on eligibility, when coupled with the impact of S.B. 42, sealed the fate of the program.

Colorado Design: From a pool of offenders in State correctional facilities who are three months from work release or parole eligibility, property offenders whose offenses resulted in loss are identified (see Chart C). As in California, eligible individuals are asked whether or not they wish to volunteer for the restitution program. Offenders eligible for work release must apply and be accepted for placement in a community residence facility. Offenders eligible for parole must have their parole approved. Accepted cases are then randomly assigned to experimental and comparison conditions, using a 3:2 ratio. Both experimental and comparison offenders proceed to work release or parole in the normal fashion. A restitution contract is then negotiated for the experimental cases. Comparison cases do not contract for restitution.

Discussion: Unlike most of the other programs, Colorado offers no incentive for offenders randomly selected into the experimental group. Upon

successfully completing their obligations, however, offenders in the experimental group may be considered for early release from work release and/or early termination from parole supervision; there is no guarantee that this will occur and program volunteers are apprised of this fact at the time they are oriented to the program.

The Colorado program was approximately one year late starting because of funding delays at the state level. Consequently, the number of cases participating as of November 30, 1978 was 115; with 75 E's and 42 C's divided equally between the work-release and parole components. All cases have been processed in compliance with the experimental design.

The original Colorado design also called for a probation component. That component was designed to examine the merits of service restitution to victims in contrast to financial restitution. As planned, cases deemed eligible for restitution were to be randomly assigned to two groups. One group would receive a sentence of probation plus financial restitution. The other group was to receive a sentence of probation plus service restitution to victims. E and C groups were to be composed of those offenders who were only marginally able to pay financial restitution. The results of a feasibility study conducted by program staff, however, revealed that most victims would not be willing to participate in a direct service program and the probation component was abandoned.

Connecticut Design: As originally planned, judges of the Superior (felony) court would make a formal request to the Restitution Service for a plan of restitution. Requests would be made at the time of conviction for offenders for whom the judges considered that a restitutive disposition might be possible.

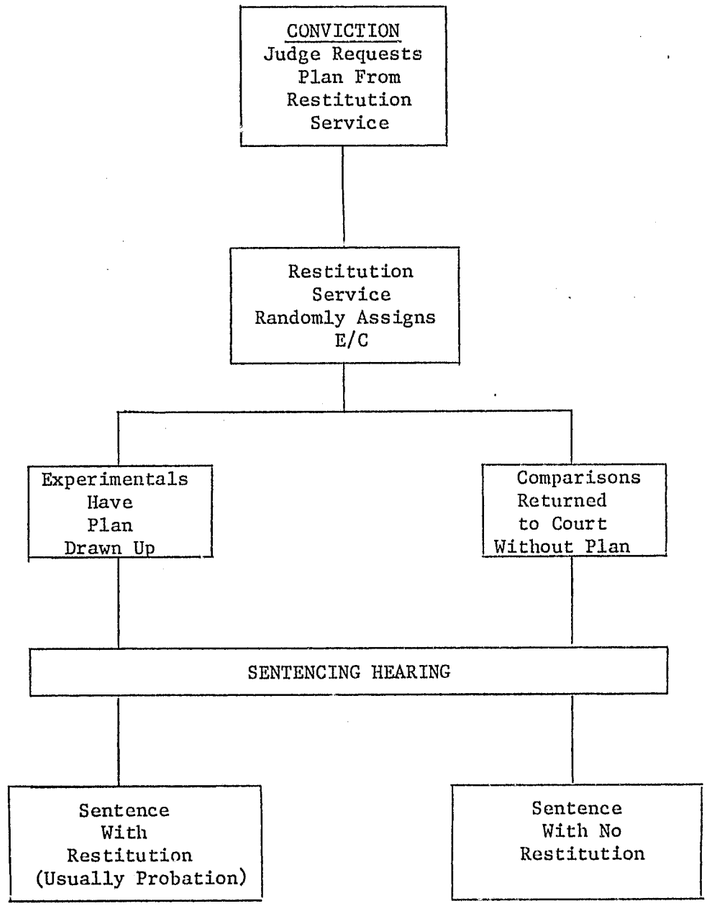
Upon receipt of judicial requests, the program clerk would randomly assign cases into experimental and comparison groups on a 3:1 ratio. Comparison cases would be returned for sentencing without a restitution plan, with the expectation that without the program's service and in particular without documentation of requisite loss amounts, judges would sentence as they normally had done prior to the program.[2] Experimental cases would be subjected to loss investigation and plan preparation by program staff. The results of program activity would then be presented to the judge for possible incorporation into the ultimate sentence (see Chart D).

Due to inadequate program planning and implementation, caseflow from Superior Court proved to be almost nonexistent. Accordingly, a shift in program emphasis to the Common Pleas (misdemeanor) Court was executed, matched by a supplementary evaluation design. While still allowing judges in both courts the option of the referral procedure just described, the supplementary design also involved the participation of prosecuting attorneys. Under this approach, the prosecutor contacted the program early in the process to inquire whether a particular case could be handled by the program if referred by the judge.[3] With this knowledge, the prosecutor could then actively pursue restitution and recommend referral to the judge for experimental cases, and he would have knowledge in advance that a restitution plan would not be available for comparison cases.

Discussion: In practice, all of the procedures outlined above were rarely followed. Due in large part to the program's very limited utility to the prosecutor, only a handful of cases were processed via the prosecutor's

Chart D

Site-Specific Evaluation Design -- Connecticut



inquiry route. In addition, of 188 referrals, over half (97) were made, not after *conviction*, as planned, but after *sentencing* when restitution had already been imposed. Because of this deviation from the program plan, these latter cases were not subject to random allocation and are of very limited utility for evaluation purposes due to the lack of any comparison group. In the 62 cases that were randomly assigned, only 38 (31 E's and 7 C's) received dispositions comporting with design expectations.

The high incidence of cases not falling within program procedures or not receiving dispositions that were consistent with the design can be attributed to three related factors. First, the program director and planning staff were opposed to the use of an experimental design. Second, and as a consequence, it is extremely doubtful that the design, its expectations, and its purposes were ever presented objectively to the relevant decision-makers by program staff. Also, by acquiescing in the unplanned procedures and program role changes imposed by the judges, the program director so changed the nature of the program as to render many of the program's objectives unattainable and the evaluation plans unworkable.

Finally, although the program director and some staff members were hired by February 1977, very little progress was made towards acquiring a program caseload until the Fall of 1977. Because of the delays in starting the program, and because of consistently disingenous responses from site personnel, there was no opportunity to adapt the design to the altered operations of the program before it was terminated in March 1978.[4]

Georgia Design: Two designs were required in Georgia to accommodate differences in case processing patterns between the four judicial circuits in which the program operated (see Charts E-1 and E-2). Two of the circuits used a "pre-plea" design and two a "post-plea" design.

In the pre-plea circuits, cases scheduled for arraignment were screened by program staff and the district attorney on a variety of criteria, including present offense, residence, prior record, and other factors. The nature of the program was explained by staff to all offenders found eligible and the offender was asked to volunteer. Volunteering took the form of a waiver by the offender allowing the release of information needed to conduct a restitution investigation prior to conviction. Ineligible offenders and non-volunteers were processed by the court following "normal" procedures.

Random assignment of volunteers was made on a 1:1 ratio to two experimental conditions. Condition 1 involved "sole sanction" restitution/community service in which probation supervision was terminated upon completion of court-ordered financial obligations (e.g., restitution, fines and court costs). Condition 2 presented the "traditional" processing of the court, restitution/community service with a full probation term. Aside from this single difference, offenders in both experimental conditions were processed identically through conviction and sentencing.

Based upon the staff investigation of losses and the offender's payment ability, a restitution/community service plan was developed. The plan specified an amount of restitution/community service and the type and schedule of payments. It was shared with the offender and the

Chart E-1

Site-Specific Evaluation Design -- Georgia Pre-Plea Format
(Macon and Waycross Circuits)

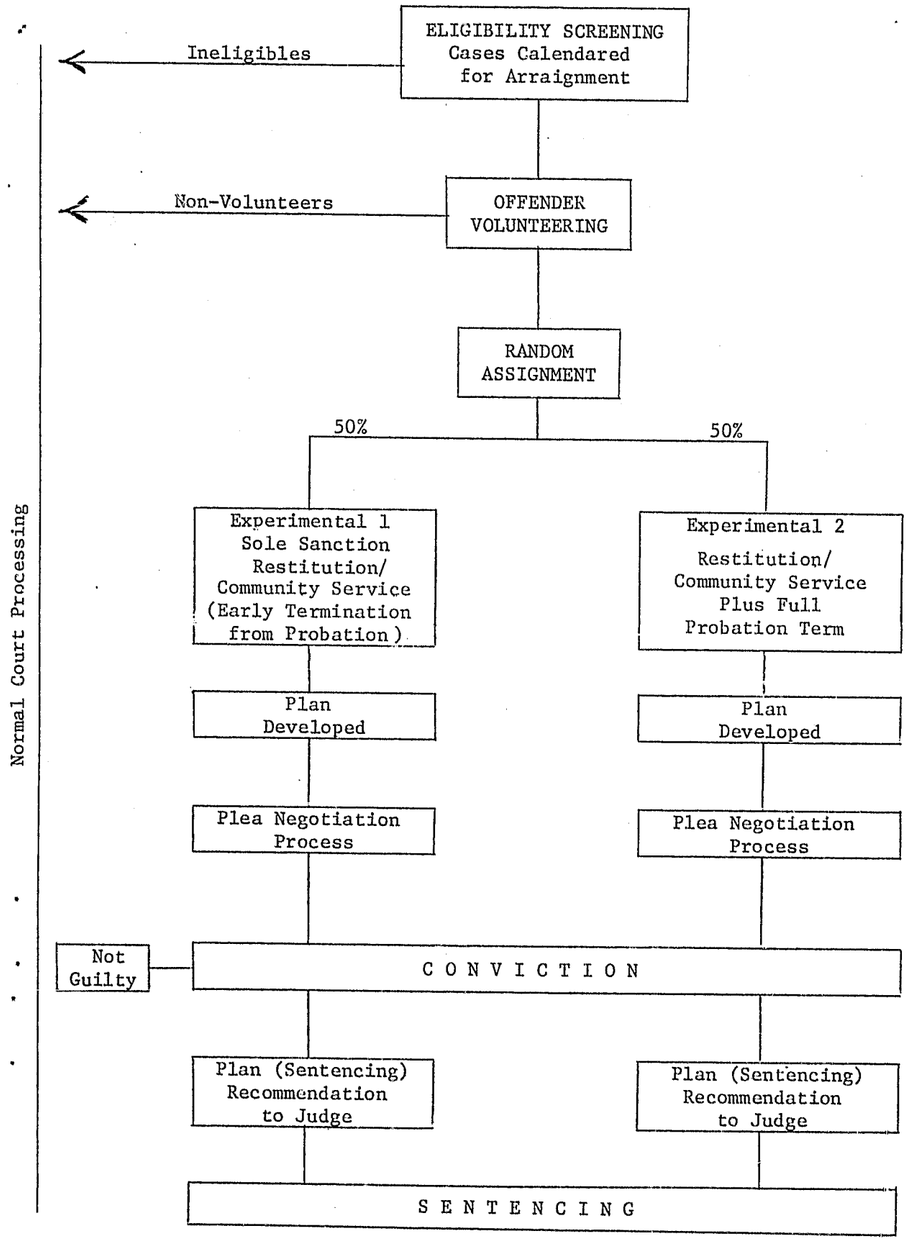
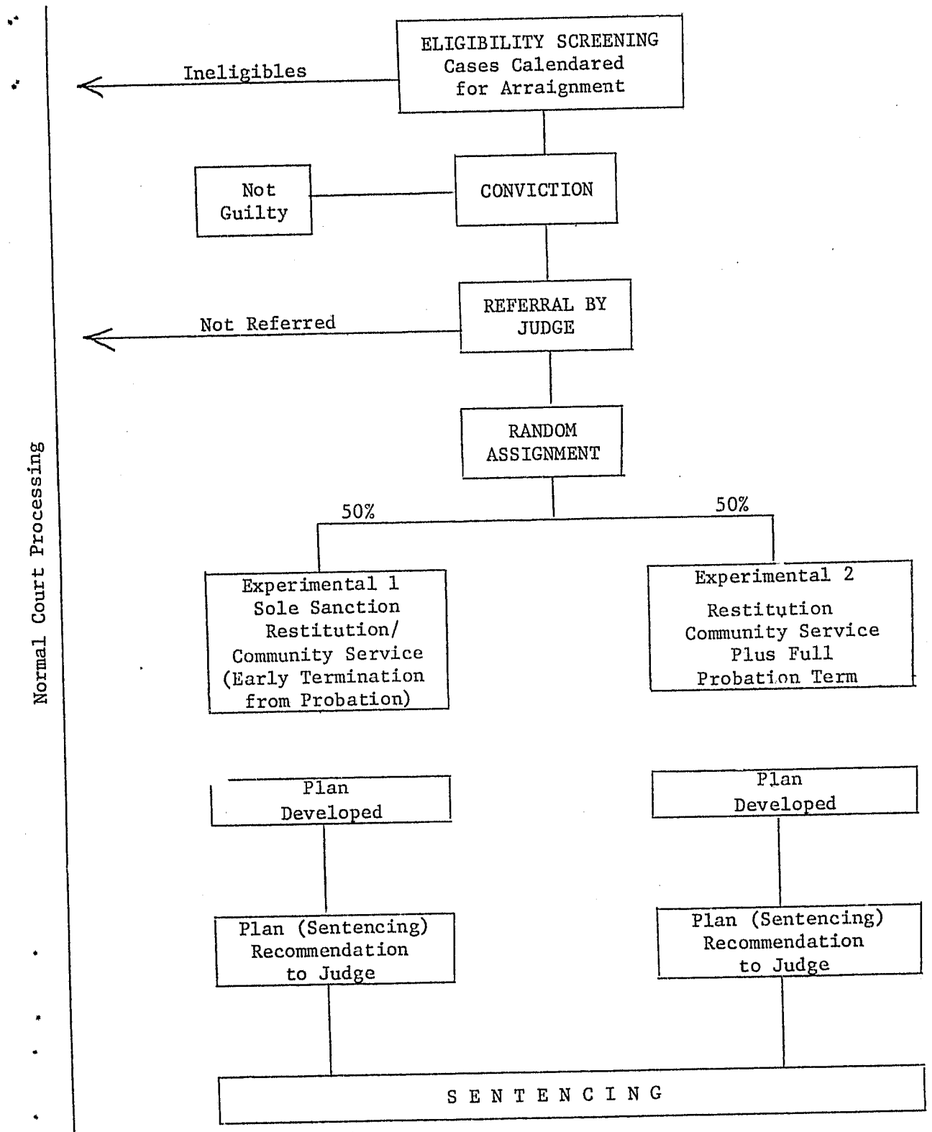


Chart E-2

Site-Specific Evaluation Design -- Georgia Post-Plea Format
(Alcovy and Houston Circuits)



prosecutor and was utilized by them in the plea negotiation process. The plan was thus presented to the judge as a part of a sentencing recommendation.

In the post-plea circuits, cases were generally not available sufficiently far in advance of disposition to allow for a comprehensive restitution investigation before conviction. Based on the program criteria, the judge referred eligible cases to the program following conviction. After referral, staff randomly assigned offenders to the two experimental conditions and developed an appropriate plan prior to sentencing. Because of time constraints, investigations in these circuits were more cursory than in the circuits using the pre-plea design, and plans were less detailed. Plan recommendations were generally presented directly to the judge by staff, bypassing the prosecutor. In addition, because the investigation was conducted following conviction, voluntariness was not an issue. Criteria for screening and the random assignment ratio and process were similar in both pre-and post-plea circuits.

Discussion: Random assignment to restitutive and non-restitutive dispositions had been planned originally by the program staff. Only after spending some time in the field did staff discover that the types of offenders anticipated for the program had almost all been receiving restitutive dispositions before the project began. Since the use of restitution as a "sole sanction" (i.e., termination of supervision upon completion of restitution/community service) was not part of normal procedure, it was instituted as the special experimental alternative. The quality of data available from before the implementation of the program does not facilitate

pre-post comparisons of the outcome of restitutive and community service dispositions.

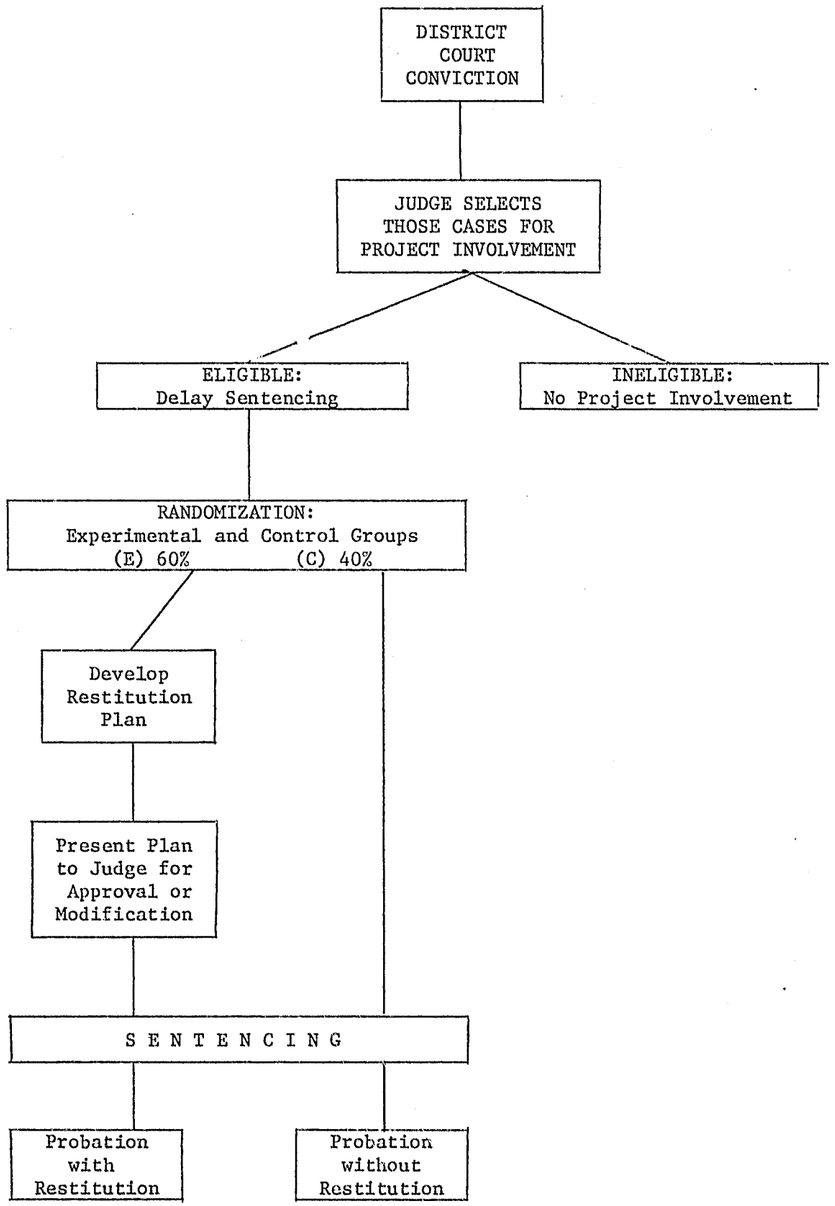
In the pre-plea circuits, approximately 200 offenders fell into each of the two experimental groups. In the post-plea circuits, approximately 120 were allocated to each group.

Maine Design: Chart F shows the design employed in the district court of the Greater Portland area. According to the plan, District Court (misdemeanor) judges identified eligible cases following conviction and referred them to the Maine Restitution Project. Project staff randomly assigned the cases to experimental and comparison groups on a 3:2 ratio. For experimental cases a restitution plan was developed and presented to the judge. If the plan was acceptable to the judge, the case was sentenced to probation with restitution. Once a case was determined to be a comparison case, the judge was notified that the case could not be handled by the program. Typically, comparison cases were sentenced to probation without restitution.

Discussion: Thirty experimental cases and eight comparison cases were processed in accordance with the design. This meager caseload can be attributed for the most part to poor planning. Originally, the program was designed to serve the Superior Court of Cumberland County which is a felony trial court. After two months of operation in that court, however, only four cases had been referred to the program. Discussion with Superior Court judges revealed that the judges felt most cases handled in their court were too serious for restitutive dispositions.

Chart F

Site-Specific Evaluation Design -- Cumberland County, Maine



Offenders could voluntarily withdraw or be removed as a result of negotiation failure, misbehavior in the institution or on furlough, or as a result of new information coming to light concerning, for example, outstanding warrants or detainers.

In the first six months of program activity, the original screening for program eligibility was not thoroughly executed by all of the staff parole officers, so that 22 cases were lost during the contracting process. After the screening was tightened, an average of slightly more than one case per month fell out for the types of reason mentioned above. The importance of restricting the incidence of such fallout was heightened in Massachusetts due to the very low number of cases handled because of staff shortages that persisted throughout the program.

Fifty-nine cases were assigned to the experimental group and 43 to the comparison group. After accounting for fallout, the number of final negotiations were as follows: 34 E's negotiated contracts with restitution; 25 C's negotiated contracts without restitution; six cases that were originally designated as C's ultimately negotiated for restitution due to assignment error or staff pressure to secure restitution in certain cases.

Oregon Design: Circuit court (felony) cases were screened for eligibility by the program's intake clerk working within the Multnomah County District Attorney's Office. This initial screening of case files occurred immediately after preliminary hearing or arraignment and was designed essentially to include all cases involving loss or damage, in which the defendant seemed likely to be given a term of probation.

Because these judges were reluctant to order restitution for Superior Court cases, the program was moved to the District Court. District Court judges, however, like those in the Superior Court, were reluctant to use the program, claiming that they heard few cases for which restitution would be appropriate. The few cases that were referred to the project were convicted of trivial offenses (e.g., traffic) that were outside the original program criteria.

Despite repeated negotiations between national evaluation staff and the judges, as well as similar efforts by program staff, contamination of the design was encountered. Despite the support of certain judges for the design and the stated understanding of others, nine of the cases assigned to the comparison group were ordered to pay restitution and four of those assigned to the experimental group were not.

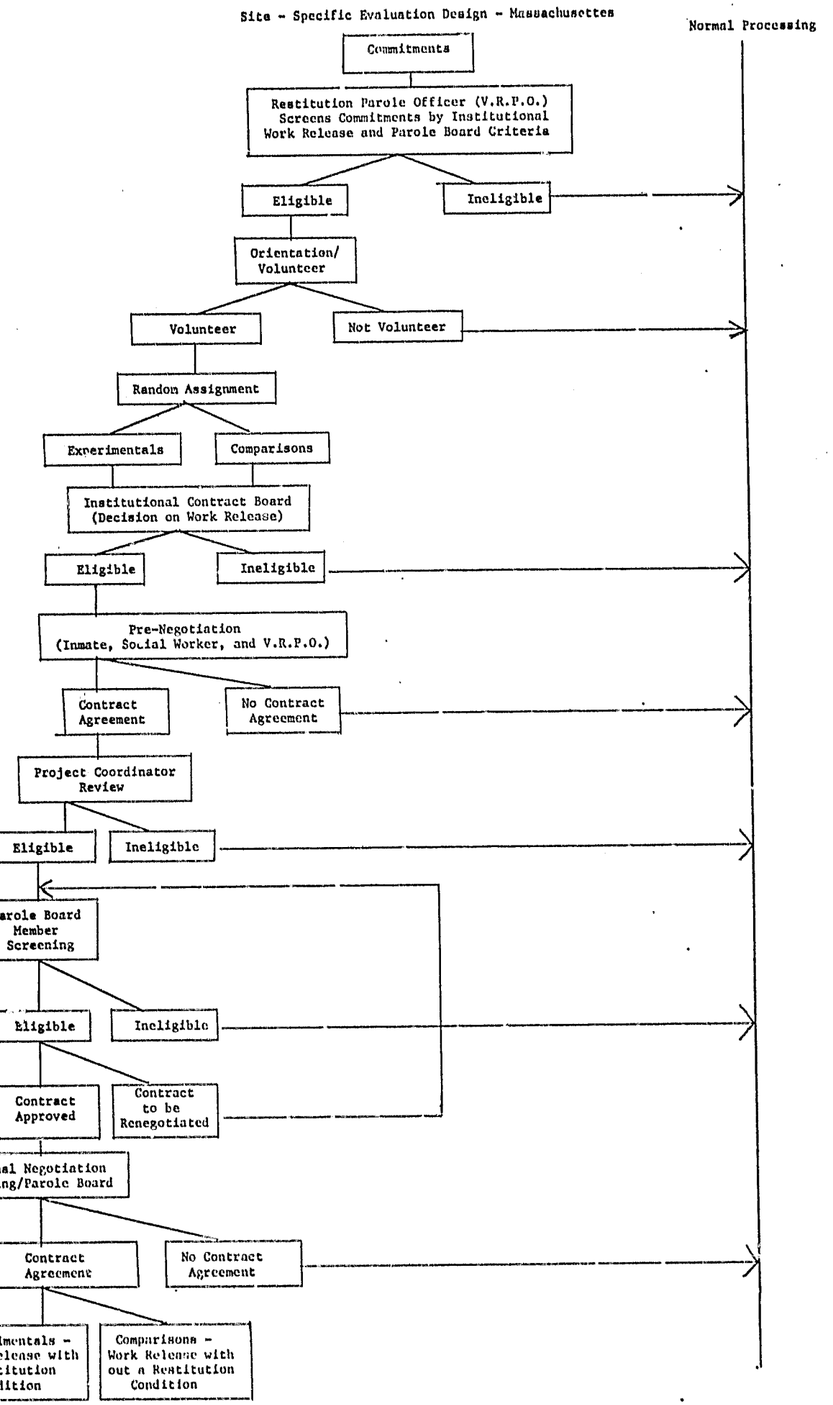
Massachusetts Design: Using criteria established in conjunction with participating institutions and the Massachusetts Parole Board, a program parole officer routinely screened lists of new jail commitments. Offenders who appeared to be eligible were contacted by the parole officer, who explained the program and asked whether the inmate chose to volunteer. Ineligible offenders and non-volunteers were processed through the institution with no further program contact. Volunteers were randomly assigned into an experimental (restitution) group and a comparison (no restitution) group on a 2:1 ratio until March 1978 and a 1:1 ratio until the program closed at the end of September 1978.

Offenders in both experimental (E) and comparison (C) groups proceeded through preliminary stages of formulating a contract including treatment plans, work assignments, release dates and, for the experimental group, restitution plans. An incentive for this additional component of the contract was an earlier parole release from the institution.

Following preliminary screening of contracts by a panel of two parole board members,[5] a "final negotiation" was held before the full Board, to which victims were invited to attend during those portions of the hearing dealing with restitution. Successful negotiations resulted in a "sign-off" on the contract establishing the obligations of both the Board and the offender concerning conduct in the institution and on work release, special programs, dates of release, and, for experimentals, payment of restitution/community service. With the exception of restitutive obligations during the work-release component of the contract for "E's" (and the related accelerated parole release provision), contracts for E's and C's were not systematically required to be different. Unsuccessful hearings could lead to renegotiation or exclusion of the inmate from further program participation.

The design in Chart G is specific to the Billerica House of Corrections (jail) which accounted for the largest number of program participants. The design operated in other jails with little variation.

Discussion: A principal design difficulty involved the time-lapse and numerous points in the contracting process at which an inmate could drop out of the program after randomization but prior to final negotiation.



Ineligible cases were processed by a deputy district attorney to any of the traditional dispositions without restitution.[6] Eligible cases were randomly assigned into experimental and comparison groups. Because of the political sensitivity of employing such a procedure in a district attorney's office, and because of the high volume of cases being processed, a randomization ratio of 9 E's:1 C was used.

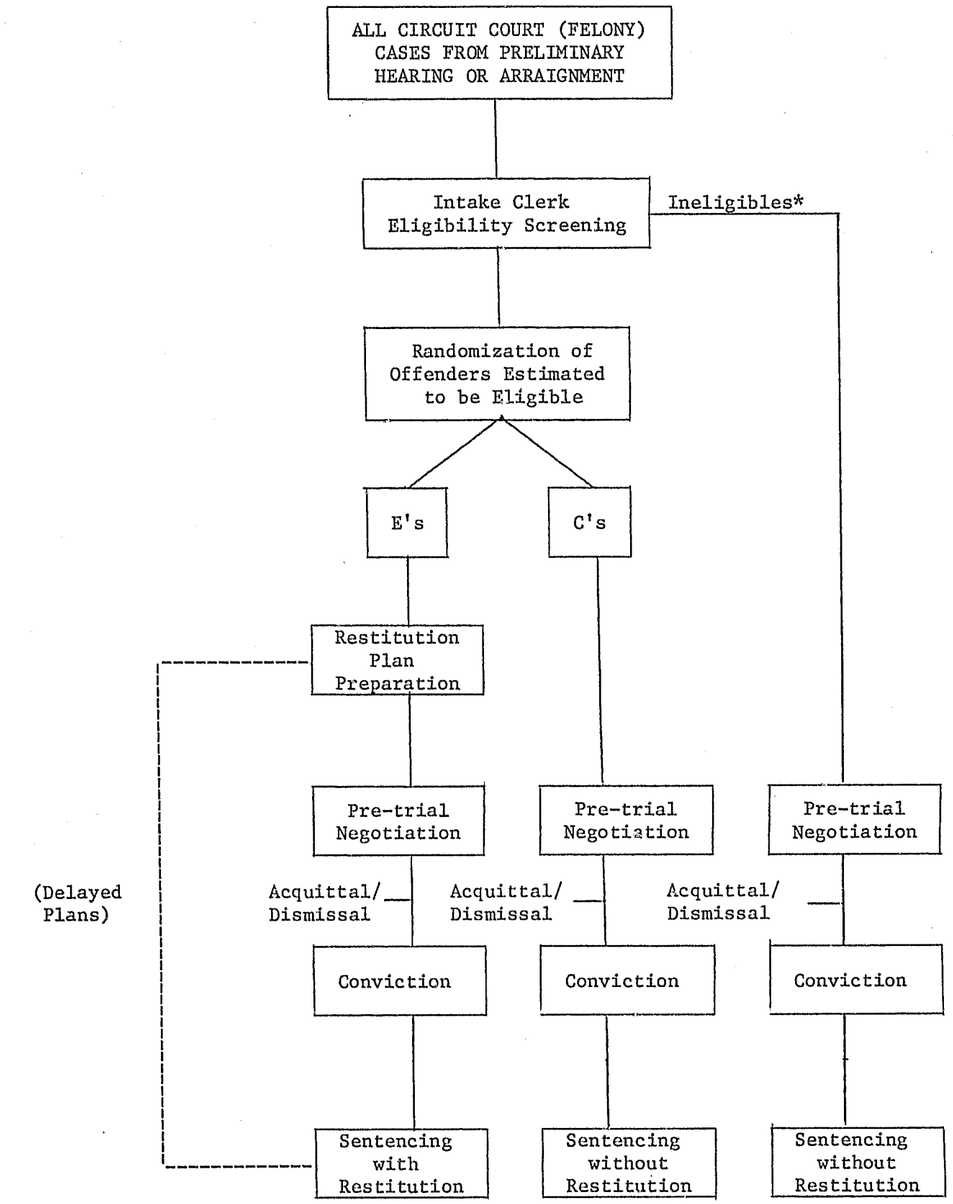
Following randomization, comparison cases were returned to the prosecuting deputy with the explicit understanding that restitution was not to be part of either plea negotiations or sentence recommendation. Any departure from this understanding (in politically sensitive cases, for example) was only to be made after the approval of the district attorney himself or the program director.

Experimental cases were investigated by program staff for losses, and the resulting documentation of loss assessment was made available to the prosecuting deputy for use in renegotiations with the offender and/or sentence recommendations[7] (see Chart H).

Discussion: Although it was expected that in some cases in which restitution was recommended the judge would not order it, the number was expected to be low due to traditional respect for such recommendations in the jurisdiction. Similarly, it was expected that a small number of cases would be ordered to pay restitution in the absence of a recommendation because of strong personal preferences on the part of some judges to use restitution as widely as possible. In each of these situations, the number of cases was expected to be very low and, therefore, within tolerable limits in relation to the large sample size.

Chart H

Site-Specific Evaluation Design -- Multnomah County, Oregon



*Murder, rape, sex offenses, pornography, prostitution, gambling, escape II, robbery II, victimless offenses, drug offense with no loss; career criminals.

Two factors combined to increase the number of cases estimated to be eligible for the program that did not receive dispositions expected under the design. First, the program staff member who was entrusted with routine monitoring of the random allocation forced several comparison cases into the experimental group; these cases often involved higher loss amounts. The forced E's were all dropped from the design, as were the cases with which they had been replaced in the control group. The staff member responsible for the duplicity was dismissed by the program director.

A second and more pervasive influence on the design was the discrepancy between the program's estimates of cases that might be ordered to make restitution and the later decisions of the prosecuting deputy and the sentencing judges. Some judges, in particular, either do not permit sentence recommendations in their courtrooms or do not favor the use of restitution as frequently as the program recommends. Others order restitution in almost all cases involving loss, whether or not the program recommends it.

The result of these design difficulties is that of the * cases properly randomized by the program (* E's: * C's) * were not sentenced as expected (* E's: * C's). In the remaining group, * E's received restitutive dispositions and * C's did not.

Aggregate data concerning the level of restitution payments before and after the program are available in this site.

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*Delayed data submissions from Oregon make these figures unavailable at the time of writing. They will be included as they become available with data being processed for the *Results* and *Discussion* sections of the report.

B. *Data Collection*

The development, organization and format of data collection instruments used in the national evaluation are explained in an earlier report.[8] To the extent possible data are comparable across sites and for experimental and comparison offenders. The instruments are designed to make maximum use of existing data sources at each site, limiting the extent to which program and evaluation resources are utilized in the time-consuming task of data gathering.

Two factors lead to the variety and quantity of data being collected in the project: (1) The objectives of the study include both description and evaluation. The descriptive needs require that all components of the programs (including offenders, victims, and program activities) be described through the course of the program. The evaluative needs require that data be collected on both experimental and comparison subjects and, to the extent possible, on a pre-post basis. (2) Claims for the benefits of restitution encompass its impact on offenders, victims, and the criminal justice system. Thus, although a particular agency may be interested in victim attitudes to the exclusion of offender impact, the overall requirements of program comparison justify the collection of data on all components in all sites.

Chart I presents the timing of the various data collection packets for cases eligible for the program.

Sources of offender data include court and correctional agency records, interviews focusing on attitudes toward the crime and criminal justice processing (including restitution in the post-program assessment), and a

Chart I

Data Collection Timing*

Data Collection Point	Eligible Cases (Experimental and Comparison)
Intake	Offender record data Offender interviews Offender Jesness Inventory Victim interviews Criminal incident data Processing data (criminal justice and program)
At 90-day intervals until termination	Offender-based monitoring data
Six months after intake	Offender interviews Offender Jesness Inventory Victim interviews
At successful or unsuccessful termination	Offender interviews (sample) Victim interviews (sample)
Beyond termination	Offender offense data via federal, state, and local statistics

*In addition to the data on eligible cases, the reasons why ineligible cases were excluded were recorded for each case. Also, aggregate summaries of program activities were collected on a monthly basis.

psychological assessment inventory (Jesness). Sources of victim information include court records and interviews tapping attitudes toward the crime, the offender and criminal justice processing (again including restitution in the post-program assessment). Criminal incident data (based on charged behavior) are derived from records and are used to link specific offenders and victims. Information on program procedures and caseflow is based on a variety of sources, including formal program management documents, periodic site visits by national evaluation staff, and journals maintained by the site evaluators.

A problem in the collection of outcome data relates to the timing of data to be collected directly from offenders and victims. Record data are not a problem in this regard since the records continue to exist and can be reviewed retrospectively for time-relevant information at such routine intervals as 12 months or 24 months. Interviews and test instruments, in contrast, must be obtained with standardized time intervals in mind. An ideal time for post-program assessment of offender and victim attitudes, for example, occurs for experimental subjects just at the time when the restitution obligations are met. There is no logical counterpart of this time point for comparison subjects, however. In addition, the various programs vary considerably in the length of time over which restitution is paid, with the permissible period in some sites being as long as the probation sentence of three or five years. A further consideration involves the short program-funding periods; i.e., at the end of the funding period for each program progressively fewer and fewer

offenders have been in the programs for periods of 6 months, 12 months, and 18 months. In order to maximize the number of cases available for a second interview and, at the same time, to maximize the number of cases for which a significant proportion of the restitution had been paid, a 6-month interval between pre-assessment and post-assessment was chosen.[9]

The programs vary considerably regarding the sources of data that are available. Additionally, the personnel who collect and code the data vary in number and experience. In some programs, for example, most of the offender data are available from records and are in a format readily transferable to our instruments. In other programs, however, the same information is available only as self-report data from the offender. Consequently, the general form of data instruments is modified to meet the needs of particular sites.

C. *Action Research Activities*

Ideally, the action researcher can contribute to the goal of rational program development in four areas. The researcher can (1) represent a fund of knowledge concerning past comparable programs; (2) aid action staff in conceptualizing client status, program objectives, strategies, and procedures for reaching the objectives; (3) monitor the program to guarantee that the intended program is carried out; and (4) promote desireable change in the program by feeding back information regarding program processes, quality and impact.

(1) Although almost nothing was known from previous restitution *research* that could be passed on to action staffs, considerable literature focusing on restitution concepts and issues was available. National evaluators analyzed and reported the theoretical and legal issues involved in restitution, sharing these ideas with the action programs. A restitution bibliography was developed and circulated. In addition, the national evaluators' experience in establishing experiments in the field was used to help program staff with numerous issues that arose in connection with implementing program procedures.

(2) Instituting a program of high quality is of great importance both to action and research staffs. And, it can be argued that quality is highly related to level of conceptualization of purpose and procedure. Specifically, what will be done with what kinds of offenders and victims, by what kinds of staff, at what points in the process? On what basis are specific program elements assumed to interact with what aspect of target cases in order to achieve what goals? Through use of conceptualizing questions, the researchers tried to encourage greater specificity with respect to the nature of the problems to be dealt with, the program goals pertaining to those problems, the methods of reaching those goals, and definitions of criteria of progress toward goals. The aim of the research staff here is to move the programs to the level of a *model* that subsequently can be applied to others.

(3) The third aspect of the action researcher's role involves a complex array of interactions between the researcher and the program being evaluated, with the purpose of guaranteeing that the intended program is carried out. Ordinarily this aspect involves direct and frequent contact between action personnel and researchers in order to continually compare

the operationalized program with the proposed program, to note discrepancies, and to revise and adjust program descriptions as necessary. Under ideal conditions, this procedure permits the development of the detailed knowledge that must underlie any comprehensive model program statements.

In conducting restitution research over distances, the continual face-to-face interactions between researchers and action personnel is not possible. Nor is the systematic monitoring by direct observation. Even though site evaluators were available in each program, they were not part of the national evaluation staff. Efforts were made to develop a research team focus by enlisting the support of the on-site evaluators for a joint enterprise with the national evaluators. However, the on-site staff were supervised and paid by the local programs, and thus were understandably somewhat less committed to the national goals.

Limited only by other time commitments and budget structure, national evaluators spent as much time as possible with action personnel. In addition to periodic visits to all sites, up to two weeks each in duration, time was spent by national evaluators with action staffs and on-site evaluators in group meetings held in Washington, Albany, and Hartford, Connecticut. Beyond these visits, contact was maintained by phone and mail. Generally, it seemed possible to keep open channels of communication with these procedures. Because for the most part the national evaluators were seen as supportive of the programs, they were kept informed as the programs evolved and changed.

One of the most crucial aspects of the action research plan involved the random assignment of cases to experimental and control groups. The national evaluators encouraged the sites to place responsibility for this procedure in the hands of the on-site evaluators; most sites were able to do this. National evaluation staff then attempted to assess the integrity of the design on site visits. In one site this assessment provided information that the on-site evaluator was intentionally violating the design, and the individual was dismissed. No other design violations were observed.

(4) The fourth aspect of the action researcher's role relates to the definition of "action research" as the systematic study of the development of program rather than the assessment of a program that has been previously operationalized. In action research, on-going feedback to the action staff is an intentional part of the design. As data are collected and observations are made, knowledge is built and the implications for action can be provided to the action staff for incorporation into current program techniques.

At any early stage of program development, research feedback is based on process data rather than outcome data, of course. Although process information represents "soft" data, their importance should not be minimized. "Hard" outcome data, while important for action staff to hear about, become available only at a point in time too distant from the program procedures to maximize payoff for the action staff. Especially in innovative programs, such as are involved in this study, the national

evaluators found themselves spending a great deal of time exploring and working through with action personnel the consequences of alternative programming steps.

One of the payoffs for action staff in these kinds of activities is their impact on the level of program conceptualization. Further, the process of considering alternatives at each step can increase the chances that the program will be integrated with other agency programs and operations. Both of these factors, a high level of program conceptualization and the integration of the special program into the regular functioning of the agency, can increase the chances that the program will survive or expand.

Strains are inevitably created in a social agency when research is conducted. In addition to the changes in agency procedures required by the implementation of a random assignment design as well as demands for acquisition and recording of data, a research project creates strains in all the areas suggested above. That is, demands for increased specificity in goal and procedural statements, systematic observation and monitoring of program as it actually operates, and even being offered on-going feedback -- all of these action research processes create some level of discomfort in most agencies. The question is the extent to which these very processes provide compensation for the strains created. Once can easily argue that each of the aspects of the action researcher's role provides payoff for the programs in improved quality and information obtained relevant to future programming. For some agencies, California being perhaps the primary example, even the random design requirement is viewed in a positive light for the knowledge that is contributed. Most of the agencies in this study, however, considered the experimental design to be the major strain, with the large amount of data required a secondary but also major strain. Only when considerable outcome or impact data become available will it be possible to demonstrate to the operating agencies the value of the design and the data collected.

VIII. Follow-Up

Federal funding for the seven programs under evaluation terminated as follows: California -- 12/30/77; Colorado -- continuing; Connecticut -- 6/30/78; Georgia -- 6/30/78; Maine -- 6/30/78; Massachusetts -- 10/7/78; Oregon 9/30/78. In Connecticut and Georgia, responsibility for continued funding has been assumed at the state level. In Oregon, the program is continuing under county funds. Federal funding has been provided for an 18-month follow-up of outcome measures for experimental and comparison offenders and their victims in Colorado, Georgia, Massachusetts, and Oregon. The small number of cases processed within the experimental design in the remaining sites makes follow-up in these sites less productive.

Following the periods in which the programs received federal funding, vital monitoring and outcome data remain to be collected before an assessment of the impact of restitutive programming is made. The number of offenders who completed program obligations during Phase I is small; and, because of the short operating periods of the programs, further tracking of offenders and victims is warranted to assess recidivism and other outcome measures.

During the periods of federally-funded program operation, on-site personnel at selected sites administered pre-post attitudinal assessments to victims and offenders, at program entry and six months later. During the follow-up period these assessments will be analyzed in conjunction with further interviews of samples of victims and offenders, at the point of successful and unsuccessful termination of restitutive obligations.

In addition to assessments of attitudinal change for victims and offenders, follow-up data are being collected on the payment and/or service performance of offenders, as well as indicators of social stability, criminal activity, and any new processing through the criminal justice system. In combination, these various assessments will overlay the descriptions of program components provided in this and other reports,[1] to provide a rounded evaluation of both the process and outcome of restitutive programming.

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Footnotes

I. Introduction

[1]Earlier reports dealt with the implementation stages of the evaluation and the restitution programs, the formulation and refinement of data collection instruments, and descriptions of the seven sites being evaluated (see National Evaluation of Adult Restitution Programs, Research Report #1, *A Description of the Project*; Research Report #2, *Selected Data Instruments*; and Research Report #3, *Restitution Programs in Seven States: Jurisdiction, Procedures, and Participants*.

[2]See Research Report #3.

II. Context and Perspective

[1]Service to the community and to symbolic victims can both be related to the offender's conduct by calculating the *amount* of service in terms of the losses or injuries sustained by victims. Alternatively, the amount of service may be based upon a fixed scale dervied, *inter alia*, from the severity of the offense.

[2]In all reports growing out of the national evaluation, 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 apys 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.

[3]See, for example, Hudson, Joe and Burt Galaway. *Considering the Victim*. Springfield, Illinois: Charles C. Thomas Publisher (1975).

[4]See, for example, Carter, Robert M. and Leslie T. Wilkins. *Probation, Parole, and Community Corrections*. New York: John Wiley and Sons (1976).

[5]See, for example, Chesney, Steven, et al., "A New Look at Restitution: Recent Legislation, Programs, and Research, " *Judicature* 61(8):348-357 (1978).

[6]See, for example, Pease, K., et al. *Community Service Assessed in 1976*, Home Office Research Study No. 39. London: HMSO (1977).

[7]For an extensive bibliography on the subjects of comepensation and restitution, see Harland, Alan and Bruce Way, *Restitution and Compensation to Crime Victims: A Bibliography* (1977).

[8]A national evaluation of juvenile restitution programs is being conducted by Peter and Anne Schneider, Institute of Policy Analysis, Eugene, Oregon.

[9]Each of these areas is covered for the seven programs in the national evaluation in Research Report #3, *Restitution Programs in Seven States: Jurisdiction, Procedures, and Participants*.

III. Evaluation Objectives

[1]See National Evaluation of Adult Restitution Programs, Research Report #3, *Restitution Programs in Seven States: Jurisdiction, Procedures, and Participants*.

IV. Review of Previous Research

[1]Although there is a growing body of research on the British community service experience it is not reviewed here. Community service in the United Kingdom is not generally considered to be a restitutive sanction and has not been studied as such (see Pease, K., et al., *Community Service Assessed in 1976*, Home Office Research Study No. 39. London: HMSO (1977)).

[2]Chesney, Steven, Joe Hudson, and John McLagen, "A New Look at Restitution: Recent Legislation, Programs and Research," *Judicature* 61(8):348-357 (1978).

[3]Hudson, Joe and Steven Chesney. *Research in Restitution: A Review and Assessment*. Paper presented at the 2nd National Symposium on Restitution (1977), p. 23.

[4]Research in the area of restitution by juveniles is even more sparse than its adult counterpart. Some examples include: Schneider, Peter et al., *Restitution Requirements for Juvenile Offenders: A Survey of the Practice in American Juvenile Courts*. Eugene, Oregon: Institute for Policy Analysis. (1977); Galaway, Burt and William Marsella. *An Exploratory Study of the Perceived Fairness of Restitution as a Sanction for Juvenile Offenders*. Unpublished paper. Duluth: University of Minnesota (1976).

[5]*Supra* note 2.

[6]In the Battelle survey discussed below, for example, some planning agencies failed to identify restitution programs *known* to exist within the state by the authors. See Edelhertz, Herbert. *Restitutive Justice: A General Survey and Analysis*. National Institute of Law Enforcement and Criminal Justice, NI-99-0055, January 1976 at p. 50.

[7]*Supra* note 2 at p. 352.

[8]Hudson, Joe, Burt Galaway, and Steven Chesney, "When Criminals Repay Their Victims: A Survey of Restitution Programs," *Judicature* 60(7): 312-316 (1977).

[9]*Id.* at p. 312.

[10]Edelhertz, Herbert, et al., *supra* note 6.

[11]*Id.* at p. 48.

[12]Flowers, Gerald T. *The Georgia Restitution Shelter Program*. Georgia Department of Offender Rehabilitation. (September 30, 1977).

[13]*Id.* at p. 12.

[14]Random selection was not to be used until the centers reached 90 percent of capacity, to accelerate program growth. By fiscal year 1977 the program was still only operating at 85 percent capacity. See Flowers, *supra* note 12 at pp. i and 14.

[15]In the evaluator's words: "The recidivism analysis is based on data supplied by the Georgia Crime Information Center (GCIC) of the Georgia Bureau of Investigation. Two hundred seventy-four offenders had data records filed with GCIC. GCIC did not provide data on those offenders arrested or convicted out-of-state. Some data records provided by GCIC were incomplete and, because the number of arresting authorities maintaining on-site offender data records, the task of file verification was beyond the resources available to the evaluator. In addition, the lack of complete offender case records at the respective centers limited the available data. *Id.* at p. 25.

[16]Steggerda, Roger O. and Susan P. Dolphin. *Victim Restitution: Assessment of the Restitution in Probation Experiment*. Polk County, Iowa: Polk County Department of Program Evaluation Fifth Judicial Department of Court Services (December 1975).

[17]*Id.* at p. 8.

[18]*Id.* at p. 24.

[19]*Ibid.*

[20]*Id.* at p. 53.

[21]Minnesota Department of Corrections. *Interim Evaluation Results: Minnesota Restitution Center*. Unpublished mimeo (May 1976).

[22]The major criteria for program eligibility were: (1) state prison commitment from the St. Paul-Minneapolis metropolitan area; (2) all present offenses involved property loss to another (excluding crimes against the person or victimless crimes); (3) no felony convictions for crimes against the person during the preceding five years in the community; (4) no gun or knife possession during present offense; (5) no detainers; and (6) present admission not for parole violation.

[23]Denials were based, among other things, upon "factors of political sensitivity, adverse community sentiment, and the nature of the offender's criminal activity." *Exemplary Project Fiebd Report: THe Minnesota Restitution Center*. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration (January 1974), p. 2; quoted in Edelhertz, *supra* note 6 at p. 72.

[24]Edelhertz, *supra* note 6 at p. 70.

[25]Softley, Paul. *Compensation Orders in Magistrates Courts.* London: HMSO (1977), p. 5.

[26]Burglary, theft, obtaining property by deception, criminal damage, wounding or assault with bodily harm. These were selected as being crimes resulting in loss, damage, or injury. *Id.* at p. 6.

[27]Under section 1 of the Criminal Justice Act 1972 (effective January 1, 1973), Britian's magistrates' courts were empowered to order restitution up to a maximum of $400 for each conviction offense. Under the Criminal Law Act 1977, the maximum was raised to $1,000.

[28]Data were received on an additional 97 offenders who were committed to a higher (Crown) court for sentence and were, therefore, excluded from the final sample.

[29]In magistrates' courts such "antecedents," including the defendant's living arrangements, financial background, and employment history are prepared for most cases by the police as a service to the court.

[30]Softley, *supra* note 25 at pp. 20-22.

[31]*Id.* at p. 14; "compensation" is the term used throughout the British studies to describe what is more often called "restitution" in the United States where the former term is more often reserved for state-funded, rather than offender-based, remunerations to crime victims.

[32]Chesney, Steven. *The Assessment of Restitution in the Minnesota Probation Services.* Summary Report: Minnesota Department of Corrections (January 1976).

[33]*Id.* at pp. 9-11. Jurisdiction was unknown for the remaining 10 cases.

[34]*Id.* at p. 16.

[35]One further attitudinal study is not reviewed here, due to its very narrow focus upon only *voluntary* restitution by offenders. See, Gandy, John. *Community Attitudes Towards Creative Restitution and Punishment.* Ann Arbor, Michigan: University Microfiles International (1975).

[36]For judges in particular, the author notes that: "Not every judge was eager to be interviewed. It is an open question as to how much their attitudes affected the validity of these results." *Id.* at p. 19.

[37]*Id.* at p. 25.

[38]Tarling, Roger and Paul Softley. "Compensation Orders in the Crown Court," *Criminal Law Review* 422-428 (1976).

[39]*Supra* note 27.

[40]Cases were sampled from police files for the month of July 1972 and the same period in 1973. Because of delays in sentencing, many of the cases in the 1972 sample became part of the 1973 sample because they were sentenced after the implementation of the Criminal Justice Act. Tarling and Softley, *supra* note 36 at p. 423.

[41]*Id.* at p. 427.

[42]Restitution has also been used in connection with pre-trial diversion. No such program is included in the present evaluation, however, therefore discussion will be restricted to post-conviction use of restitution.

[43]Hudson, Chesney, and McLagen, *supra* note 2 at pp. 352-3.

[44]*Id.* at p. 354. The survey was concerned exclusively with restitution. It is likely that the incidence of community service is much wider, but that it has not always been equated with restitution. In the United Kingdom, for example, widespread use of community service exists that is not usually considered to bea form of restitution. See, for example, Pease, K., et al., *supra* note 1.

[45]Chesney, *supra* note 32 at p. 10.

[46]Tarling and Softley, *supra* note 38 at p. 425; Softley, *supra* note 25 at p. 21.

[47]Chesney, *supra* note 32 at p. 15. Most of these were for juveniles.

[48]Minnesota Department of Corrections, *supra* note 21 at p. 26.

[49]Flowers, *supra* note 12 at p. 45.

[50]Minnesota Department of Corrections, *supra* note 21 at p. 27.

[51]Flowers, *supra* note 12 at p. 4.

[52]Hudson, Galaway, and Chesney, *supra* note 8 at p. 314. It is assumed, although not clear from the study, that the remaining 20 percent were services to victims.

[53]Chesney, *supra* note 32 at p. 15.

[54]Hudson, Galaway, and Chesney, *supra* note 8 at p. 317. A distinction should be made between full amounts for each instance of restitution and full amounts for each offender. Because the definition of victim varied from study to study full restitution may have been imposed for each *victim* awarded restitution but the *offender* may still only have been ordered to make partial restitution because other "victims" did not receive awards.

[55]Minnesota Department of Corrections, *supra* note 21 at p. 26.

[56]Chesney, *supra* note 32 at p. 14.

[57]Softley, *supra* note 25 at p. 13. Cases which had only trivial (< 25 p.) or extensive (≮400) restitution were not included in this computation. Four hundred pounds was the maximum allowed by law at the time of the study.

[58]Minnesota Department of Corrections, *supra* note 21 at p. 27.

[59]Flowers, *supra* note 12 at p. 4.

[60]Chesney, *supra* note 32 at p. 14.

[61]Minnesota Department of Corrections, *supra* note 21 at p. 26.

[62]Softley, *supra* note 25 at p. 23.

[63]Steggerda and Dolphin, *supra* note 16 at p. 33.

[64]Chesney, *supra* note 32 at p. 15.

[65]Softley, *supra* note 25 at p. 9.

[66]*Id.* at p. 12 (excludes plea-bargained offenses).

[67]*Id.* at pp. 10-13; see also note , *supra*.

[68]*Id.* at p. 13.

[69]*Ibid.*

[70]Chesney, *supra* note 32 at p. 14.

[71]But see note 1, *supra*.

[72]Minnesota Department of Corrections, *supra* note 21 at p. 19.

[73]Chesney, *supra* note 32 at p. 12. These six offenses (1 percent) were traffic offenses such as careless driving and leaving the scene of an accident; each offense may or may not have involved a victim.

[74]Flowers, *supra* note 12 at p. 21.

[75]Steggerda and Dolphin, note 16 at p. 35. However, 18 percent of the restitution offenders were described as having committed neither crimes against property nor against persons; 12 percent were offenses against public health, peace, safety, and justice; 5 percent were motor vehicle offenses, and 1 percent were miscellaneous other. *Ibid.*

[76]Minnesota Department of Corrections, *supra* note 21 at p. 19.

[77]Chesney, *supra* note 32 at p. 12.

[78]Softley, *supra* note 25 at p. .

[79]Flowers, *supra* note 12 at p. 21; Steggerda and Dolphin, *supra* note 16 at p. 35.

[80]Chesney, *supra* note 32 at p. 11. The remaining cases, it will be remembered, were juveniles.

[81]Steggerda and Dolphin, *supra* note 16 at p. 35.

[82]Flowers, *supra* note 12 at p. 21.

[83]Minnesota Department of Corrections, *supra* note 21 at p. 13.

[84]The scarcity of victimless crimes reflects the *restitutive* rather than *community service* emphasis of most of the programs reviewed. See note 1, .

[85]Steggerda and Dolphin, *supra* note 16 at p. 35. Offenses against persons were committed by 8 percent of the general probation population compared with 5 percent in the restitution group. *Ibid.*

[86]Softley, *supra* note 25 at p. 10.

[87]*Ibid.*

[88]See pp. and , *supra.*

[89]Although the definition of eligible victims will usually be defined statutorily or in case law, actual practice will depend, of course, upon the discretion of program managers and criminal justice decision-makers imposing restitutive sanctions.

[90]Minnesota Department of Corrections, *supra* note 21 at p. 23.

[91]Steggerda and Dolphin, *supra* note 16 at p. 35 (emphasis added).

[92]*Id.* at p. 60.

[93]Softley, *supra* note 25 at p. 11 (note 1).

[94]*Supra* note 2 at p. 10.

[95]Chesney, *supra* note 32 at p. 13. An additional 46 victims were uncategorized or classed as "other." *Ibid.*

[96]Minnesota Department of Corrections, *supra* note 21 at p. 24.

[97]Steggerda and Dolphin, *supra* note 16 at pp. 36-40. It seems probable that the term business in this study was used generically to include different types of organizational victims such as those noted in other reports.

[98]Softley, *supra* note 25 at p. 7. It should be noted that these figures covered all property offenses in the sample, whether or not restitution was subsequently ordered.

[99]*Id.* at p. 22.

[100]*Id.* at p. 10.

[101]*Id.* at p. 11.

[102]Steggerda and Dolphin, *supra* note 16 at p. 60.

[103]*Id.* at p. 29.

[104]Minnesota Department of Corrections, *supra* note 21 at p. 25.

[105]Chesney, *supra* note 32 at p. 13.

[106]Flowers, *supra* note 12 at p. 18.

[107]*Id.* at p. 17.

[108]Minnesota Department of Corrections, *supra* note 21 at p. 21.

[109]Flowers, *supra* note 12 at p. 19.

[110]Chesney, *supra* note 32 at p. 14.

[111]*Ibid.*

[112]*Id.* at p. 13.

[113]Flowers, *supra* note 12 at p. 19.

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[114]Minnesota Department of Corrections, *supra* note 21 at p. 21.

[115]*Ibid.*

[116]Flowers, *supra* note 12 at p. 19.

[117]Chesney, *supra* note 32 at p. 13; Softley, *supra* note 25 at p. 17.

[118]Softley, *supra* note 25 at pp. 16-17.

[119]Chesney, *supra* note 32 at p. 14.

[120]Softley, *supra* note 25 at p. 27.

[121]Minnesota Department of Corrections, *supra* note 21 at p. 19. In the Minnesota Restitution Center there was a programmatic criterion excluding offenders with any felony conviction for a crime against the person during the preceding 5 years in the community. *Id.* at p. 13.

[122]Tarling and Softley, *supra* note 36 at pp. 426-427. It is not clear whether prior record was included.

[123]Softley, *supra* note 25 at p. 17.

[124]Tau = 0.13, $p < .01$. Tarling and Softley, *supra* note 36 at p. 426.

[125]Softley, *supra* note 25 at p. 17.

[126]$X^2 = 14.2$; d.f. - 1; $p < .001$. Tarling and Softley, *supra* note 36 at p. 427.

[127]Chesney, *supra* note 32 at p. 20.

[128]Flowers, *supra* note 12 at p. 4.

[129]In the Minnesota Center, however, offenders with "a recent history of violent offenses" were systematically excluded from the program. Minnesota Department of Corrections, *supra* note 21 at p. 4.

[130]Softley, *supra* note 25 at p. 12.

[131]Minnesota Department of Corrections, *supra* note 21 at pp. 23-25.

[132]Steggerda and Dolphin, *supra* note 16 at p. 37.

[133]Chesney, *supra* note 32 at pp. 11-13.

[134]Steggerda and Dolphin, *supra* note 16 at pp. 29 and 37. The other studies reviewed do not permit comparable breakdowns.

[135]Chesney, *supra* note 32 at p. 23.

[136]Hudson, Galaway, and Chesney, *supra* note 8 at p. 320. Seventten of the 19 programs also reported that they made no attempt to modify restitution by consideration of possible victim culpability. *Id.* at p. 321.

[137]Hudson, Joe and Burt Galaway (eds.). *Considering the Victim.* Springfield, Illinois: Charles C. Thomas Publisher (1975).

[138]Steggerda and Dolphin, *supra* note 16 at pp. 29-30.

[139]*Id.* at pp. 38-39.

V. Research Procedures

[1]Additional monitoring was performed by staff of the national evaluation during routine site visits to each program. For an example of the need for such careful monitoring, see p. .

[2]Research by the Connecticut Judicial Department's research and planning unit showed that only a handful of cases had been ordered to pay restitution in the year prior to the program.

[3]This information could be provided by the program clerk because cases were randomly assigned according to the last two digits of the case docket number.

[4]There was not time, for example, to identify and isolate individual judges who were not adhering to the intended operational and evaluation plans. The program was terminated by LEAA for consistent failure to generate even a minimally adequate caseload to justify grant expenditures, especially in view of the previously uncooperative stance shown towards satisfying evaluation requirements.

A reduced form of the program is being maintained for the time being at the state level.

[5]Contracts were reviewed for completeness and adherence to program and Board eligibility standards. Specific problems were renegotiable, but eventual failure to reach agreement could result in ineligibility.

[6]If information subsequently came to the attention of the prosecuting attorney that indicated that restitution might be appropriate (i.e., a screening oversight), the option existed of referring the case to the program for loss investigations. Such cases were not included in the pool of offenders subject to randomization.

[7]An office policy require deputies to request restitution in all documented cases in which the offender received a probation sentence.

[8]The standardized forms for data collection are contained in a separate report, entitled, *National Evaluation of Adult Restitution Programs: Selected Data Instruments* (1977).

[9]During the two-year program funding period, interviews were conducted by program staff or the local evaluation specialist at each site. Following termination of program funding, a smaller number of follow-up interviews is being conducted by national evaluation staff.

VIII. Follow-Up

[1]See National Evaluation of Adult Restitution Programs, Research Report #3, *Restitution Programs in Seven States: Jurisdiction, Procedures, and Participants.*

END