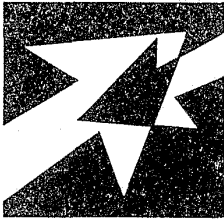


PSL



**TRANSFER OF
KNOWLEDGE
WORKSHOP**

✓
**Juvenile Restitution
and
Community Service**

101122

**DEPARTMENT OF THE YOUTH AUTHORITY
BUREAU OF CRIMINAL JUSTICE PLANNING
AND EDUCATION, SPECIALIZED TRAINING
TECHNICAL ASSISTANCE PROGRAM**

**U.S. Department of Justice
National Institute of Justice**

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PREFACE

The Department of the Youth Authority, in cooperation with the State Office of Criminal Justice Planning, is conducting a series of Transfer of Knowledge Workshops on a variety of subjects that are of importance to the prevention of delinquency, crime and violence.

A Transfer of Knowledge Workshop is not a typical workshop or training event. Based on the belief that there currently exists in California sufficient knowledge and expertise to solve the major problems of crime and delinquency facing our communities, acknowledged experts are brought together to share information and experience. They present and/or develop program models or action strategies that are then made available to interested individuals, programs and/or communities.

Fifty people representing all areas of the justice system attended a Transfer of Knowledge Workshop on Juvenile Restitution and Community Service at Pasadena, California on January 9, 10, and 11, 1985. The presentation was designed to encourage discussion, facilitate the exchange of knowledge, and provide a forum for technological development in this important area.

ACKNOWLEDGEMENTS

The Department of the Youth Authority wishes to thank the Chief Probation Officers of California, Alameda County District Attorney's Office, California League of Alternative Service Programs, the Restitution Education, Specialized Training and Technical Assistance Program, the Office of Criminal Justice Planning, and several participating Probation Departments for their support and help in making this Workshop possible.

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This publication draws from the expertise shared at this Workshop.

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INTRODUCTION

"The recent restitution legislation has given us a golden opportunity to demonstrate to victims that we care."

*Honorable John Fitch
Presiding Juvenile Court Judge
Fresno*

Restitution is not a "new" sanction and, in fact, references to it are found in legal systems dating back 4,000 years to the Code of Hammurabi. What is new — at least in the United States in the 1980's — is the emphasis upon programming and the development of procedures to make restitution meaningful for both victims and offenders.

The resurgence of interest in restitution for juvenile offenders is due, on the one hand, to the desire of the justice system to respond to the needs of crime victims and, on the other, to the search for more effective dispositions. Different philosophies of restitution grow out of these concerns and, thus, programs may elect to stress either services for victims or treatment for offenders.

What the Law Says

California has become actively involved in juvenile restitution and community service as part of the Crime Victim Restitution Program of 1983 — ten pieces of legislation enacted in response to the Victims Bill of Rights Initiative passed by the voters in 1982.

The Juvenile Court is empowered to order juvenile offenders to repay victims and the community through several options.

- *Restitution* — Monetary repayment to victims who have suffered a financial loss due to a delinquent act.
- *Community Service* — Work projects performed by offenders.
- *Restitution Fine* — Payment made to the State Restitution Fund.
- *Penalty Assessment* — Payment made to the county treasury with a portion to the State Restitution Fund.

PHILOSOPHY AND THEORY*

The Victim Orientation

Restitution is essentially a Latin word meaning "to set up again" or "to restore," and in the victim-oriented approach the primary goal is to repay victims. The philosophical base of this approach arises from the Victim Rights' Movement and holds that victims have a right to be repaid and that the system, or government, should ensure that their needs are met. Restitution legislation in California, which originated with the Victim's Bill of Rights adopted by referendum in 1983, adheres closely to this philosophy.

While this approach by definition focuses on victims, restitution theoretically contributes to the rehabilitation of offenders through a healing process of atonement and reconciliation. Some programs promote this healing process through counseled mediation sessions involving both the victim and the offender. The Victim Offender Reconciliation Program (VORP) in Fresno County is one such program.

Proponents of this approach need to be aware that restitution is an inefficient means of delivering compensation to victims, for it requires that offenders be caught, arrested, convicted, ordered to make restitution, and finally, able to complete it. On the last of these points, studies are encouraging: data collected nationwide show that about 86 percent of juvenile offenders required to make restitution complete it successfully, and that victims can expect to recover about two-thirds of their actual losses.

The Accountability Orientation

The accountability orientation differs from the offender-treatment approach in that the court responds to what the offender *did* rather than what he or she *needs*. The basic assumption of this philosophy is that the offender has incurred a debt and that he or she must be held accountable for it. Stated simply, restitution is something the offender is required to do for the victim, rather than something the court does to or for the offender.

The accountability approach further requires that the sanction be in proportion to the crime and, hence, uniform across offenders and offenses. Sentencing, and the nature of the sanction itself, are simplified as the issues focus on the damage suffered by the victim and/or the community.

*This section reflects the points of view of Dr. Peter R. Schneider, who directed the National Evaluation of the Juvenile Restitution Initiative.

Probation officers find the accountability approach attractive in that it sets an agenda for probation. When the offender enters probation, both he and the officer have a clear idea as to what is expected and, in many instances, the court will relinquish jurisdiction over the offender when restitution is completed — thus lightening the probation officer's caseload.

The Punishment Orientation

The philosophy which underlies the punishment orientation is that offenders can be deterred, or discouraged, from committing additional crimes through the fear of what the court might do to them. To be an effective deterrent, punishment must be certain, swift, and severe.

Is restitution punishment? Juvenile offenders apparently think so: offenders in Ventura County, for example, report in a recent survey that they fear restitution less than referral to the Youth Authority or placement in juvenile hall, but considerably more than probation or any other disposition.

Restitution and Recidivism

All of the distinct "philosophies" of restitution — the victim orientation, the offender-treatment approach, accountability, and punishment — foster theories which predict that restitution will reduce recidivism. The mechanism may be different — for example, rehabilitation as opposed to deterrence — but the anticipated results are essentially the same.

The National Evaluation of the Juvenile Restitution Initiative, sponsored by the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, conducted experimental studies in six counties across the United States to determine whether restitution was any more effective than other dispositions in reducing recidivism. In those counties (which included Ventura), offenders were randomly assigned into restitution programs and other dispositions, such as probation or detention, and tracked for up to four years so that their rates of recidivism could be compared.

The study concluded that in all instances restitution was *at least* as effective as probation or incarceration in preventing future delinquency, and in some instances even more so. Eight separate statistical tests were conducted in each county, and in no test did other dispositions outperform restitution. Moreover, offenders who were referred to restitution projects had lower recidivism rates in many cases.

The statistical differences across the restitution and non-restitution groups were not large, and restitution certainly cannot be touted as a miracle cure for delinquency. The clear message, however, is that restitution is no

worse than other dispositions (including incarceration) as a preventative of delinquency, and it has other features which make it attractive: It appeals to the public, it provides a response to victims, it simplifies sentencing, and it sets an agenda for probation.

PROGRAM MODELS

The following programs were presented as program models at the Workshop:

Victim Offender Reconciliation Program (VORP) — Criminal Justice Alternatives, Inc., a non-profit organization.

Purpose:

- 1) Primary purpose is reconciliation.
- 2) Secondary purpose is partial or total substitute for incarceration.
- 3) VORP is not a rehabilitation program. Rehabilitation is a by-product.

Target Population: VORP deals mainly, but not exclusively, with property offenses. As a sentencing alternative, VORP is not to be used as an additional penalty tacked on a standard sentence. Participation in the program is voluntary; while VORP may be ordered as part of a criminal sentence or as a probation condition, the referral will not be pursued if either victim or offender is unwilling. In the event that no agreement is reached at the meeting, options are explained and the case is returned to the referring agency.

Program Content: The Fresno Victim Offender Reconciliation Program (VORP) is an alternative process available to judges, police, and probation officers in dealing with criminal offenders. VORP can offer a very practical total or partial substitute for jail or prison incarceration. Meetings are arranged between offenders and their victims, providing the opportunity for communication, responsibility, restitution, and reconciliation.

After a referral is received and screened at VORP, it is assigned to a trained community volunteer who does not represent a particular authority and, therefore, can be a neutral third-party mediator. The volunteer separately contacts the victim and offender, explaining the program, discussing the offense and its aftermath, and soliciting participation. If the victim and offender agree to meet each other, the volunteer sets and facilitates a meeting at which the facts of the case are discussed, restitution negotiated, and a contract signed, stating the nature and amount of restitution agreed to. Additionally, at the meeting the victim and offender have a chance to express their feelings about the offense, so that the conflict between them might be resolved. After the meeting, the contract and a written summary are sent to the referring agency for approval and enforcement. VORP keeps in contact

with the victim until fulfillment of the contract is verified.

Staff and Support: An Advisory Board, representing a wide range of professional persons and a broad cross-section of the Christian community, oversees the program.

Fresno VORP works in cooperation with and receives referrals primarily from police/probation teams although referrals may be accepted from other criminal justice and community agencies.

Benefits:

- 1) Offers relief to victims from frustrations through communication, restitution and involvement in the settlement of the case.
- 2) Helps offenders face the real human and financial costs of their actions.
- 3) Helps the criminal justice system by offering judges, police, and probation officers an alternative to incarceration and other sanctions which are less costly and opens the door to an increased understanding and positive attitude toward the system by victims, offenders, and community volunteers.

For further information contact:

Ron Claassen, Program Director
2529 Willow Avenue
Clovis, CA 93612
Telephone: (209) 291-1120

Juvenile Restitution Project — Ventura Corrections Services Agency.

Purpose: Primary purpose is to increase juvenile offenders' sense of responsibility and accountability for delinquent behavior, while providing reparation to their identified victims and the community.

Target Population: Juveniles must be under court order to pay restitution and/or complete community service hours.

Program Content: The hub of the Project is the Juvenile Work Release Center, a 24-bed minimum-security, residential, coeducational facility. Juveniles in the Center become involved in the following activities: attending the facility school, which emphasizes work and living skills;

searching for employment; participating in group discussions and recreational physical activities; working on regular facility and community service work crews; participating in seminars with organizations such as the Palmer Drug Abuse Program, Alcoholics Anonymous, and the Health Department; attending off-site Ventura County Mental Health counseling and Center for Drug Problems counseling; earning good time and work time credit toward early release; earning furlough time with immediate family; and earning privileges based on daily behavior ratings by staff. Juveniles have access to mail, phone calls, religious services, visiting with parents and special diets. Medical care is provided by the Ventura County Medical Center or by the juvenile's own physician.

The Work Release Center is involved in coordinating other juvenile work programs in Ventura County. All court ordered community service work for those who are home on probation is facilitated by the Center. The Weekend Work Program allows juveniles committed to serve weekends in detention to remain at home and complete eight hours of supervised community service work for each day in detention. The Juvenile Work Alternative Project provides the same opportunity to those juveniles committed to serve a period of consecutive days in detention. Participation in these latter two programs is voluntary and must be agreed to by the juveniles and their parents.

Staff and Support: Management and child supervision is provided by the Ventura County Corrections Services Agency. The Center is staffed 24 hours per day and a teacher is assigned to the school component. Additional services are provided by other governmental and private agencies.

Benefits:

- 1) Provides monetary restitution to victims.
- 2) Provides community service work.
- 3) Teaches offenders the relationship between victim loss, restitution and community service.
- 4) Provides offenders with education and employment skills.

For further information contact:

Philip Settle, Corrections Facility Manager
Juvenile Restitution Project
381 Hospital Rd.
Ventura, CA 93009
Telephone: (805) 654-2113

Juvenile Alternative Work Service (JAWS) — Los Angeles County Probation Department.

Purpose: This program is designed to provide a low-cost alternative in certain areas requiring unskilled labor through supervised juvenile community work service crews on weekends and holidays.

Target Population: Juveniles who meet Ricardo M.* time criteria and do not have a conflicting school or work schedule, are given a specific court order placing them in JAWS. Juveniles must be at least 13 years old and not have a seriously assaultive or long-standing gang background.

Program Content: Upon issuance of the order the minor is transferred to Central Juvenile Hall where he will be detained for 48 hours for processing and medical evaluation. The juvenile is then released to parents/guardians with instructions to report for an orientation session.

At the orientation, JAWS personnel will clearly outline the program to the juvenile and parents, inform him of his work dates and identify the location of the "pick-up-site" (where the juvenile meets the crew leader for transportation to the worksite).

The juvenile, as part of the 10 to 14 member crew, is specifically instructed at the pick-up site as to use of tools, expected behavior, contraband, etc. and then transported to the worksite.

Upon completion of the workday (a half-hour lunch break is provided) the juvenile is returned to the pick-up site where relatives or friends transport him home. The program is successfully completed when the minor meets the standards of the program for the court specified number of days.

Staff and Support: Management and child supervision are provided by the Los Angeles County Probation Department.

Benefits:

- 1) Provides community service work.
- 2) Reduces juvenile hall Ricardo M. time population.
- 3) Holds offenders accountable for their delinquent behavior.

**In re Ricardo M.*, 52 CA3d 744, 125 CR 291 (1975) held that the Juvenile Court may require a minor to spend time in juvenile hall as a condition of probation. Such time is customarily referred to as "Ricardo M. time."

For further information contact:
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Los Angeles County Probation
144 South Fetterly Avenue
Los Angeles, CA 90033
Telephone: (213) 260-3813

TRAINING AND INFORMATION RESOURCES

Restitution Education, Specialized Training and Technical Assistance (RESTTA) Program — Public and Private Partnership: A national program which brings together information and techniques developed through research and practical experience of project staff in juvenile restitution programs throughout the United States. The Youth Authority is a co-participant with Pacific Institute to provide training and technical assistance in California.

For further information contact:

Dr. Peter Schneider, RESTTA National Coordinator
Pacific Institute
1777 California Street
Walnut Creek, CA 94596
Telephone: (415) 939-6666

California Victim/Witness Assistance Programs — Office of Criminal Justice Planning: A state funded program administered through OCJP. Local Victim/Witness Centers have been developed to establish local agencies to provide comprehensive services to victims and witnesses of all types of crimes. Restitution Assistance components have been established in several of these Centers.

For further information contact:

Sterling O'Ran, Victim/Witness Program Manager
Office of Criminal Justice Planning
1130 K Street
Sacramento, CA 95814
Telephone: (916) 324-9100

California League of Alternative Service Programs — Public and Private Agencies: A statewide non-profit coalition of community service sentence programs, also known as court referral, alternative sentence, and public work programs. In addition to conducting regular regional meetings, CLASP also has a Resource Center which provides information, technical assistance and training on community service sentencing.

CONCLUSION

“Although not a panacea for all that is ailing the justice system, restitution provides an innovative way of dealing with old but persistent problems.”

*Dr. Peter Schneider
RESTTA National Coordinator*

Financial restitution and community service are ways to restore an individual and community that have been victimized by crime. At the same time, rehabilitative efforts by the juvenile court are enhanced through creative programs which emphasize offender responsibility and accountability for delinquent acts.

Juvenile restitution and community service programs work. National research has shown:

- youth are able to complete restitution and community service orders;
- victims can expect to recover losses due to crime; and
- successful restitution programs reduce offender recidivism.

APPENDICES

JUVENILE RESTITUTION/COMMUNITY SERVICE WORKSHOP

PROGRAM

First Day — January 9, 1985

- 11:00-12:00 Registration
- 12:00-1:00 Lunch
- 1:00-1:15 Welcome — James Rowland, Director, California Youth Authority
- 1:15-1:45 Judicial Perspective — Honorable John Fitch,
Presiding Juvenile Court Judge, Fresno
- 1:45-3:00 Overview and National Studies — Dr. Peter Schneider,
National Coordinator, Restitution Education, Specialized
Training and Technical Assistance (RESTTA) Program
- 3:00-3:30 Break and Room Registration
- 3:30-5:00 Panel on California Crime Victim Restitution
Program and Cleanup Legislation
- Dan Doyle, Chief Counsel, California Youth Authority
Walt Brown, Assistant District Attorney, Alameda County
Geoffrey Goodman, Deputy Attorney General
- 5:00-6:00 Social
- 6:00-6:30 Dinner
- 6:30-7:00 Panel on Juvenile Restitution Project, Ventura
- F. William Forden, Director, Ventura Corrections Services Agency
Frank Woodson, Assistant Director, Ventura Corrections Services Agency
Karen Staples, Supervising Deputy Probation Officer, Ventura Corrections Services Agency

Second Day — January 10, 1985

- 8:00-8:15 Introductions
- 8:15-8:45 Victim/Witness Perspective — Sterling O'Ran, Division Manager,
California Victim/Witness Program
- 8:45-9:30 Panel on Major Policy Issues from the Chief Probation Officers of California
- Afton Blurton, Chief Probation Officer, Shasta
Jerry Buck, Chief Probation Officer, Contra Costa
Ralph Standiford, Chief Probation Officer, El Dorado

- 9:30-10:15 Small Work Group Organizational Meetings
- 10:00-10:15 Break (During Small Work Group Meetings)
- 10:15-10:45 Resource Matching — Cres Van Keulen, Director,
Resource Center, California League of Alternative
Service Programs
- 10:45-12:00 Local and National Models of Restitution — Cres Van Keulen
and Dr. Peter Schneider
- 12:00-1:00 Lunch
- 1:00-1:30 Model Program Experience and Philosophy — Dennis Maloney,
Assistant to Commissioner of Corrections, Wisconsin
- 1:30-4:30 Small Work Groups
- Facilitators
- Terry De Wolfe
Robert Cocks
Chiquita Sipos
Karen Staples
Bill Gerth
Dick Holler
Joan Kagan
Martin Moshier
- 4:30-5:30 Break
- 5:30-6:15 Dinner
- 6:15-7:00 Panel on Juvenile Alternative Work Service (JAWS), Los Angeles
- Barry Nidorf, Chief Probation Officer, Los Angeles
Bill Gerth, Director, Los Angeles Probation

Third Day — January 11, 1985

- 8:00-8:15 Introductions
- 8:15-10:00 Small Work Group Presentations
- 10:00-10:15 Break
- 10:15-12:00 Transfer of Knowledge, Large Group Discussion on
Model Program Replication
- 12:00-1:00 Lunch and Closure

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"Transfer of Knowledge Workshop"

January 9-11, 1985
Pasadena, California

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