



**MINNESOTA
RESTITUTION
Unit**

... a minnesota
department
of corrections
program

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THE RESTITUTION UNIT

Minnesota Department of Corrections **ACQUISITIONS**THE CONCEPT OF RESTITUTION

Restitution refers to a sanction imposed by officials of the justice system that requires offenders to make redress in the form of monetary or service payments to either the direct crime victims or to substitute victims. The idea of restitution most commonly involves the use of offender reparations as at least a part of the criminal sanction, along with some type of supervision of the repayment process by officials of the justice system. Common aims of requiring restitution are those of holding the offender responsible for criminal actions as well as to help restore the crime victim.

The use of restitution within the justice system is neither new nor novel. The concept can be traced back to a variety of pre-modern legal systems, and restitution has been frequently used as a probation condition in a large number of jurisdictions. Within the past several years, however, there has been a dramatic increase in the formalized use of restitution within operational criminal and juvenile justice systems. These formal restitution programs differ from the more traditional use of restitution because of the explicit emphasis placed on restitution as the primary, if not sole, focus of the program.

MINNESOTA RESTITUTION CENTER

The Minnesota Department of Corrections established a formal restitution program--the Minnesota Restitution Center--in September, 1972. The Center was a residential program for adult male felons who had been admitted to the Minnesota State Prison and then released on parole to the program four months after entering the prison. The program involved a restitution contract negotiation phase with direct involvement of the victim. This occurred at the State Prison and was followed by a restitution implementation phase which occurred upon the offender's release to the Center. The Center was closed in 1976 because of difficulties involved in obtaining a sufficient number of residents so as to make the program cost efficient.

With the closing of the Minnesota Restitution Center, the focus on restitution within the Department changed. The number of restitution program staff were reduced and their responsibilities changed from one of developing restitution agreements and supervising the offender on parole to an emphasis on the development of restitution agreements with responsibilities for parole supervision left to the assigned parole officer. The offender population eligible to develop restitution agreements was changed from property offenders committed to the prison from within the seven county metropolitan area of Minneapolis-St. Paul to property offenders admitted to either the State Prison or

Reformatory from anywhere in the state. The role of the victim has also changed with no direct victim-offender involvement in the development of restitution agreements or in the actual repayment process. Those inmates at the Prison or Reformatory who develop restitution agreements are no longer released to a residential Restitution Center four months following prison admission but, instead, are released on conventional parole at a standard parole eligibility date and are not required to reside in a community residential program setting for any specified length of time. The specific procedures involved in developing restitution agreements with State Prison and Reformatory inmates are outlined in later sections of this document.

RESTITUTION UNIT GOALS AND ACTIVITIES:

1. To develop and maintain a clearing house on restitution. Efforts have been made to obtain and maintain program descriptions, literature in which restitution is discussed and news articles related to restitution and to make this material available to anyone seeking information on restitution.
2. To add to the body of knowledge in the area of restitution through research. Major research projects include;
 - A. Assessment of Restitution in Minnesota Probation Services - This research project aimed at compiling information on the frequency of restitution used as a probation condition for adults and juveniles, attitudes held by judges, probation officers and victims toward restitution, as well as major problems associated with this practice.
 - B. Remedies Utilized by Crime Victims in Minnesota - This research aimed at compiling systematic information on the variety of social and legal remedies used by crime victims in this state for the purpose of better identifying the relative extent to which available remedies are utilized as well as where gaps in service exist.
 - C. Interim Evaluation Results: Minnesota Restitution Center - This research examined the experimental and control groups of the Restitution Center. The follow-up and final report is in process.
 - D. Restitution and Parole/Probation Survey - This aimed at identifying the major problems experienced by probation and parole officers in the State of Minnesota.
 - E. Attitudes toward Restitution: State Correctional Agency Administrators and State Legislators - This study aimed at comparing the attitudes of the two groups toward restitution as a criminal justice sanction.

- F. Recent Legislation Concerning Restitution - This aimed at identifying all the recent state legislation in the United States which dealt with restitution.
- G. Restitution Programs - This study aimed at identifying and comparing formal restitution programs currently existing in the United States during the Fall of 1977.

Copies of these reports are available from the Minnesota Restitution Unit.

- 3. To provide training and technical assistance to local units of government interested in restitution investigation and/or program development. Staff in the Restitution Unit are available to local units of government to provide training and technical assistance to community groups and officials interested in exploring restitution programming in their community. A major activity currently engaged in is an LEAA grant titled, "District and County Implementation for Restitution". The project is subcontracted to Alternative Behaviors Associates, Inc. The purpose is to provide assistance to a selected group of counties by studying and describing the restitution activities of the county. In addition, training and program development are a key activity of this grant.
- 4. To develop and coordinate restitution programs. The Restitution Unit is responsible to develop and operate restitution programs for state clients as well as to assist other Department units to do the same. Currently there are two programs operating at the state level. They are the Property Offender: State Restitution Program and the Minimum Security Restitution Program.

PROPERTY OFFENDER: STATE RESTITUTION PROGRAM

On May 1, 1976, the Minnesota Corrections Board, the State's first full-time parole board, adopted a system designed to eliminate inconsistencies that allegedly exist in paroling decisions. The system is called "the Matrix". It consists of guidelines developed by the MCB to classify inmates into similar categories based on two factors: the severity of the offense and the inmate's score on a list of six criteria that, according to research, tend to accompany failure on parole. Those criteria are as follows:

- A prior conviction for exactly the same offense title as any offense for which the inmate is now under sentence.
- Age 19 or younger at the time of the first felony conviction.
- A total of three or more felony convictions, including convictions for the current sentence.

- One or more prior adult commitments to State Correctional institutions.
- Two or more prior probation or parole failures as an adult.
- Current sentence includes one or more burglary convictions.

By identifying the number of "yes" responses to the risk factors and coupling this with the severity of the offense, the MCB determines a target release date for each inmate. The length of stay increases as the severity of the offense and/or the number of "yes" factors increases.

The Matrix, while designed to be more systematic, more uniform and more equitable, is not hard and fast. Not only may its guidelines be amended after a 30-day written notice, but the MCB may deviate from them by providing the inmate a written statement of the reasons for departure.

Once a target release date is assigned to an inmate by the MCB, it is increased only if the inmate is convicted of a major misconduct disciplinary violation in the internal disciplinary court.

Since Restitution releases are appropriate only for those with no recent histories of violent crime, only some of those in the first three levels of the Matrix Severity of Offense are eligible for consideration for release with Restitution after the approximate minimum sentences are served as indicated.

RESTITUTION CONTRACTING WITH SELECTED INMATES FROM STATE INSTITUTIONS

The Restitution Unit and the MCB have identified a target group of inmates from state institutions who might be considered for parole on a restitution contract after serving a minimum sentence on the matrix. The program is designed to fit with the matrix, MAP, restitution and community re-entry.

- | | |
|--|---|
| Level I - Risk I | Anyone in this Matrix level may be considered for restitution contract on straight parole. |
| Level I - Risk II
Level II - Risk I | May be referred for direct parole after serving minimum sentence unless special conditions apply.* |
| Level I - Risk III
Level II - Risk II
Level III - Risk I | Anyone in this Matrix level who meets the criteria for community-based facilities like Project Re-Entry may be considered for restitution contract with encouragement for referral to a minimum security facility and early contract writing. |

PAROLE RELEASE DATE MATRIX

-4A-
Number "Yes" Responses on Worksheet

Severity

Predicted Group Failure Rate

0 1-2 3-4 5 6

11% 28% 35% 49% 63%

Level Offenses

Risk of Failure Level

I. II. III. IV. V.

I.	UUMV Possession of a Controlled Substance Forgery, Aggravated Forgery, Uttering a Forged Instrument	4-12	7-12	9-12	11-17	18-28	ELIGIBLE FOR MAP (Except where noted)
II.	Aggravated Criminal Damage to Property--no weapon Burglary--no weapon--not in dwelling Receiving Stolen Property Simple Arson Theft--\$100 to \$2,500 ; Theft by Check Terroristic Threats Defeating Security on Personality Damage to Public Property	7-12	9-12	11-17	18-24	25-36	
III.	Theft--more than \$2,500 Burglary--weapon--not in dwelling Burglary--no weapon--dwelling Escape from Custody Aggravated Criminal Damage to Property--weapon* Indecent Liberties--no injury* Criminal Sexual Conduct--Fourth Degree* Possession of Controlled Substance with intent to Sell* Dangerous Weapon--Machine Gun Felon in Possession of Pistol	9-12	11-17	18-24	25-32	33-45	
IV.	Burglary--weapon--dwelling** Simple Robbery Aggravated Arson Aggravated Assault Indecent Liberties--injury Kidnapping--no injury Criminal Sexual Conduct--Third Degree Attempted Murder--Second Degree ; Third Degree. Incest Sexual Intercourse with Child--over age 16 Confining own Child ; False Imprisonment Burglary with Tool** Theft from Person Sale of a Controlled Substance	17	24	32	40	53	NOT ELIGIBLE FOR MAP (Except where noted)
V.	Aggravated Robbery Manslaughter--Second Degree Criminal Negligence Attempted Murder--First Degree Conspiracy to Commit Murder--First Degree Sexual Intercourse with Child--age 14 to 16	24	32	45	60	76	
VI.	Manslaughter--First Degree Criminal Sexual Conduot--First Degree ; Second Degree Kidnapping--injury Sodomy ; Sodomy with Child Sexual Intercourse with Child--age 10 and under, and age 11 to 13	42	50	60	75	92	
VII.	Murder--Third Degree	72	86	109	135	170	
VIII.	Murder--Second Degree	86	108	145	194	240	
IX.	Murder--First Degree	204	241	301	385	life	

*Not Eligible for MAP Contract

**Eligible for MAP Contract

Level I - Risk IV Anyone in this Matrix level who meets the cri-
Level II -Risk III teria for minimum security may be considered
Level III - Risk II for a minimum security program on a MAP Con-
tract with a Restitution Contract and transfer
into either a community-based program or direct
parole.

*SPECIAL CONDITIONS

Inmates will not be referred for restitution contracts if the following criteria apply: (apply to Level I - Risk II and Level II - Risk I only)

1. The inmate has more than two (2) felony convictions including the offense currently serving time on. More than one (1) conviction arising out of the same act or series of acts will be considered one (1) conviction for the purpose of this criteria.
2. The inmate has a detainer(s) which has not been negotiated to disposition.
3. The inmate who received a great deal of negative public reaction from the crime committed.
4. The inmate who has institutional disciplinary convictions during current institutional stay which would have been a felony if committed in the community. This would also include assaultive misdemeanors.
5. The inmate who has a chronic history of drugs/alcohol/chemical abuse.
6. The individual who is limited physically, mentally, emotionally and/or vocationally to the extent that it is unlikely he could or would complete a restitution contract.
7. The inmate who had a gun, knife, or dangerous weapons on his person at the time of the commission of the offense.
8. The individual with a history of multiple poor probation and/or parole adjustments. The juvenile history can be considered if applicable.

CONTRACTING REQUIREMENTS

To clarify the conditions agreed to between the MCB and the Restitution Unit, the following apply to all Matrix categories for Restitution.

1. Only property offenders are generated to the MCB for restitution contracts.

2. All inmates serve the minimum sentence on the Matrix before going on parole with a restitution contract.
3. MAP contracts are a part of the restitution contract package.
4. Restitution involves all of the money that the evidence will support in terms of the crime(s).
5. No contracts are presented to the MCB with symbolic restitution as the method of restitution.
6. Only in cases where there is a money or property loss and other appropriate conditions apply is the case presented for parole consideration.

PROCESS FOR DEVELOPING RESTITUTION CONTRACTS AT STATE ADULT INSTITUTIONS

The following steps identify the process followed in developing restitution contracts and generating these contracts to the MCB.

STEP I: Staff from the Restitution Unit screen all cases at state adult institutions at intake and identify appropriate candidates based on the matrix classification.

STEP II: Restitution staff contact the appropriate agent/supervisor and the client to gain an indication of interest in pursuing a restitution agreement as part of a MAP contract and a condition of parole.

STEP III: The Restitution staff contact the victims directly for Hennepin and Ramsey Counties to establish a dollar amount of restitution. In all other counties, the Restitution staff contact the assigned agent and together they contact the victim to establish a dollar amount of restitution.

STEP IV: The Restitution staff contact the agent/supervisor, the institutional caseworker and the client tentatively establishing a restitution contract.

STEP V: The Restitution staff submit the tentative restitution contract to the caseworker. The caseworker submits the restitution contract and the MAP contract to the appropriate MAP coordinator. The MAP coordinator will seek tentative approval from the appropriate MCB members.

STEP VI: The assigned MCB member formally meets with the client and either ratifies or denies the MAP Contract, a component of which will make reference to the restitution contract, also presented for ratification as part of a total package.

RESTITUTION CONTRACTS

All restitution contracts developed at state adult institutions include the following information and are a separate document from the MAP Contract and the parole agreement.

1. Name of the client and other appropriate face sheet data used in identifying clients in the system.
2. A statement in which the MCB agrees to discharge the client from parole one year following release from the institution if:
 - a) The client completes the restitution obligation agreed to in the restitution contract and;
 - b) parole/probation adjustment was average to good.
3. A statement that the client understands delinquency in payments, as outlined by the restitution agreement, which go beyond 90 days will be reported to the MCB by the agent in the form of a violation of parole/probation report and such delinquency in payment could result in the client's parole being revoked.
4. An outline of the amount of restitution agreed to in the contract, to whom the money is owed and the schedule for repayment to be followed.
5. A statement outlining the procedure to be followed for making restitution payments. This cannot be standardized since different counties have various collection and disbursement systems.

RESTITUTION COLLECTION PROCEDURE

Once a restitution contract is drawn up, completed and approved by the Parole Board, the following procedures are followed for the collection of restitution. This procedure applies to state parole and probation cases from Hennepin County primarily, although if requested to do so, the procedure will apply to other areas at the agent's request.

1. All monies are received in the form of a certified check or money order and made out to the Department of Corrections-Restitution.

2. The payment will be mailed to:
Restitution Account
Minnesota Department of Corrections
430 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101
3. The Restitution Unit maintains a ledger showing the amount of restitution contracted for, the amount received, the amount returned to each victim and the balance owed. A corresponding ledger is kept in the Department's Fiscal Division showing the payments received from each client and the payments made to the victims.
4. Each month a memo is sent out to the supervising agent informing him of the status of payment made by the assigned client to assist the agent in monitoring and managing the restitution payment activities.
5. It is the responsibility of the Restitution Unit to establish the payment schedule and inform the Central Office Finance staff of this payment schedule.
6. Any agent receiving funds from clients for restitution will forward this following the procedure as outlined in numbers 1 and 2 above.
7. All restitution payments funneled through the Minnesota Department of Corrections will be distributed to the victim through the Finance Department warrant system.

MINIMUM SECURITY RESTITUTION PROGRAM

INTRODUCTION

Under Minnesota State Statute 240.21-22 the Commissioner of Corrections can use inmates for conservation work on land under the control of state departments.

The Minimum Security Restitution Program became operational on April 1, 1978, and incorporates the statutory mandates and resources of the Department of Corrections, the Department of Natural Resources, the Department of Administration, and the Balance of State CETA Prime Sponsor (Department of Economic Security) as well as the Quad County Consortium, the City of St. Paul, the City of Minneapolis and Dakota County. The pilot program described here is designed to assist minimum security residents with the process of community reintegration and provides a vehicle for offenders to pay restitution to the victims of their crime.

OBJECTIVES

1. To provide a means for a select group of MSU residents who have entered into a Restitution Contract to earn money to pay restitution to their crime victim.

2. To provide an opportunity for program participants to experience a resocialization process within the structure of a supervised community experience prior to parole.
3. To provide manpower for designated public service work projects with the Department of Natural Resources which need to be done but which have no current funding resources.
4. To provide employment opportunities and teach proper work habits to participating residents.

The above objectives taken individually or collectively serve to benefit the resident, the crime victim, the state and the public in general.

PROGRAM DESCRIPTION

Up to twelve (12) residents from the Minimum Security Unit at the State Prison can be hired under Title VI CETA funds. The twelve positions are unclassified temporary state civil service employees indentified by the title of Public Service Employee/Trainee. Once hired, they are assigned to a four (4) to six (6) man work crew under the supervision of a Correctional Counselor I or II. Each work crew is assigned tasks by the Department of Natural Resources within the DNR Metro Region. Work crews are subject to the direction and supervision of the correctional counselor. Work evaluations are done bi-weekly by each correctional counselor on each Public Service Employee/Trainee so as to integrate this program into the overall Minimum Security Program. Program participants are subject to all of the rules and regulations of the Minimum Security Unit Program.

TYPES OF TASKS

The tasks to be accomplished by this project include but are not limited to the following:

State Parks and Trails

- Removal of old internal barbed wire fences within parks which are not needed and are actually creating a hazard to park visitors.
- Relocation or reconstruction of boundary line fences in cooperation with adjacent farmers.
- Picnic area and campsite development to include landscaping, tree planting, and placement of fire grills and tables.
- General trash cleanup as part of the Governor's Aesthetic Environment Program.
- Trail improvements to include clearing, bridge construction, placement of culverts and shelter construction.

Forest and Wildlife Management

- Emergency fire fighting
- Timber stand improvement
- Tree seedling plantings
- Removal of diseased trees

Fish Management

- Fish rescue operations
- Rough fish removal
- Fish seining operations
- Rough fish barrier maintenance
- Northern pike spawning marsh improvements
- Public access improvements

ELIGIBILITY CRITERIA

1. There must be a vacancy available. Program capacity is twelve (12).
2. There must be funds available through the prime sponsor district from which the inmate was a resident prior to incarceration.
3. The inmate must have a ratified MAP - Restitution Contract.
4. The inmate must be within nine (9) months of his Target Release Date.
5. The inmate must be a resident of MSU or submit an application for MSU if he meets the eligibility requirements.
6. The inmate must be physically able to do manual labor.
7. The inmate must be in the MSU Program for thirty days or more.

WORK SCHEDULE

A normal work schedule is followed as much as possible. The work week is Monday through Friday, excluding holidays. On rare occasions, work may be performed on Saturdays. The work day is from 7:30 a.m. to 4:00 p.m. A lunch break of thirty (30) minutes is permitted at the work site or at a restaurant. A bag lunch is provided for the inmates by MSU. If a meal is taken at a restaurant or a snack at coffee break, the resident will be responsible to pay for this himself. A 15-minute break in the morning and afternoon will be scheduled by the supervisor.

SALARY, FRINGE AND OBLIGATION

1. Public Service Employee/Trainees will be paid at the rate of \$2.65 per hour.
2. Pay periods are every other week.
3. Federal and State income taxes will be deducted as well as Social Security.
4. Since the Public Service Employee/Trainee position is a temporary unclassified civil service position, the following apply:
 - a) The employee pays part of Social Security contribution.
 - b) No vacation is accumulated.
 - c) No sick leave is accumulated.
 - d) No other fringe benefits apply.
5. The employee will be expected to pay room and board based on rates established by DOC policy.
6. Restitution payments will be made bi-weekly in accord with the restitution contract.

SUMMARY

The Minnesota Department of Corrections Restitution Unit was created to develop and manage restitution programs of the Department, to encourage an expanded use of restitution as a criminal justice sanction in the State, to develop and manage a clearing house on restitution and to do research related to restitution. Current programs and activities are described in this report. For more information contact:

Minnesota Restitution Unit
Department of Corrections
430 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101

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