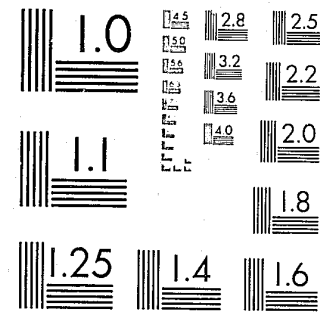


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# Foreword

Throughout the 1970s, the Crime Control Planning Board (CCPB) has been the state agency responsible for administration of federal funds for criminal and juvenile justice in Minnesota. The Law Enforcement Assistance Administration (LEAA) was the primary source of federal funds over the last decade. But LEAA no longer exists. The Office of Juvenile Justice and Delinquency Prevention (OJJDP), which administers a federal program for juvenile justice, may also face elimination.

The CCPB has used the federal grant funds in an effort to develop and test new programs and strategies for reducing crime and improving the services of the criminal and juvenile justice systems in Minnesota. In these times of budget reductions and deficits at all levels of government, we no longer have the resources available to fund new programs as we had in the past.

Moreover, the CCPB no longer exists as a separate state agency. The CCPB has been merged with other agencies into Minnesota's Department of Energy, Planning and Development (DEPD). The staff of the former agency now comprise the Criminal Justice Program in the Office of Local Government, DEPD.

These changes do not mean that we must turn our backs on efforts to reduce crime and improve the criminal and juvenile justice systems. Although our funding capabilities have been severely reduced, Criminal Justice Program staff will continue to provide assistance to Minnesota's communities. Among the types of assistance we have available are "technical assistance packages" for program development and implementation. This "Juvenile Restitution Packet" provides guidelines for developing restitution programs. It is based upon what we have learned from programs developed with LEAA and OJJDP funds over the last decade. It provides a guide for developing restitution programs by relying on a redirection of existing resources with less reliance on "new" money.

In addition to this packet, our staff is available for further assistance to communities seeking to develop juvenile restitution programs.

Michael J. McMahon, Director  
Criminal Justice Program  
Office of Local Government

## Repairing the Damage: A Juvenile Restitution Guide

Produced by the  
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# Table of Contents

Foreword .....	Page i
Chapter	
I. Introduction .....	1
II. How to Determine Need and Purpose for Restitution Programs .....	3
Definition of Restitution .....	3
Purposes of Restitution Programs .....	3
Restitution Needs Assessment .....	5
III. Developing a Workable Program .....	9
Goals .....	9
Offender Eligibility .....	10
Types of Compensation .....	10
Assessing Victim Compensation .....	11
Determining Type of Restitution Payments .....	12
Determining the Amount of Payment .....	13
Victim Participation .....	13
Increasing Victim Participation .....	14
Developing a Contract .....	14
Accounting and Disbursement of Restitution Payments .....	15
Evaluations Decisions .....	16
Surveys .....	16
Pamphlet Development .....	17
Tasks to be Completed Prior to and Following Entry into the Program .....	17
IV. Program Implementation .....	19
Program Orientation and Staff Training .....	19
General Data Collection .....	19
Conferences .....	20
Monitoring and Enforcement .....	20
V. Program Development Checklist .....	23
Appendices	
A. Model Matrix for Juvenile Restitution Program .....	25
B. Offender, Victim and Justice Oriented Rehabilitation Models for Juvenile Restitution Programs .....	29
C. Model Flow Chart for Juvenile Restitution Programs .....	33
D. Sample Community Work Service Forms .....	41
E. Crime Control Planning Board Data Forms .....	47
F. References .....	59

# I. Introduction

Over the past several years, the Crime Control Planning Board (CCPB) has provided funding and assistance for the development and implementation of juvenile restitution programs in Minnesota. As with many new programs, restitution programs encounter a variety of problems during their developmental stages. Our experience indicates that these problems are common to programs developed in a variety of communities. Many of these problems can be resolved and/or avoided by careful planning. This "Juvenile Restitution Guide" provides a guide for the development of restitution programs.

Criminal justice practitioners have expressed a desire to formalize the restitution process, establish consistency in policies and procedures, and conduct evaluations to determine the effects of their programs. Based upon CCPB experience with programs and review of other guides, this packet will enable practitioners to examine the purposes of their restitution programs, plan implementation of programs, and develop evaluation criteria for their programs. This guide should be useful to practitioners both in communities that already have restitution programs and in those that are planning new programs.

## II. How to Determine Need and Purpose for Restitution Programs

### Definition of Restitution

Restitution is the repairing or repaying of damages to the victim by the offender. Restitution may be made through monetary payments or direct services to the victim. In some programs, symbolic restitution may be made as an alternative to restitution to the victim. Restitution by means of community work service is an example of symbolic restitution.

Restitution differs from victim compensation. In victim compensation programs, the state assumes responsibility to the victim whether or not the offender is apprehended or identified. Although victim compensation and restitution concepts include payments to the victims of criminal offenses, the theoretical and operational bases on which they are founded are different. In victim compensation programs, the state is responsible for payments to the victims. Any victim who can show damages relevant to the compensation program is entitled to victim compensation. In restitution programs, the offender is responsible for payments to the victims. Thus, in restitution programs only victims who are identifiable as victims of a particular offender's crimes are entitled to restitution.

### Purposes of Restitution Programs

A frank appraisal of the primary purposes of the program is the starting point for anyone considering the use of restitution/community work service in the juvenile justice system. In general, restitution programs may be designed to achieve one or more of the following purposes:

1. to benefit the juvenile offender;
2. to benefit the victim or the community;
3. to benefit the juvenile justice system.

Identifying the primary purpose, and the program's target group, are the most important steps in planning a juvenile restitution program. These purposes, of course, may overlap. Efforts in a restitution program may be directed toward meeting all three purposes. However, you should be aware that identifying the purposes of the program will affect the way in which you design your program.

Identification of the program's purposes leads toward development of the goals for the program. Restitution program goals should be directly related to the program's purposes. Thus, there are three types of goals the program may have:

1. offender goals;
2. victim/community goals;
3. system goals.

A program designed to benefit the juvenile offender will have program goals related to the effects of the program on the offender. For example, offender goals might be related to:

- **Reduced recidivism.** To reduce an offender's re-involvement compared with an equivalent group not participating in the program or compared with an expected recidivism.
- **Reduced intrusiveness.** Some programs may be designed to limit the offender's involvement in the juvenile justice system. In these programs, restitution provides a dispositional alternative. For example, restitution may be used instead of probation; or restitution as a condition of probation may be used instead of incarceration.

- **Reduced sanction.** Restitution may be used to reduce the length of a sanction. For example, restitution while on release in the community might be used instead of continued incarceration. Probation might be terminated upon completion of an offender's restitution obligation.

Each of these types of goals is related to the program's impact on the offenders in the program.

A program designed to benefit the victim or the community would have goals related to the effects of the program on the victims or community. For example, victim or community goals might include:

- **Victim restitution.** Some programs may focus on repayment in money or services for harm attributed to the offender's conduct. Under this type of goal, services may be performed by the offender for the community instead of for the victim.
- **Equity restoration.** The victim suffers losses and feels that the offender should pay for those losses. Some programs may be designed to increase the victim's perception that equity has been restored through the offender's disposition.
- **Victim satisfaction.** Restitution programs may be designed in part to increase the victim's or the community's satisfaction with the juvenile justice system or to increase confidence in the system.
- **Fear/hostility reduction.** Restitution programs also may be designed to try to reduce the victim's or the community's level of fear of offenders or hostility toward them.

A program designed to benefit the juvenile justice system will have program goals related to the effects of the program or the juvenile justice system. For example, system goals might include:

- **Alleviation of agency problems.** The program may focus on the relief of overcrowded court calendars, the reduction of probation or parole caseload, the relief of overcrowded correctional institutions, or making the image of the juvenile justice system more positive.
- **Cost reduction.** Restitution programs may be designed to reduce the expense of processing offenders.

Each of these types of goals is related to the program's impact on the victims or the community and will affect the program's design. For example, a restitution program with victim-related goals will strive to ensure that victims are involved in the restitution process and are aware of the dispositions for offenders. A program designed to affect the community's perception of the juvenile justice system will develop a public relations component to ensure that community members are aware of the program and its purposes.

While programs may wish to serve more than one type of goal simultaneously, there are inherent difficulties in doing so. Careful consideration and forethought about the purposes of the restitution program must be given prior to any program development and implementation. Efforts to serve one purpose may conflict with attempts to serve another. For example, maintaining victim satisfaction may undermine efforts toward offender rehabilitation. A program designed to benefit the juvenile justice system may not serve the victims' and offenders' best interests. A clear understanding of the program's purpose and goals is critical to the day-to-day operation of the program.

The most common error made in planning is **failure to clearly identify your primary goals**, which are related to the purpose of the program. Failure to identify your primary goals will result in a poorly defined program.

## Restitution Needs Assessment

Prior to program development and implementation, you should conduct an assessment of the need for a restitution program within your service area. This process will help you identify the potential needs for restitution and determine the program size for your service area. It also will help you determine your primary purposes and goals with information from juvenile justice professionals essential to the development, implementation, and ultimate success of the program.

The needs assessment should include the following five steps:

1. Review the previous year's court records to determine the number of cases where restitution was ordered or could have been ordered if services were available. Review pre-sentence investigation reports, sentencing reports and court case filings. Note the number of community service orders and problems associated with these cases.
2. Compare these data on the number of cases ordered to the typical probation caseload of your probation officers. What proportion of the caseload is restitution? How much could this be increased if restitution services were available? Determine whether the number equals the average caseload of a half-time or full-time probation/restitution officer.
3. Consider all factors (time, geographic area, expense, etc.), and spell out the benefits of consolidating all the restitution cases in your service area. Spell out the negative effects if all the cases were consolidated.
4. Interview the involved judges, county attorney, community corrections board members, probation officers, and law enforcement officers about their perceptions of restitution; their perceptions of the need for a restitution program or restitution services; and what they think the goal(s) of such a program should be.
5. Conduct a preliminary evaluation to answer these questions:

- How many restitution cases are being ordered?
- Would restitution have been ordered more often if there had been a program or resources for restitution?
- How often was community work service ordered?
- Were there problems with supervision of community work services?
- Were there enough, too many, or too few work sites available?
- Did respondents to the question express a need for restitution?
- Would restitution be an alternative sentence, a rehabilitative tool, or an additional sanction?
- Which of the following do juvenile justice professionals express as being the most important: a) victim satisfaction; b) offender rehabilitation; or c) improvement of the criminal justice system?



This process will help you determine the need for a restitution program in your service area, the potential size of the program, the resources needed for operations, and the purposes of the program as seen by the program's professionals. This process also helps integrate professionals into the planning and development of the program.

Determining the proper staff/client ratio depends a great deal on how a program is set up. A probation officer who is working with restitution clients in addition to his/her regular caseload will not be able to carry as many restitution cases as a staff person working only with restitution clients. There is no magic number for how many clients are "workable" with one staff person. However, based on findings from programs the Crime Board has funded, there are some guidelines which might be of help when determining a staff/client ratio. For programs whose staff work only with restitution cases, we found caseloads between 90 and 230 cases per year. For programs whose staff work with restitution and probation juveniles we have found caseloads between 42 and 139 cases per year, although caseloads above 90 to 100 may make monitoring of the caseloads to the desirable degree very difficult.

The following sample questions were developed to assist you in developing an interview for juvenile justice professionals to obtain information relevant to your primary program goals. These questions may be asked orally or presented in a written questionnaire. There are questions about juvenile offenders, victims, and the juvenile justice system. We suggest that you select questions from each category to obtain a fair assessment.

#### Questions about Juveniles:

- Should juveniles who do not pay restitution be institutionalized?
- Should juveniles who do not pay restitution be returned to court to rework the conditions of restitution?
- Should juveniles complete community work service to "pay back" the community for going to juvenile court?
- Should juveniles have the same legal protections adults have?
- When responding to juveniles, should we be concerned about "the best interests of the child?"
- In restitution programs, should the juvenile offender have the right to refuse to meet with the victim?
- Should the identity of a child assigned to community work service be protected?
- Should the restitution program director represent the juvenile's interest during the restitution conference?

#### Questions about Victims:

- Do victims have the right to receive full restitution?
- Should victims have the benefit of the doubt when restitution is being negotiated?
- Does the victim have the right to be represented by an attorney?
- Will some victims try to take advantage of the situation and declare their losses to be higher than their actual losses?
- Should a victim receive full payment no matter how long it takes to pay off the restitution?
- Is direct service to the victim by the juvenile offender a good way to make restitution?
- Should the victim have the right to refuse to meet with the juvenile offender?

#### Questions about the Juvenile Justice System:

- Should community work service be available for juvenile offenders to work to earn money to repay damages to victims?
- Should restitution be handled by a special restitution officer?
- Should a restitution program set a maximum amount (e.g., \$300, \$400, \$500) for which a juvenile may be held liable?
- Is community work service an appropriate disposition for traffic offenders?
- Is community work service an appropriate disposition for juvenile offenders who appear in court for alcohol or drug consumption or possession?
- Is community work service an appropriate disposition for status offenders?
- Should restitution be required for all juvenile property offenders?
- Is restitution appropriate only for offenders who commit property offenses?

# III. Developing A Workable Program

## Goals

Once the focus or purpose of the program has been defined, measurable goals need to be developed so that staff may have a clear understanding of the system's direction. Goals should be based on a clearly defined focus. One of the more significant problems commonly encountered by various human service interventions is the difference between the focus of the program, general goals and expectations, and the actual daily working activities of the staff. While it is assumed there is a logical connection between the general goals and staff activities, this is often not the case.

### Linking Goals and Staff Activities

An example might help to illustrate this point better. Let us say program A's primary focus is based on the juvenile offender and explicit and measurable goals relating to its focus have been designed. Yet, staff members are spending 50 percent of their time contacting and meeting with victims. The main focus is probably not being addressed to the extent it should be, since other program activities will also take up a percentage of their time. This is not to say that a program whose main focus is to help the juvenile should not be in contact with the victim but that involvement should be proportionate to the importance shown by goals.

Planners and managers will need to define program goals with explicit operational definitions in order to link appropriate staff time/activities to the real intended purpose of the project. Goals need to be measurable so they must be explicitly defined. Unmeasurable goals will hinder, or completely halt, evaluation attempts.

### Unmeasurable Goals

The first restitution program funded by the Crime Control Planning Board had a goal which read "To promote a better understanding on the part of the offender of the consequences of his act through a face-to-face conference with the victim." Although the idea behind this goal may be worthy of praise, it was determined at the time of an evaluation (two years after the start of the program) that there was no way to measure, with any certainty, changes in the juvenile's perceptions. Apart from that, it was also recognized that a conference is only one part of the process a juvenile goes through after being found to have committed an offense. The juvenile must also face parents, police, court officials, etc. Any or all of these persons may play a part in changing the juvenile's perceptions.

Lastly, keep goals reasonable. In dealing with percentages you hope to achieve, lower desired percentages you hope to have high and raise desired percentages you hope to keep low. Goals, may always be changed in the future when you have a better idea of realistic expectations. For example, if your program hopes to keep the recidivism rate at 10 percent, state that the recidivism rate will be less than 25 percent. The following year when your program has had enough clients, you have re-examined your goal, and have found a lower recidivism rate, you can adjust your goal to reflect this. In this way you may begin realistically to look at achieving even more success.

Three important points to remember are:

- Keep goals based on the program focus.
- Define goals with explicit and measurable operational definitions.
- Keep goals realistic. Do not be bound by limits which you might not be able to meet.



## Offender Eligibility

Written eligibility criteria should be developed by all programs to help control inefficient use of staff time and inappropriate referrals to the program. We recommend excluding the following offenders:

- Status offenders;<sup>1</sup>
- Offenders involved in victimless crimes;<sup>1</sup>
- Offenders who have not been found guilty through a formal fact finding hearing or counselled plea;<sup>2</sup>
- Offenders found guilty of serious person offenses.<sup>3</sup>

## Types of Compensation

In making actual service obligations there are several styles which may be included in a plan:

1. **Direct Services to the Victim** — direct or restorative services or repair of actual damages.
2. **Compensatory Service** — does not pay the original damage but provides services of equal value.
3. **Symbolic Service** — is a service otherwise unrelated to the actual damage by the offender to the victim or the community.

Despite the theoretical appeal of direct service compensation, judges interviewed for a national evaluation do not favor its use. They think that repeated victimizations may occur and that victims do not want services from the offender. Preliminary indications from a different national evaluation show that victims overwhelmingly oppose direct service. Programs which are interested in the direct service compensation route may have more success with business or organizational victims.

A separate method of restitution, the monetary payment, has been the most widely used method and has advantages and benefits for the victims. Basing the offender's obligation upon the losses incurred by the victim can also help to achieve victim compensation objectives and impress upon the offender the relationship between the offense and sanction.

A restitution payment program oriented toward victim compensation may require full repayment as soon as possible. Even in some cases where full repayment is not a realistic expectation, programs focusing on victim compensation may impose the full amount in case the offender's financial circumstances alter. In situations where only partial payment is possible, programs can take the position that all co-offenders are responsible for the full amount of the loss, minus anything paid by their partners. When devising a payment schedule to achieve victim compensation objectives, the program may revise the amount paid per period and can go as high as the offender's ability to pay will allow. This will expedite the return of the victim's money and secure as large an amount as possible allowing for greater victim satisfaction. In either case, programs can attempt to minimize the dissatisfaction of victims by informing them of the offender's financial circumstances and the probability of only partial repayment whenever it exists.

To prevent frustration, confusion, and difficulties in enforcement later in the restitution project, program staff should take measures to ensure that all parties concerned are fully aware of arrangements for payments or services to be made. (This includes the percentage of losses paid to the victim and the percentage of offenders who fulfill payment obligations.)

To achieve higher rates of victim compensation, programs may seek to improve the offender's job and financial prospects to avoid difficulties in meeting payment obligations.

<sup>1</sup>The Crime Board feels that status offenders and offenders involved in victimless crimes are inappropriate for restitution since the purpose of restitution is the "repairing or repaying of damages to the victim."

<sup>2</sup>There is concern about possible denial of due process rights, particularly if the child is later petitioned into court for the original offense.

<sup>3</sup>Offenders found guilty of serious person offenses should be given careful consideration on a case-by-case basis prior to being admitted into the program because of the strong emotions often attached to such offenses.

## Assessing Victim Compensation

A program of incentives may be developed for the offender to fulfill restitution obligations with options like probation or work release. While these serve to benefit the offenders, they also allow for greater victim compensation as the offender may be motivated toward completion of restitution obligations at an earlier date.

When restitution is ordered in the form of community work service, the work site contact person should be either given a copy of the contract or a verbal explanation of conditions which need to be met to fulfill the restitution responsibilities (see Chapter III. Tasks to be Completed Prior to and Following Entry into the Program.).

There are many models which can be used in your restitution project to determine a victim's loss. Certain models place emphasis on offender objectives and others focus more on victim compensation objectives. Of the programs geared to victim compensation, two models stand out as being somewhat better than the others — the insurance model and the negotiation model.

The **insurance model** allows implementation to meet broad victim compensation objectives. The loss assessment is based upon information secured by program staff, similar in method to an insurance claim adjuster. The end product sought is an objective assessment of the loss. It is made by the program investigator after consulting with the victim, the offender, relevant third parties, and some form of standard reference material.

The victim can be contacted in person, by telephone, or through the mail. The information to be acquired from the victim is his dollar estimate of the amount lost and, if possible, documentation of the claim, i.e., a receipt or verification of value of the loss or damage.

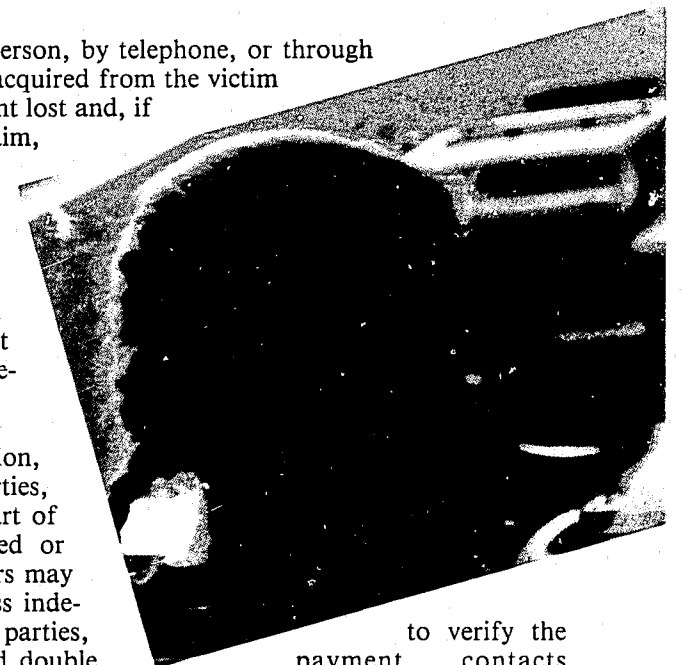
The offender's contribution to the loss assessment process under this approach may be minimal. The offender's views might be required only in the event that a large discrepancy occurs between other information sources.

In making the actual investigation, and through contacting third parties, it may be revealed that all or part of the losses sustained were insured or other third parties such as doctors may have incurred expenses. To assess independently the losses of the third parties, victim's statements, and to avoid double with third parties are frequently made: victim's insurance company, ambulance services, doctor's billing clerks, and state compensation agencies.

The program staff might consult retail or trade catalogues to establish estimates of fair market values or to verify estimates from other sources. The requirement of documentation, consulting third parties and use of reference materials increases likelihood of compensation.

The **negotiation model** is frequently suggested but rarely implemented. Under this type losses are assessed in an interactive process in which the views of both the victim and the offender are exchanged and an arbitrated settlement is reached.

There are two methods of negotiation described in this model. Face-to-face negotiations occur directly between offender and victim or representatives of the victim. Third party negotiations are conducted by a neutral party, usually a program staff member, to resolve any discrepancies.



to verify the payment, contacts hospital financial department,

## Determining Type of Restitution Payments

The negotiation model may offer the greatest potential for satisfying a wide variety of needs. From the victim's perspective the personal interaction with the offender may serve to reduce levels of fear and hostility and to increase satisfaction with the criminal justice process. The chance to be heard and have losses and injuries considered helps the victim feel better compensated.

Often the judge will set up the type and/or amount of restitution, but there may be times when the restitution supervisor or restitution officer will be assigned these tasks. There are three types of payment which may be ordered:

### 1. Monetary payments subdivided as:

- Direct payment to the victim. Such a payment would need to be worked out before payments begin so that both the victim and the offender understand the process and what the responsibilities are of each person. Receipts from the victim should be required.
- Payments to a restitution fund. Establish a restitution fund to be paid directly to the victim. This may be used if there is any concern about the victim and the offender meeting or if meetings are too difficult to arrange. Record keeping and payment progress are also more easily monitored.

### 2. Services subdivided as:

- Direct services to victims. Such services may be restorative, such as repairing the actual damage caused during the incident. Alternatively, this type of service may be compensatory, such as not repairing the original damage but providing service of equivalent value. Lastly, with the agreement of the victim, the service to the victim may merely be a token or symbolic gesture by the offender.
- General service. This type of service is not related to the offender's conduct and is usually performed for a community group or charitable organization.
- Symbolic service to others. Such service is symbolically related to the offender's conduct in the incident leading to this involvement in the system.

### 3. In-kind payments, return of original item(s) or substitution of an alternative item with agreement of recipient.

Monetary restitution has been the most widely used obligation and has obvious advantages for victim-benefit objectives. Programs attempting to impress upon the offender the rationality of restitutive payments should ensure that such payments are not confused or equated by the offender as fines. From a system viewpoint, programs using financial restitution can capitalize on the political appeal of helping victims. When an offender's payments are extended over long periods of time, the need for extensive job placement and development resources are reduced.

Strictly from the standpoint of achieving program objectives, the most acceptable type of compensation might be direct service to the victim. This option relates the sanction directly to the offense, while offering a positive contribution by the offender, compensation to the victim and possible reconciliation between the two. Despite its theoretical appeal, judges generally do not favor the use of direct service. They fear repeated victimizations and state that victims do not want services from the offender. Most often, victims are overwhelmingly opposed to the direct service route. Programs interested in direct service might have more success with business or organizational victims who may be in a better position to allow the offender to work off the restitution. For personal victims, even if they are willing to be involved, repair of damage or injury may often be beyond the skills of offenders to remedy directly, and individuals are less likely than organizations to have alternative tasks for the offender.

A program focusing upon reducing intrusiveness into the system, out of concern for offenders or to save costs can reach the largest number of offenders through community service. Although lacking some of the political appeal of a victim compensation program, the community service alternative allows for including

## Determining the Amount of Payment

offenders who might not be able to complete monetary restitution. If the community service is not based upon the amount of loss involved, this alternative eliminates the time and resources needed for investigating and determining the actual value of the loss. As this type of service does not require linking the type of service to the offense, it may be easier to find placements than if symbolic recipients are used. The most obvious disadvantage of community service, when employed by itself, is that victim compensation objectives are ignored except that the victim, as a member of the community, benefits indirectly from the service. Consequently, it is best used when the victim does not want restitution or cannot be reached.

The use of symbolic service restitution has many advantages of the more general service and represents a rational linkage between the offender's conduct and the offense. Difficulties with this approach have been to find and maintain an adequate number of appropriate service placements. Public relations and job development resources are very important to symbolic service and community service.

In-kind restitution, used extensively in less industrialized times, has not received much attention in recent years. It might be considered by programs that use victim-offender negotiation methods.

The amount of monetary restitution or service restitution may be determined in two ways:

### 1. Based upon the amount of loss. Restitution for juveniles rarely exceeds \$150 because of their limited ability to pay. When the total loss is low, the full amount of loss may be ordered or service can be related to the loss through a formula incorporating the amount of loss and the number of hours to be worked times the minimum wage or value of the service to be performed.<sup>1</sup>

When payment is based upon the amount of loss, several factors need to be considered. They are:

- **Co-offender liability.** Each offender would be responsible for a portion of the loss.
- **Ability to pay.** This needs to be determined and plays an important factor in juvenile restitution. The offender's age and whether or not the offender has a job will help determine how much should be paid.
- **Full loss not ascertainable.** Program alternatives in this situation include settling upon losses known to date, projecting final losses, or setting an acceptable maximum that may be reduced once actual losses are determined.

### 2. Independent of loss or injury. Fixed jobs, money amounts, or length of service might be required for certain offenses. This method can be used by programs that do not focus upon compensating victims.

It is important that guidelines be developed listing the minimum and maximum number of work service hours which may be ordered for specific offenses. This is especially true for counties which utilize more than one judge or more than one restitution officer who will be ordering hours of service. The use of guidelines helps assure that orders will be consistent. An example of a set of guidelines used by one program is given in Appendix A.

Surveys conducted on restitution have raised a number of issues to be addressed in working with victims. If these issues are ignored, it is unlikely that victim satisfaction will be achieved. These include:

- Negative reaction by victims when monetary restitution is not ordered;

<sup>1</sup>As of August 1, 1980, each parent can also be held liable for \$500 damage to a victim. This means that parents may be civilly held liable for \$1,000 for each criminal act. This would be the result of an action entirely separate from the restitution process (MINN. STAT. Chapter 540.18).

- Lack of follow-up contact with victim regarding the completion of restitution contracts;
- Absence of follow-up contact with victims as to the final court disposition;
- Failure to inform victims of other nonmonetary restitution ordered;
- Offender's tendency to underestimate the losses/damages made;
- Victim's unawareness that they were in fact to receive restitution.

A procedure which may be helpful to ensure positive results with victims is to develop a checklist which relates to the victim. This could include:

- Identifying the victim or multiple victims;
- Explaining possible alternative dispositions;
- Verification of losses/damages;
- Specification of details in final court-ordered restitution contracts and any noncompliance in cases of restitution.

Contact should be maintained with the victim to report restitution progress. The victim's needs for additional services should be recorded and attempts should be made to put him/her in touch with service agencies to fulfill these needs. A record of the delivery of services or payments should be kept and a revision of the victim's needs should be made as necessary. At the time of the completion of restitution, verification should be made of any services for which there is a continued need.

#### Increasing Victim Participation

To increase victim's willingness to participate in restitution, the victim should be kept informed at all phases of the restitution process. The first step is to identify those cases in which restitution is the most appropriate disposition for both the victim and offender. The victim should be interviewed to document the value of losses and to identify what type of services the victim needs. Willingness of the victim to participate in a mediation process should be taken into consideration.

If the victim does agree to participate, his/her role, rights and responsibilities during mediation should be explained in detail. If not willing to participate, the victim's case manager should be available to advocate for the victim during the mediation process. Following mediation, the victim should sign the restitution agreement. The victim case manager has the responsibility to explain the agreement so that the victim understands what is expected.

After the restitution program begins, whether monetary or service oriented, periodic contact should be scheduled with the victim to monitor progress made. As appropriate, records should be made of the victim's need of other services and efforts should be made to put him/her in touch with those service agencies.

When restitution obligations are completed, notification should be made to the victim that restitution requirements have been fulfilled. If the victim wishes a termination interview, it should be scheduled and conducted. Any continued needs of the victim should be noted and verified.

#### Developing a Contract

Once the type and amount of restitution have been determined, we recommend that programs set up a contract with the offender. The contract should include the offender's responsibilities for completing his/her obligations to the program. (If desired, the victim may sign off on the contract.) There are three areas to the scheduling of monetary payments and service payments which programs must consider. They are:

1. **Frequency.** The number of times monetary payments are to be made or service payments performed.
2. **Periodicity.** How often payments are to be made. Payments may coincide with the offender's salary/wage period. Services may be performed on weekends, evenings or during the day. Some projects set different time limits depending upon whether it is summer or during the school year.

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

The restitution schedule should be included in the contract.

Conditions under which renegotiation is permissible should be explicit in the contract. Programs should also clearly specify, in advance, the conditions under which the offender may be considered to have failed to fulfill his/her responsibilities. These might include an unjustified failure:<sup>1</sup>

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

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

- Retraction of any incentives already awarded;
- Revocation to more serious type of sanction; this may include adjudication on the original petition or probation revocation or;
- Extension of existing supervision conditions or period; this might include extension of probation beyond the period originally set.

Not giving the offender precise instructions about the consequences for failing to fulfill restitutive or service obligations stated in the contract can cause serious problems when procedures to enforce violations are used. Clearly spelling out the consequences may deter tendencies to fall behind in payments or service delivery or may reduce the feeling of unfairness in the event enforcement action must be taken.

#### Accounting and Disbursement of Restitution Payments

Project staff members receive and disburse restitution payments. Decisions about the frequency of disbursements and priority of the disbursements must be made.

Disbursements can be made in lump sum or periodic payments. With lump sum payments, the entire amount is collected from the offender before any money is paid to the recipient. With periodic payments, disbursements are made to recipients at set intervals coinciding with the schedule set for the offender to make payments.

Two factors should be considered in support of lump sum payments. First, to make restitution as meaningful as possible to the recipient, (victim) payments should be large enough so as not to seem trivial. Second, the payment of a single sum allows for easier bookkeeping and lower costs.

Payment priority approaches can vary from periodic payments in equal amounts, to payment proportional to the total loss of each recipient, to the complete payment of some recipients before others. No one approach is better than another. Decisions must be made based on values and program goals. For instance, if the need of the victim is considered important, then the most needy would be paid sooner than the less needy.

With any of the approaches there may be possible adverse reactions from the public. The reactions may range from personal dissatisfaction to public challenging of payment procedures. Consequently, priorities set by the program should be clearly reasoned, explained and easily defended.

<sup>1</sup>See Chapter IV. Monitoring and Enforcement.

## Surveys

Some projects may wish to measure program impact on victims, offenders or community by the use of surveys. Prior to designing a survey the project must make sure that the focus and goals of the project are well defined and appropriate. Basing project surveys on poor goals wastes the time and effort used to design the survey and obtain results.

When surveys are designed for victim responses, projects are usually attempting to determine whether the victim was satisfied with the restitution outcome and whether their attitudes toward restitution have changed. Projects may let victims choose whether to fill out a survey, or may require all victims to answer surveys before allowing them to become involved in the project. If projects choose the second option they may limit the number of victims willing to become involved in the project since victims already spend much time determining losses.

When the target group for surveys is the offender, projects generally attempt to find out whether paying restitution has changed the offender's attitude toward the offense and if the offender feels a greater responsibility to the victim. When attempting to analyze the data a word of caution should be given: it is impossible to determine what specific aspect of the project may have affected the offender's feelings. The offender is usually involved in a court hearing, he/she is often spoken to by the police and his/her parents, and is involved in the restitution process. The project may wish to use a control group of offenders who are involved in a court hearing but not ordered to participate in restitution. However, the appropriateness of their involvement could be questioned.

When surveys are designed for the general community, they usually attempt to determine the community's awareness of the project and reaction to it. An alternative to community surveys which projects have used is to design pamphlets explaining the project and its purpose, and distribute them throughout the schools and at social and community meetings. This will help meet the objective of community awareness. Projects interested in measuring increased support for restitution, survey victims and then generalize findings to the community as a whole. The theory behind this approach is that if the victim is satisfied, the general community also will be satisfied.

## Evaluation Decisions

The extent to which programs are able to link staff activities to the operational definition of the project has a direct relationship to the type of evaluation that should be conducted. Programs should consider the following questions prior to making a decision about the type of evaluation to be done:

- Can an outcome evaluation be conducted on the program in its present form; that is, is the program sufficiently defined and focused in order to test its effectiveness?
- What kinds of questions should be addressed by the evaluation?
- Can the program be better served through a process evaluation which provides continual feedback to managers and policy makers?

Within these questions, programs should distinguish between the two major types of evaluation —

formative and summative. Formative evaluation should aid the project through its initial stages of development and implementation. Formative evaluators generally work closely with decision makers in providing feedback information to aid the project, clarify and maintain the project's original direction, or to change the direction based on new data or experience.

Summative evaluation is primarily directed at the outcomes of the project. This type of evaluation uses an experimental or quasi-experimental design to determine program effectiveness. For instance, one way to measure the outcome could be to compare the recidivism rates of juveniles who completed

## Pamphlet Development

the restitution program with juveniles who completed nonrestitution dispositions. However, the program must be well defined and "mature" to enable a summative evaluation to reach justifiable conclusions.

It is very likely that restitution programs will generate considerable interest in communities. Consideration should be given to the development of pamphlets to facilitate answering requests for information. Pamphlets can also be used for general program orientation in staff training.

The pamphlet should include:

1. Name, location, phone number;
2. Program director and/or major contact person;
3. Program's definition of restitution with explanation of how it will be implemented;
4. Program's primary purpose and methods to carry-out that purpose;
5. Program's funding sources;
6. Summary of community involvement.

Pamphlet for offenders and victims should include:

1. Purpose of program;
2. Program's relationship to the court;
3. Services provided;
4. Definition of roles of victim and offenders.

It is very likely that community involvement and interest may be increased and enhanced through the use of a pamphlet. Victim and offender pamphlets will help those groups acquire a clearer understanding of the program.

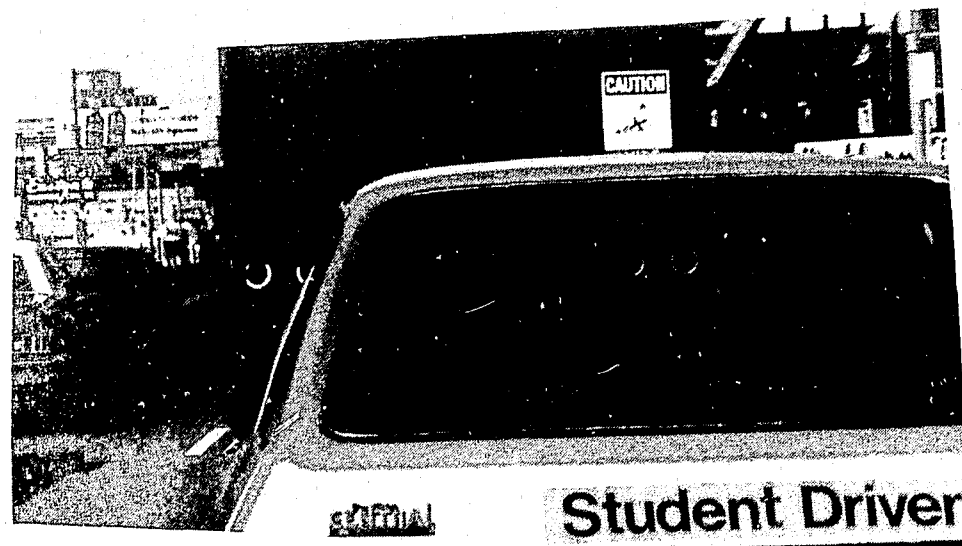
## Tasks to be Completed Prior to and Following Entry into the Program

Before the program can receive offenders, four tasks need to be completed. They are:

1. The coordinator will need to establish a system with the clerk of court for collection and disbursement of court ordered restitution using established accounting procedures selected by the program director.
2. If service restitution is used, it is important to have several types of job sites available to the program. Initial contact should be made via a letter that would explain the program, express a desire for work service sites and describe some of the benefits a business might receive by becoming a work service site. (Free help, a chance to help a kid, etc.) A contact person at the job site should be named and responsibilities clearly defined.
3. It is important to speak to local clubs and organizations, to youth in local high schools, and to try to publicize the program in the local newspaper and on the radio. It is important for support of the program that an awareness of it grow. This task may be completed by either the coordinator or the restitution officer depending upon the size of the program.
4. Determine the availability of information necessary to access on a regular basis the achievement of program objectives.

Once offenders are referred to the program tasks may include:

1. Assigning cases to restitution officers.
2. Contacting the victim and asking for photo copies of all losses.
3. Setting up a conference involving the offender and possibly the victim, within 2 weeks of a referral (see Chapter IV. Conferences.).
4. Holding a conference.
5. Finalizing restitution plans.





6. Contacting job sites and/or offender each week to assure work is being completed.
7. Receiving evaluation from job site upon completion if applicable (see Chapter III. Types of Compensation.).
8. Providing evaluation to the court at review hearing as to juvenile's compliance with the program.
9. Informing court and victim upon completion of restitution.

In order to manage the restitution program and provide staff with a framework to carry out their responsibilities, the development of a procedural manual is necessary. While there are a number of methods for accomplishing this crucial task, a suggested initial step is to design an operational flow chart which explicitly isolates all court and program functions from first to final contact with offenders and victims. Each program will need to determine how specific its flow chart will be.

Your flow chart should contain:

- All significant processes and notions involved, and the procedures required to perform them; and
- The identity of the major actors.

A model of a flow chart is given in Appendix C.



## IV. Program Implementation

### Program Orientation and Staff Training

Inadequate services to victims and/or offenders, communication difficulties between involved parties and a poor orientation of the purpose of the program and its operations are most often the basis for misunderstanding. In restitution programs the overall success or failure of the program may hinge on communication and interaction between program staff, primary users' staff, and the support agencies involved.

The problem most typically emerging during the beginning of the program and most often repeated later in the program's life is turnover, both of program staff and among primary users and support agencies, or the interchanging of those positions. The problem of turnover interferes with formal and informal agreements made between staff members of the program and support agencies.

To avoid misunderstandings caused by turnovers, program managers should update and clarify continually the program's functions with all major parties involved. Formal meetings, informal meetings (bag lunches) and newsletters could be used. The primary users (court services personnel, judges, etc.) and support agencies (social services, etc.), when deemed necessary, should be informed as to the program's purpose, objectives, operational procedures, types of restitution, and the experiences and results of other restitution programs.

Ongoing staff training is also a vital aspect for the program's efficient functioning. The relationship of the program to the local juvenile justice system should be covered in training. Staff members should be made aware of any statutes or codes which might affect their responsibilities. Roles and responsibilities which staff members have toward victims and offenders should be made very clear at all times. Finally any formal or informal agreements which the program may hold with primary users and support agencies should always be totally understood by program staff members.

### General Data Collection

The type of data a program collects will have an important impact on the type of evaluation the program will later be able to perform. Programs may choose to collect only general data on each client (e.g., type of offense, client's age, length of time client was involved in program, reason for termination); but added data may be most helpful to program staff and evaluators.

Appendix E includes the four forms the Crime Control Planning Board requires programs to submit. Although not all of the information found on the forms will be necessary to collect for each program, the forms give the reader an idea of information which can be collected. The four forms consist of: 1) The two page intake form. This form was designed to hold data on up to fifteen clients. 2) The two page termination form. This form also may hold data on up to fifteen clients. 3) The restitution case history sheet. This form holds data on one client only. Data includes specific victim information, conference information and restitution information. 4) The two page follow-up form. This form, as with the intake and termination forms, may hold data on up to fifteen clients.

Each program should determine the type of data which must be collected to best meet their needs and design forms to achieve those needs.

## Conferences

A conference with the offender and possibly the victim should be held within two weeks after the offender's referral to the program. The offender should be informed of his/her right to have a lawyer present at the conference and be urged to do so.

Victims may also be involved in conferences but offenders should have the right to object and have his/her reasons for the objections respected. Victims should also be screened before being invited to a conference. Victims can often be useful at a conference to help the offender realize that the offense meant a loss to a person. On the other hand a hostile victim may do more harm than good in developing a workable and helpful program for the offender.

At the conference any losses and/or damages should be discussed along with their value. The victim should be requested to submit, if possible, receipts for the stolen/damaged articles and estimates for replacement costs. Receipts and estimates should preferably be submitted prior to the conference so that the restitution officer has an opportunity to verify the amounts. Conferences can go much more smoothly if replacement costs are clearly understood.

If the type of restitution has not been set prior to the time of the conference, this is the opportunity to look realistically at the options available. It is important that both the victim and offender realize that an agreement should be satisfactory to all involved. This of course will not always be possible.

If the amount and type of restitution have been set prior to the conference, that time should be spent making sure that each party (if the victim is present) understands his/her responsibilities. A contract should be drawn up at this point specifically defining the amount/hours to be paid/worked during a specific time frame (e.g., weekly, biweekly, monthly). The victim should also understand how he/she is to be paid. Some programs pay the victim at the time they receive payments from the offender and some hold payments until the restitution is completed.

The restitution officer will probably be playing several roles at the conference but generally one role will dominate. The restitution officer may act as a moderator if both the victim and offender are present and simple details are all that is needed to be worked out. If the victim is absent the restitution officer may act in behalf of his/her wishes. If the victim is present but hostile towards the offender, the restitution officer may act as an advocate for the offender. It is important that the focus of the program is clearly understood by the restitution officer so she/he may run the conference with less difficulty.

## Monitoring and Enforcement

### 1. Monitoring

An important aspect of the restitution officer's job is monitoring payments and service.

Once the offender enters into a restitution or community service obligation, the task of checking that obligations are met will vary by type of obligation:

- For financial obligations — monitoring payments for program reports and checking the offender's progress can be guided by several indicators.
  - Missed payments — the number of times the offender has failed completely to make a payment.
  - Late payments — the number of times the offender has been more than a specified number of days late in paying.
  - Partial payments — the number of times the offender has paid less than the full amount set per payment period.
- For service obligations — checklist of objective criteria can be used to monitor service performance.
  - Number of hours of service performed.
  - Number of specific tasks completed.
  - Number of times the offender was late/missing.
  - Number of times the offender's performance was unsatisfactory. (The term unsatisfactory would need to be clearly defined and understood by all program staff so that the term is used consistently.)

## 2. Enforcement

Restitution staff need to know how much authority they have to enforce restitution/service obligations. Program staff may:

- Have the **authority** to enforce obligations; or
- **Recommend** enforcements to a higher decision maker; or
- **Monitor** delinquency in payment/performance without authority to recommend enforcement to the ultimate decision maker.

Program staff should know which actions could be taken in the event of default and when each should be used.

- Actions short of termination — depending upon whether or not the irregularity can be justified by the offender. Action can include:
  - Increase supportive service — this might include new job placement following a lay-off or assistance with travel arrangements to a service site.
  - Warning of impending termination — notification (through counsel, if necessary) of the possible consequences (e.g., revocation) of continued payment delinquency. Warnings can be reinforced by intermediate official steps to enforcement (e.g., a hearing to show cause why probation or parole should not be revoked).
  - Plan modification — any or all terms of the original payment/service plan might be modified to:
    - extend the supervision period in the case of willful default;
    - increase supervision conditions/intensity in an effort to resolve the underlying reason for payment delinquency;
    - modify payment/service arrangements to reflect a justified change in the offender's circumstances (e.g., temporary lay-off; unforeseen expenses).
- Termination — if the offender's default is intentional, or his circumstances have changed so that continuation of restitutive or community service obligation is unrealistic, these responses can be made:
  - Release from the obligation — this might occur when the offender is permanently disabled or otherwise justifiably unable to fulfill the obligation;
  - Retraction of incentives for program completion (e.g., no early termination of probation);
  - Revocation to more intrusive processing (e.g., probation revocation, return to inmate population).

No matter what objective is being pursued through the use of restitution/community service, terminating clients because of poor performance can have little positive effect. Termination may have some deterrent effect upon other offenders, but termination can only frustrate victim compensation objectives and increase the level of costs and intrusiveness of the system. Actions short of termination must be considered extensively by program planner prior to implementation.

Experience from the national evaluators shows that even actions that do not involve termination can often be very expensive in relation to the amounts of restitution of community service involved. If show-cause hearings come to be used extensively as a warning to delinquent probationers, the potential system time and expense for defense and prosecuting attorneys, probation officers, and judges could be considerable.

Research indicates that criminal justice officials, and sentencing judges in particular, are extremely reluctant to revoke offenders who are delinquent in payment. Where offenders are satisfying all conditions except payment or service, reluctance to take any but the most cursory action has been the norm.

# V. Program Development Checklist

Definition

Purpose

Needs Assessment

Goals

Offender Eligibility

Types of Compensation

Restitution Payments

Amount of Payment

Victim Participation

Contract Development

Accounting and Disbursement  
of Restitution Payments

Evaluation Decisions

Surveys

Pamphlet Development

Check off those tasks which have been completed by program staff.

- ☐ Differentiated between restitution and victim compensation.
- ☐ Defined the purpose of the restitution program and who the target population will be.
- ☐ Reviewed previous year's court records to obtain an idea of the number of juveniles who would be appropriate for a restitution disposition.
- ☐ Examined benefits and negative effects of consolidating all restitution cases in your service area into a single restitution program.
- ☐ Interviewed involved persons about their perceptions concerning restitution.
- ☐ Conducted a preliminary evaluation to gather information on current restitution practices.
- ☐ Determined projected staff/client ratio.
- ☐ Designed goals based on the program purpose.
- ☐ Developed explicit and measurable goals.
- ☐ Designed realistic goals.
- ☐ Determined which types of offenders should be excluded from the program.
- ☐ Developed familiarity with both monetary and service compensation and the tasks involved when developing each.
- ☐ Examined the different forms of *monetary* restitution and determined which might be most applicable to the program.
- ☐ Examined the different forms of *service* compensation and determined which might be most applicable to the program.
- ☐ Understand the factors needed to be considered when determining how to arrange amount of payment.
- ☐ Determined the amount and type of victim participation most appropriate for the program.
- ☐ Listed guidelines for dealing with victims.
- ☐ Developed a contract format which addresses the issues of frequency, periodicity and amount of payment.
- ☐ Listed explicit conditions under which the offender may be considered to have failed to fulfill his/her responsibilities.
- ☐ Considered the positive and negative effects of both lump sum and periodic payments.
- ☐ Examined the differences between formative and summative evaluations and the type of information each is able to supply.
- ☐ If a survey is to be used, re-examined goals to see at what issues a survey should be directed.
- ☐ Designed pamphlets which can help answer questions posed by different types of groups (clients, general community, staff, etc.).

**Coordinator Tasks**

- ☐ Established a system with the clerk of court for collection and disbursement of court ordered restitution.
- ☐ Developed several types of job sites if service restitution is to be used.
- ☐ Attempted to gain support for program by speaking to local clubs, organizations and community youth, and through newspaper and radio advertisements.
- ☐ Developed a procedural manual and an operational flow chart.

**Staff Development**

- ☐ Designed a process whereby administration may continually update and clarify the program's functions with all major parties involved.

**Data Collection**

- ☐ Developed a workable data collection system whereby information concerning clients may be easily obtained.

**Conferences**

- ☐ Set up a format for conferences stating the restitution officer's tasks and under which circumstances, if any, victims may be present.

**Monitoring**

- ☐ Set up a format for monitoring progress of each restitution client.

**Enforcement**

- ☐ Designed a way of letting staff know what type of authority they have in enforcing the restitution agreement.
- ☐ Informed staff on which actions could be taken in the event of default, and when each should be used.

# Appendix A

Model Matrix for a Juvenile Restitution Program





# Model Matrix for a Juvenile Restitution Program

Type of Offense	Hours	
	Minimum	Maximum
<b>Offenses against Person:</b>		
Assault	20	75
Robbery	30	75
Drug laws	5	50
<b>Offenses against Property:</b>		
Game Laws	5	30
Burglary	20	50
Theft and larceny	10	40
Shoplifting	5	25
Auto theft	10	50
Criminal damage to property	5	40

Maximum of 10 hours per week during the school year.  
Maximum of 20 hours per week during the summer.  
One in-service hour worth minimum wage.  
Maximum of 75 hours per offense.

# Appendix B

Offender, Victim, and Justice Oriented Rehabilitation Models for Juvenile Restitution Programs

# Offender, Victim, and Justice Oriented Rehabilitation Models for Juvenile Restitution Programs

## Focusing in on Operational Definitions

### Offender Oriented Rehabilitation Model (Proposed Example of Operational Definition)

The following examples are provided which relate to different approaches in utilizing restitution. Obviously, projects which have more than one major purpose must ensure that adequate staff activities are afforded to each.

1. \_\_\_\_\_ project functioning as a \_\_\_\_\_ agency will receive 50 adjudicated delinquent referrals from the \_\_\_\_\_ county court per year.
2. Of these 50 referrals, 40 (80 percent) will successfully complete the conditions of various restitution contracts with no further contact (as defined by a further offense for which a finding of guilt is determined) for two years following the completion of the contract.
3. While this project is interested in the indirect benefits which may be achieved from the overall goals of restitution, its major focus will be in direct work with offenders and/or in conjunction with support services.
4. Consequently, staff time/activities will be designed (once procedures are developed and clarified) in the following manner:
  - 60 percent to direct/indirect activities related to rehabilitative efforts for juvenile offenders;
  - 30 percent to responsible but minimal involvement with victim; and
  - 10 percent to administrative functions.

### Victim Oriented Restitution Model (Proposed Example of Operational Definition)

1. \_\_\_\_\_ project functioning as a \_\_\_\_\_ agency will receive 50 adjudicated delinquent referrals from \_\_\_\_\_ county court per year.
2. Of these 50 referrals, 40 (80 percent) will successfully complete the conditions of various restitution contracts resulting in full restitution (monetary, direct victim service, or symbolic) for 80 percent of their victims.
3. While this project is interested in the additional benefits which may be received by the overall restitution effort, its effectiveness will be determined primarily upon the extent to which 80 percent of the victims have been satisfied.
4. As a result, activities (once procedures are developed and clarified) will be developed along the following lines:
  - 60 percent to the investigation, verification, and continuing involvement with victim;
  - 30 percent to the development and completion of individual restitution contracts;
  - 10 percent to administrative functions.

# Appendix C

## Simple Justice Orientation Model (Proposed Example of Operational Definiton)

1. \_\_\_\_\_ project functioning as a \_\_\_\_\_ agency will receive 50 adjudicated delinquent referrals from \_\_\_\_\_ county court per year.
2. Of these 50 referrals, 40 (80 percent) will successfully complete the conditions of various restitution contracts through either *full* or *partial* restitution efforts.
3. While this project is interested in the possible additional benefits which may be received by these efforts (reduction in recidivism, increased community confidence in the justice system, etc.), its major focus will be in holding offenders responsible for their behavior through the completion of individual restitution contracts.
4. This project will not attempt to measure recidivism rates but will simply determine its effectiveness in terms of the successful completion of contracts by 80 percent of the offenders and providing full/partial restitution to 80 percent of the victims.
5. Staff activities will therefore be designed (once procedures are developed and clarified) in the following manner:
  - 40 percent to the development and completion of offender contracts;
  - 40 percent to the investigation, involvement of victims and follow-up information; and
  - 20 percent to administrative functions.

## Model Flow Chart for Juvenile Restitution Programs



# Model Flow Chart

## Juvenile Restitution Programs

Release Less Serious Cases  
as Appropriate

### 1. Court Intake Process

- Screen and Examine Cases
- Determine Severity of Charges
- Develop Petition for Serious Cases
- Refer to Appropriate Persons for Case Investigation and Assessment

Court Intake Personnel, (Probation Staff), Youth, Parents,  
Referral Agent

**Stage One** is generally the earliest screening phase in the formal court structure. It is intended to determine the severity of cases which would require formal processing. If this stage includes recommendations which relate to potential dispositions, personnel should be trained on the appropriateness of the local restitution project (i.e., project purpose and eligibility criteria). Restitution staff involvement should be limited to avoid unnecessary resource and time expenditure on cases which would not merit a disposition to the local project.

Cases Which Do Not Merit  
Further Processing

### 2. Formal Investigation and Assessment Process

- Research Youth's Background
- Gather Information on Case
- Identification of Victim and Loss
- Creation or Update of Case File
- Determine Sufficient Evidence for Further Processing
- Individual/Collective Recommendations
- Referral to Court/Referee/Master

Prosecuting Attorney, Hearing Officers, Defense Attorney,  
Probation Staff

**Stage Two** generally reflects a series of steps which are designed to support or reject the decisions made in stage one. Each of the major actors have individual and collective responsibilities which may also include a general or specific dispositional recommendation if a finding of guilt is determined. As such, the major actors in this stage should be trained as to the project purpose and eligibility criteria of the local restitution project.

Released Under Other Conditions  
Not Guilty

### 3. Court Hearing/Adjudication Process

- Provision for Due Process
- Determination of Guilt
- Disposition Ordered or Delayed Pending Further Investigation
- Referral to Investigating Body For Dispositional Recommendation

Judge/Master/Referee, Attorneys, Probation Staff, Youth,  
Parents (Others: Possible Restitution Staff and Victim)

**Stage Three** generally involves a determination of guilt or innocence and a process for safeguarding the legal rights of the parties involved. Some local jurisdictions may combine this stage with stages four and five. Such combinations may require a recommendation by restitution project staff as well as potential involvement of the victim. Regardless of these variations, the restitution project purpose, eligibility criteria, and methods must be understood by all major actors.

### 4. Investigation Process

- Update Case File
- Determination and Verification of Losses/Damages
- Research Offender History
- Explanation to Offenders & Victims as to **All** Dispositions Available to Court
- Confirm Offender Eligibility for Restitution
- Restitution Participation Agreements Signed by Offenders and Victims
- Recommendation and Referral to Court for Dispositional Hearing

Probation Staff, Restitution Staff, Victim, Offender, Parents

**Stage Four** is aimed at determining the most appropriate disposition. Depending on the local jurisdiction, this may be done solely by the probation staff or, in conjunction with restitution project staff. Again, training on project purpose and eligibility criteria is required. Possible involvement with victims should ensure that unrealistic expectations are **not** raised during this stage.

### Alternate Disposition

### 5. Court Disposition Process

- General Restitution Disposition Ordered; or,  
General Restitution Disposition Ordered With Required Sign-off by Court; or,  
Specific Restitution Agreement Ordered (Omit Stages Six & Seven)
- Referral to Project for Next Appropriate Stage (Either Six or Eight)

Judge/Master/Referee, Attorneys, Probation Staff, Youth,  
Parents (Others: Possibly Staff and Victim)

**Stage Five** is the court ordered disposition phase. Orders may vary depending upon restitution projects' authority to set conditions, as well as any earlier project involvement in previous stages. For example, a disposition which completely specifies the terms of a restitution by-passes the necessity of completing stages six and seven.

### 6. Restitution Agreement Process: Arbitration/Mediation

- Confirm Eligibility
- Gather Information to Conduct Process
- Contact Relevant Parties
- Orient Parties to Project's Purpose, Methods, and Mediation Process
- Finalize and Record Terms of Specific Agreement
- Update Case File
- Recommendation to Court for Dispositional Confirmation
- Report Agreements to Court for Concurrence, Additional Conditions, and Final Confirmation

Probation Officer, Restitution Staff, Offender, Parents,  
Victim, Legal Counsel

**Stage Six** relates primarily to those procedures through which a specific agreement is determined between the victim, the offender, and the restitution project. These will vary depending upon the project's location to the court, its earlier involvement in preceding stages, and the types of restitution it utilizes.

**Released Under Other Conditions  
Not Guilty**

**3. Court Hearing/Adjudication Process**

- Provision for Due Process
- Determination of Guilt
- Disposition Ordered or Delayed Pending Further Investigation
- Referral to Investigating Body For Dispositional Recommendation

Judge/Master/Referee, Attorneys, Probation Staff, Youth, Parents (Others: Possible Restitution Staff and Victim)

**Stage Three** generally involves a determination of guilt or innocence and a process for safeguarding the legal rights of the parties involved. Some local jurisdictions may combine this stage with stages four and five. Such combinations may require a recommendation by restitution project staff as well as potential involvement of the victim. Regardless of these variations, the restitution project purpose, eligibility criteria, and methods must be understood by all major actors.

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- Update Case File
- Determination and Verification of Losses/Damages
- Research Offender History
- Explanation to Offenders & Victims as to **All** Dispositions Available to Court
- Confirm Offender Eligibility for Restitution
- Restitution Participation Agreements Signed by Offenders and Victims
- Recommendation and Referral to Court for Dispositional Hearing

Probation Staff, Restitution Staff, Victim, Offender, Parents

**Stage Four** is aimed at determining the most appropriate disposition. Depending on the local jurisdiction, this may be done solely by the probation staff or, in conjunction with restitution project staff. Again, training on project purpose and eligibility criteria is required. Possible involvement with victims should ensure that unrealistic expectations are **not** raised during this stage.

**Alternate Disposition**

**5. Court Disposition Process**

- General Restitution Disposition Ordered; or,
- General Restitution Disposition Ordered With Required Sign-off by Court; or,
- Specific Restitution Agreement Ordered (Omit Stages Six & Seven)
- Referral to Project for Next Appropriate Stage (Either Six or Eight)

Judge/Master/Referee, Attorneys, Probation Staff, Youth, Parents (Others: Possibly Staff and Victim)

**Stage Five** is the court ordered disposition phase. Orders may vary depending upon restitution projects' authority to set conditions, as well as any earlier project involvement in previous stages. For example, a disposition which completely specifies the terms of a restitution by-passes the necessity of completing stages six and seven.

**6. Restitution Agreement Process: Arbitration/Mediation**

- Confirm Eligibility
- Gather Information to Conduct Process
- Contact Relevant Parties
- Orient Parties to Project's Purpose, Methods, and Mediation Process
- Finalize and Record Terms of Specific Agreement
- Update Case File
- Recommendation to Court for Dispositional Confirmation
- Report Agreements to Court for Concurrence, Additional Conditions, and Final Confirmation

Probation Officer, Restitution Staff, Offender, Parents, Victim, Legal Counsel

**Stage Six** relates primarily to those procedures through which a specific agreement is determined between the victim, the offender, and the restitution project. These will vary depending upon the project's location to the court, its earlier involvement in preceding stages, and the types of restitution it utilizes.

**Other Disposition If No Agreement Made**

**7. Final Court Confirmation Process**

- Court Concurrence With Restitution Agreement
- Order Disposition and Conditions
- Information Recorded for Case File
- Relevant Parties Notified

Judge/Master/Referee, Restitution Project Staff, Probation Officer (Others: Possibly Offender, Parents, Victim)

**Stage Seven** involves court confirmation of the explicit terms of the restitution agreement. This may ensure that the court and all parties understand and agree as to the manner in which restitution will be made, how it will be accomplished, and the timing involved.

**8. Restitution Project Intake Process**

- Assignment to Case Manager
- Review Conditions of Agreement
- Update Case File
- Orient Offender to Project Procedures and Services
- Identify Appropriate Support Services for Case (i.e., Job Training, Work Assignments, Counseling)
- Refer Offender to Appropriate Support Services
- Refer Offender for Work Site Assignment

Restitution Staff, Offender, Parents, Support Agencies

**Stage Eight** involves the first steps involved in the formal restitution process. At this point, the offender is oriented to the project's specific procedure and services (e.g., payment methods, work assignments).

**9. Work Site Assignment Process**

- Determine Appropriate Work Site
- Notify Appropriate Parties As To Placement and Starting Date
- Update Case File
- Refer Case to Case Manager

Restitution Staff, Offender

**Stage Nine** involves the determination and assignment of an appropriate work site.

**10. Case Management Process**

- Supervise or Designate Supervision of Offender
- Monitor Offender Performance
- Track and Manage Funds in Monetary Restitution Agreements
- Track and Manage Time in Community Service Agreements
- Supervise All Direct Service to Victims
- Contact and Feedback to Appropriate Parties (i.e., Court, Offender, Victim, Work Site Supervisors)
- Update Case File
- Determine Successful Completion of Agreement
- Referral to Court Upon Completion of Agreement Terms

Restitution Staff, Offender, Support Service Agencies, Work Site Supervisors, Victim

**Stage Ten** involves the procedures for managing a specific case as they relate to the offender, to the project, and to any support efforts. Non-compliance issues are discussed in the narrative which follows this model.

**11. Final Court Hearing Process**

- Inform Major Parties as to Successful Completion of Agreement
- Termination of Restitution Agreement
- Termination of Probation
- Appropriate Closures on Case File

Judge/Master/Referee, Restitution Staff, Offender, Parents

**Stage Eleven** involves the closure of the case for both the project and the court.

**Non-Compliance Alternatives**

**Informal Process:**

Decision by case manager to handle the problem through an informal reprimand. The original agreement terms are not altered. Procedures include: 1) reprimand youth in an informal counselling session, 2) when appropriate, contact relevant parties concerning the youth's non-compliance and reprimand, and 3) update the case file.

**Formal Process:**

Decision by case manager to meet with all relevant parties to discuss the youth's non-compliance and to formally reprimand the youth. The original agreement terms are not altered. Procedures include: 1) contact relevant parties to arrange meeting, 2) provide for legal safeguards, 3) reprimand youth during formal meeting, and 4) update the case file.

**Re-Negotiation Process:**

Decision by case manager that non-compliance arises from the youth's inability to meet the original agreement terms. Procedures include: 1) contact all relevant parties to determine if re-negotiation is acceptable, 2) make recommendation to court to consider re-negotiation, 3) in the event of court concurrence, repeat stages six and seven above (otherwise use appropriate reprimand process and/or proceed under any new court mandates), and 4) update the case file.

**Termination Process:**

Decision by case manager to terminate the agreement. Procedures include: 1) contact all relevant parties to determine if termination is acceptable, 2) make recommendation to court to consider termination, 3) in the event of court concurrence, refer case to court for termination hearing (otherwise choose another non-compliance alternative), 4) contact all relevant parties to arrange a court termination hearing date, 5) arrange for legal safeguards, and 6) in the event of termination, update and close case file (otherwise, case is referred back to project for another non-compliance alternative).





# Appendix D

Sample Community Work  
Service Forms:

Community Work Service Assignment Sheet

Community Work Service Checklist For Supervisors

# Community Work Service Assignment Sheet

The \_\_\_\_\_ County Court assigned \_\_\_\_\_  
as a condition of supervision, \_\_\_\_\_ hours of community work service. The work  
is to be completed by \_\_\_\_\_.

- Community work service consists of work that is productive to the community as a whole and charitable work for persons other than a relative.

Some agencies served by community work service are:

1. senior citizens;
2. city/county engineers office;
3. city and county park and recreation offices;
4. public schools;
5. park and recreation;
6. any other community agency or person contacted by court services personnel.

As the court has stated in its order the work hours assigned to you are a part of your supervision by the court. Any failure to cooperate with the staff of the court services department in completing the hours ordered will be reported to the court as a violation of its order.

I understand my work assignment is:  
\_\_\_\_\_  
\_\_\_\_\_

My work was completed on: \_\_\_\_\_

\_\_\_\_\_  
Juvenile

\_\_\_\_\_  
Supervisor

# Community Work Service Checklist For Supervisors

*Please check the category or categories which best apply to the person assigned for your community work service supervision.*

**Attitude**      Cooperative \_\_\_\_\_  
                         Uncooperative \_\_\_\_\_

**Reliability**      Did the person come each day at the assigned time?  
                         Yes \_\_\_\_\_  
                         No \_\_\_\_\_

**Quality of Work**      Satisfactory \_\_\_\_\_  
                         Unsatisfactory \_\_\_\_\_

Would you be willing to reassign this job to another person we have on supervision?  
                         Yes \_\_\_\_\_  
                         No \_\_\_\_\_

**Additional Comments:** \_\_\_\_\_  
                         \_\_\_\_\_  
                         \_\_\_\_\_

Thank you for your cooperation.

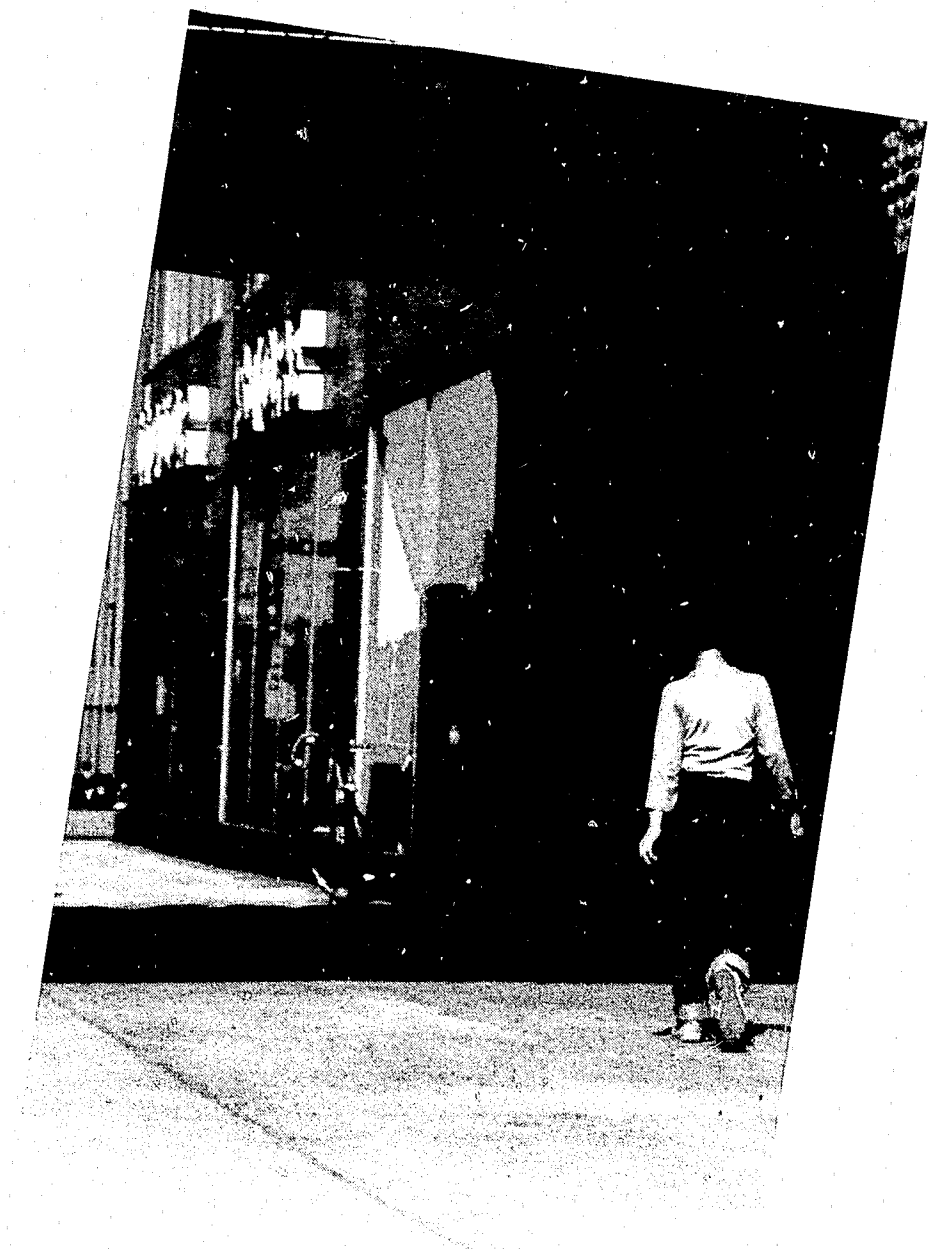
\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Court Services Officer

# Appendix E

Crime Control Planning Board  
Data Forms

Restitution Project Case History Sheet  
Client Intake Information  
Client Termination Information  
Client Follow-Up Information



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# Restitution Project Case History Sheet

Restitution Project Case History Sheet

Offender ID #:

County of Offender:

Offense History

Victim Information

1. Date of offense:

2. Date of first court appearance:

3. Date of adjudication:

4. Date of disposition:

5. Date of referral to project:

6. Dispositions in addition to restitution; list up to 4; see (Disposition Codes):

Admitted

Sustained

1. Type of victim?

No victim

Individual

Owner operated business

Corporate business

Government agency

Nonprofit agency

Other or unknown

2. Type of contact project had with victim?

None

Mail

Phone

Personal

3. Result of contact?

No response

Willing and able to participate

Unwilling to participate

Why?

Unable to participate

Why?

4. Type of victim participation?

None

Agree to restitution officer's recommendation

Consultation with input but no face-to-face conference

Face-to-face conference

5. Distance of victim (where victimized) from offender's residence (approximate miles):

6. Relationship of victim to offender?

Relative

Friend

Neighbor

Unacquainted

Other:

1. Date of conference: \_\_\_\_\_

2. Number of offender's parents present: \_\_\_\_\_

3. Attorney for offender present?  
\_\_\_\_ Yes  
\_\_\_\_ No

4. List others present (e.g., assessor, insurance representative, attorney for victim, prosecutor):  
\_\_\_\_\_  
\_\_\_\_\_

5. Victim present?  
\_\_\_\_ Yes  
\_\_\_\_ No

1. Date ordered: _____		
		TIME LIMIT
TYPE	AMOUNT	(final date)
_____ Money	\$ _____	_____
_____ Service to victim	_____ hours	_____
_____ Service to		
_____ community	_____ hours	_____
_____ Other: _____	_____ hours	_____

TYPE	AMOUNT	DATE COMPLETED
_____ Money	\$ _____	_____
_____ Service to victim	_____ hours	_____
_____ Service to community	_____ hours	_____
_____ Other: _____	_____ hours	_____

Is completion satisfactory (compare restitution ordered to restitution outcome):	AMOUNT	TIME LIMIT
	_____ Yes	_____ Yes
	_____ No	_____ No

If completion is unsatisfactory what action is taken on the case? (*Explain*):

Form completed by: \_\_\_\_\_  
(signature)

Approximate time filling out this form: \_\_\_\_\_ (minutes)

*Enter the appropriate two-digit code(s) for each offense. Include up to 4 dispositions for a single offense.*

- |   |   |
|---|---|
| 00 Committed to department of corrections | 12 Outpatient counseling — family/child   |
| 01 Institutionalized                      | 13 Restitution                            |
| 02 Placed in group home                   | 14 Unpaid work                            |
| 03 Placed in foster home                  | 15 Ordered to attend school               |
| 04 Inpatient drug/alcohol treatment       | 16 Informal probation                     |
| 05 Inpatient psych                        | 17 County welfare supervision             |
| 06 Placed in relative's home              | 18 Secure detention awaiting placement    |
| 07 Probation                              | 19 Nonsecure detention awaiting placement |
| 08 At home placement                      | 20 Continuance for specific period        |
| 09 Other residential treatment facility   | 21 Emancipated minor                      |
| 10 Day treatment program                  | 22 Client ran away before disposition     |

PROJECT NAME: \_\_\_\_\_ Reporting Month: \_\_\_\_-\_\_\_\_-\_\_\_\_/\_\_\_\_-\_\_\_\_-\_\_\_\_.

CLIENT NUMBER  
(4 digits)

[illegible]

FOOTNOTES:

11/78

CLIENT NUMBER (4 digits)																			
RELATION TO CJS AT TIME OF ENTRY INTO PROJECT  (Mark Only One Per Client)	Not in CJS																		
	Police Contact — Not Booked (R & R)																		
	Police Contact — Booked																		
	Awaiting New Petition Hearing/Arraignment																		
	Awaiting Disposition Trial-Sentencing																		
	Supervision-Probation/ Probation																		
	Institutionalized																		
	Work Release																		
Parolee																			
PREVIOUS CLIENT OF PROJECT	Yes																		
	No																		
REASON FOR REFERRAL TO PROJECT  (Mark 'P' for Primary and 'S' for Secondary Reasons for Referral)	Other Legal Problem																		
	Personal Problem																		
	Family Problem																		
	Chemical Dependency																		
	Medical/Dental																		
	Educational/School																		
	Vocational																		
	Financial Problem																		
	Recreation																		
	Psychological																		
	Housing																		
	Food																		
	Parole Training																		
	Transportation																		
	One-to-One Counseling																		
	Sexual																		
	Peer Support																		
	Employment																		
Referable Offense (Use appropriate code)																			
Other (Footnote below)																			

FOOTNOTES:

CLIENT TERMINATION INFORMATION

PROJECT NAME: \_\_\_\_\_ Reporting Month: \_\_\_\_-\_\_\_\_-\_\_\_\_/\_\_\_\_-\_\_\_\_-\_\_\_\_

CLIENT NUMBER (4 digits)																			
DATE OF TERMINATION	Month																		
	Day																		
	Year																		
REASON FOR TERMINATION  (Mark Only One Per Client)	Completed Program/ Contract-Referral Not Needed																		
	Completed Program/ Contract Through Referral																		
	Participated in Program, but Refused Referral																		
	Participated in Program, but Referral Not Available																		
	Participated in Program, but Did Not Return																		
	Participated in Program, but Terminated by Project Staff																		
	Withdrawn by Parent																		
	Placement in Foster Home, Shelter Home, Group Home or Other Institution																		
	Job Placement																		
	Graduated																		
	Quit School																		
	Another School																		
	Absconded																		
	Arrested/Rearrested																		
	Convicted of New Offense																		
	Moved Away																		
	Deceased																		
	Other (Footnote below)																		

FOOTNOTES:

## TERMINATION INFORMATION, Page 2

[illegible]

## FOOTNOTES

11/78

## TERMINATION INFORMATION, Page 3

**AGENCIES TO WHICH REFERRED**  
(List only up to five per client.)

[illegible]



### CLIENT FOLLOW-UP INFORMATION

PROJECT NAME: \_\_\_\_\_ Reporting Month: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ / \_\_\_\_ - \_\_\_\_ - \_\_\_\_.

CLIENT NUMBER  
(4 digits)

[illegible]

FOOTNOTES:

11/78

## FOLLOW-UP INFORMATION

## CLIENT USE OF AGENCY REFERRALS

List only agencies which client utilized. Put an asterisk (\*) beside those that client felt were helpful.

[illegible]

## Appendix F

## References

**National Office for Social  
Responsibility (NOSR)**

Address: 208 North Washington Street  
Alexandria, Virginia 22314

Contact Person: Gerry Waldron

Publications:

- "A Guide to Juvenile Restitution Programming," Working Paper #1, December 1978, Gerald Waldron et al.
- "Managing Juvenile Restitution Projects," Working Paper #2, February 1979, Gerald Waldron et al.
- "Public Relations: Developing Support for Juvenile Restitution Projects," Working Paper #3, February 1979, Gerald Waldron et al.
- "Evaluation Research: A Guide for Juvenile Restitution Project Managers," Working Paper #4, February 1979, Burt Galaway and Joe Hudson.

**Criminal Justice Research Center**

Address: One Alton Road  
Albany, New York 12203

Contact Person: Ed Brown

Publication:

- "A Guide to Restitution Programming"; Working Paper #17; January 1979; Alan T. Harland, Margaurite Q. Warren, and Edward J. Brown.

**Department of Health Services,  
Bureau for Children, Youth  
and Families**

Address: 1 West Wilson Street, Room 570  
Madison, Wisconsin 53702

Contact Person: Dennis Maloney

Publication:

- "Restitution: A Dynamic and Challenging Alternative for Wisconsin's Juvenile Justice System," Mary C. McEniry.

**END**