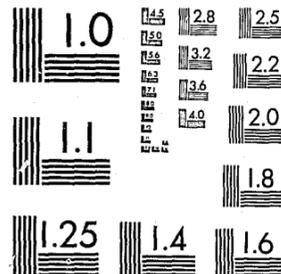


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11/22/82

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NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS

Preliminary Report IV:
Monetary Restitution and Community Service
Annotated Bibliography

August 15, 1980

Co-Project Directors

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Several reports are available from the National Assessment of Adult Monetary Restitution and Community Service Sanctioning Projects. We no longer have resources, however, for duplicating and mailing these reports and must make a charge sufficient to cover these costs. Please indicate any reports you would like to receive and return this form along with a check (or purchase order) payable to the University of Minnesota.

This order should be shipped to:

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FINAL REPORTS:

- _____ Final Report of the National Assessment of Adult Restitution Programs (421 pages) \$15.00
- _____ Executive Summary of the Final Report (77 pages) 4.00
- _____ Alan Harland, "Court Ordered Restitution in Criminal Law" (52 pages) 4.00
- _____ Monetary Restitution and Community Service Annotated Bibliography (153 pages) 8.00

PRELIMINARY REPORTS:

- _____ Preliminary Report I: Overview of Restitution Programming and Project Selection 3.00
- _____ Preliminary Report II: A Review of Restitution Research 4.00
- _____ Preliminary Report III: An Exploratory Study of Victim and Offender Perceptions of the Fairness of Restitution and Community Service Sanctions 4.00

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REPORTS ON INDIVIDUAL PROJECTS:

Monetary Restitution Projects

Restitution Program, District Attorney, Somerset and Kennebec Counties Maine	6.00
Property Offenders Restitution Program, Minnesota Department of Corrections	6.00
Prison Restitution Counselling Program, North Carolina Department of Corrections	6.00
Restitution Industries Program, Tennessee State Prison, Nashville	6.00
Victim-Assistance Unit, King County Prosecutor's Office, Seattle, Washington	6.00
Financial and Debt Counselling Services, Milwaukee, Wisconsin	6.00

Community Service Projects

Volunteer Work Program, Marin County, California	6.00
Community Options Court Referral Program, Santa Cruz, CA	6.00
Delaware Department of Corrections Work Program	6.00
Court Referral Program, Owsboro, Kentucky	6.00
Alternative Community Service Project, Montgomery County, MD	6.00
Youth Counsel Bureau, Rockland County, NY	6.00
Court Community Service Project, Gainesville, Florida	6.00
Porter County PACT Program, Valparaiso, Indiana	6.00
Alternative Service Program, Rochester, Minnesota	6.00

Projects Using Both Community Service and Monetary Restitution

Adult Diversion Program, Pima County Attorney, Tucson, AZ	6.00
Diversion Restitution Shelters, Georgia Department of Corrections	6.00
Pre-release Restitution Shelter, Criminal Sheriff, New Orleans, Louisiana	6.00
Pre-prosecution Diversion Program, District Attorney, San Juan and Mckinley Counties, New Mexico	6.00
Adult Diversion Program, Attorney General, Providence, RI	6.00

LITERATURE SEARCH

The rapid growth in the interest and usage of restitution sanctions has been equaled, if not surpassed, by a corresponding body of literature. The literature includes documents addressing the history, development, rationale, operational issues, and legal issues relating to monetary restitution and community service programming. All of the documents identified during the National Assessment of Adult Restitution Program's search of literature are cited here along with brief abstracts.

The published literature was identified by reviewing previously prepared bibliographies, abstracting services, and computerized abstract information bases in the areas of sociology, psychology and criminal justice. A total of three hundred thirty-six articles, books and reports with a focus on the concept or application of restitution or community service were identified but the review of international literature was not exhaustive. Most of the foreign literature is from Great Britain and Canada with fewer works from Germany, Switzerland, Italy, Australia, and Israel. Most of the restitution literature has been published in the past decade; approximately eighty-five percent of the three hundred thirty-six documents have been published since 1970. Most literature prior to 1970 addresses the role of restitution in criminal law and theory; since 1970, articles have been published on additional topics as restitution usage, program description, and research.

For the literature search, restitution was defined as a sanction imposed by an official of the criminal justice system requiring the offender to make a payment of money or service to either the direct or substitute crime victim. Thus, an attempt was made to obtain literature concerning both monetary restitution sentencing and community service sentencing. Articles which were selected generally involved restitution as the primary focus or at least of major importance in discussion.

The identification process included searching relevant literature data bases, bibliographies and abstracting publications. The computer stored data bases searched were:

1. National Criminal Justice Reference Service (NCJRS).
2. Sociological Abstracts.
3. Educational Resources Information Center (ERIC).
4. Psychological Abstracts.
5. National Technical Information Service (NTIS).
6. Graduate Dissertations.
7. Social Science Citation Index (SSCI).

The following abstracts not available for computer searches were manually reviewed:

1. "Abstracts on Criminology and Penology," Deventer, The Netherlands: Kluwer, B. V.
2. "Criminal Justice Abstracts," Hackensack: National Council on Crime and Delinquency.

Additionally, the following previously prepared bibliographies were reviewed:

1. Harland, Alan T. and Bruce B. Way, "Restitution and Compensation to Crime Victims: A Bibliography," Albany: Criminal Justice Research Center, 1977.
2. May, Cynthia, "Selected Bibliography,"-in-Galaway, B. and J. Hudson, Eds., "Offender Restitution in Theory and Action," Lexington: D. C. Heath/Lexington Books, pp. 203-207.
3. Marcus, Marvin; Robert J. Trudel; Robert J. Wheaton, "Victim Compensation and Offender Restitution: A Selected Bibliography," Washington, D. C.: National Criminal Justice Reference Service, 1975.
4. White, Anthony G., "Restitution as a Criminal Sentence: A Selected Bibliography," Monticello: Council of Planning Librarians, 1977.

CLASSIFICATION OF THE LITERATURE

Each of the articles was classified by type of restitution discussed, type of article, population for whom the sanctions were considered appropriate, and position in regard to victim-offender involvement. Type of restitution included both monetary and community service, only monetary and only community service; each article was classified according to the following types (some articles were of more than one type):

1. Program description. The purpose of the article is to describe the operations or intended operations of either a single restitution program or a group of related restitution programs.
2. Conceptual. Articles which conceptualize restitution issues, analyze different forms of restitution and/or relate restitution to social (including behavior) science theory.
3. Historical. Publications which analyze the use of restitution historically in Anglo-American or European law systems or in archaic law systems (Roman law, ancient

Hebrew law, etc.) which impacted upon Anglo-American or continental European law.

4. Cross cultural. Articles describing the use of restitution and law systems in cultures other than Anglo-American and European; these may be contemporary or historical descriptions so long as the historical descriptions are not within the framework of Anglo-American or European law.
5. Research: Formative evaluation. Reports which deal with efforts to measure program operations and provide data regarding program operations are included in this category.
6. Research: Outcome evaluation. Research reports describing the extent to which restitution programs are accomplishing outcome goals and having an impact upon offenders, victims, and/or the criminal justice system.
7. Research: Public opinion and attitudes. Studies of public opinions and attitudes towards the use of restitution as a sanction for offenders; included will be opinions of offenders, victims, and criminal justice officials.
8. Research: Legal. Legal studies of restitution including relevant court decisions, place of restitution in legal theory, analysis of case law.
9. Research: Other social science. Theory testing and other social (including behavioral) science research that is not measuring program outcomes or public opinions and attitudes.
10. Research: Studies of use. Reports describing the extent to which restitution is used at specific points in the system and/or in specific geographical locations; main focus is not program description.
11. General summaries. Overviews and summaries regarding use of restitution including summaries of research.

Table I shows the distribution of materials by restitution type and type of article. Material presenting conceptualization of restitution issues or analysis of different forms of restitution was the most frequently occurring type of article (133). One hundred sixteen articles described the operation of either a single restitution program or a group of related restitution programs. Fifty-four articles dealt with the legal aspects of restitution including case law, statutory provisions, or the place of restitution in legal theory. A growing number of research efforts are being undertaken relating to restitution sanctioning; forty reports presented findings from formative evaluations,

TABLE I: DISTRIBUTION OF RESTITUTION LITERATURE BY TYPE OF RESTITUTION AND TYPE OF ARTICLE.

<u>Type of Article</u>	<u>Restitution Type</u>			Total
	Both Monetary Restitution and Community Service	Monetary Restitution	Community Service	
Program Description	47	19	50	116
Conceptual	57	50	24	131
Historical	12	9	--	21
Cross Cultural	3	1	--	4
Formative Evaluation	18	12	10	40
Outcome Evaluation	11	6	7	24
Public Opinions and Attitudes	8	3	1	12
Legal	7	42	5	54
Other Social Science	3	1	2	6
Studies of Use	4	1	1	6
General Summaries	19	--	3	22

① twenty-four presented outcome evaluations, twelve reported public opinion and attitude surveys, and six articles presented studies of restitution usage in specific jurisdictions. Twenty-one articles offered a historical analysis of the use of restitution. Four documents included a comparison of restitution usage in cultures other than Anglo-American or European. Other social science research regarding restitution was the topic of six articles. Finally, twenty-two documents included overviews or general summaries regarding the use of restitution.

The materials focused on either monetary restitution, community service, or both. One hundred nine articles related solely to monetary restitution, seventy-seven to community service sanctions, and one hundred thirty-eight documents included a discussion of both forms of sanctions. The literature was further categorized according to population focus. Population refers to the group or groups for whom restitution is being used or proposed in the publication. Two hundred eighty-seven publications discussed using restitution with adult law violators, eighty-nine articles focused on restitution usage with juvenile law violators, and eight articles included in the literature had a population focus on either business or corporate law violators, the mentally ill, the developmentally disabled, or children other than law violators.

An issue in the development of monetary restitution programs (though frequently irrelevant in community service programs) is the desirability of victim-offender involvement in the form of meetings between the parties during the restitution process. Each article which discussed victim-offender involvement was classified according to an encouraging, discouraging, or neutral position on the issue. Sixty-two articles took an encouraging position, three a discouraging one, and thirty-eight discussed the issue neutrally.

HOW TO LOCATE DOCUMENTS

The bibliography is arranged in alphabetical order by author and numbered accordingly; the tables below will aid the reader in locating documents according to the previously defined classifications. The format of Tables II, III and IV are organized into population forms by type of article and are stratified by type of restitution (Table II identifies only monetary restitution documents, Table III identifies documents discussing both monetary restitution and community service sanctions, and Table IV has identified only community service documents.) Table V categorizes the literature according to position in regard to offender-victim involvement by type of article.

TABLE II. MONETARY RESTITUTION: POPULATION BY TYPE OF ARTICLE.*

Program Description	Conceptual	Historical	Gross Cultural	Formative Evaluation	Outcome Evaluation	Public Opinion & Attitudes	Legal	Other Social Science	Studies of Use	General Summaries
Adult Law Violators	16, 31, 48, 56, 61, 87, 91, 142, 143, 144, 239, 245, 252, 257, 290, 308, 317, 336	17, 20, 21, 30, 31, 39, 41, 49, 51, 55, 56, 61, 70, 76, 80, 97, 98, 105, 120, 127, 129, 164, 172, 179, 185, 187, 188, 190, 191, 192, 199, 200, 228, 252, 254, 262, 276, 287, 289, 290, 291, 294, 299, 300, 301, 309, 312, 315, 330	25, 164, 165, 172, 191, 201, 266, 276	188	16, 43, 44, 59, 210, 292, 293, 296, 303, 304, 308, 336	21, 26, 37, 186, 236, 324	157, 314	5, 6, 8, 9, 10, 11, 15, 25, 31, 36, 41, 60, 61, 78, 120, 124, 125, 127, 131, 132, 138, 164, 166, 168, 179, 187, 188, 191, 192, 196, 199, 200, 212, 216, 237, 241, 250, 254, 255, 266, 269	26	62
Juvenile Law Violators	16, 31, 310	31, 127, 300			16, 43, 210	101, 157	31, 60, 127, 241			6
Other**		184	282				282			

*Articles dealing with monetary restitution and community service are included in Table III.

**Includes business or corporate law violators, the mentally ill, the developmentally disabled or children other than law violators.

TABLE III: BOTH COMMUNITY SERVICE AND MONETARY RESTITUTION: POPULATION BY TYPE OF ARTICLE.

Program Description	Conceptual	Historical	Cross Cultural	Formative Evaluation	Outcome Evaluation	Public Opinion & Attitudes	Legal	Other Social Science	Studies of Use	General Summaries
Adult Law Violators	18, 42, 75, 88, 92, 93, 94, 96, 126, 139, 140, 150, 152, 154, 155, 162, 173, 181, 204, 208, 211, 219, 220, 223, 244, 258, 259, 267, 284, 326, 335	23, 33, 40, 54, 64, 66, 67, 68, 75, 82, 83, 84, 85, 96, 106, 110, 126, 136, 139, 140, 150, 152, 159, 174, 182, 183, 189, 204, 206, 207, 209, 213, 215, 225, 226, 234, 242, 251, 270, 271, 272, 273, 274, 275, 316, 335	79, 133, 136, 152, 159, 167, 170, 204, 271, 272, 273	133, 227, 273	18, 84, 111, 135, 151, 162, 173, 195, 223, 258, 298, 305, 306	32, 74, 84, 130, 140, 151, 218	28, 102, 103, 104, 158, 240, 271	109, 162, 167, 170, 243, 295	63, 65, 153	45, 106, 122, 151, 156, 159, 160, 161, 189, 197, 230, 231, 232, 233, 234, 242, 260, 329
Juvenile Law Violators	7, 27, 59, 86, 108, 152, 155, 162, 203, 204, 211, 214, 235, 246, 263, 278, 285, 319, 320, 321, 334	7, 64, 66, 67, 68, 82, 84, 85, 152, 174, 204, 225, 277, 319, 320, 321, 322, 334	152, 204, 242		58, 84, 95, 100, 135, 151, 162, 176, 178, 277	84, 151, 163, 205, 277, 280	28, 102, 103, 104, 158, 279	71, 162	38, 63, 65	45, 151, 156, 161, 197, 230, 233, 242, 279, 329
Other*		224, 281, 288, 323		227				19, 297, 323		

*Includes business or corporate law violators, the mentally ill, the developmentally disabled, or children other than law violators.

TABLE IV: COMMUNITY SERVICE: POPULATION BY TYPE OF ARTICLE.

Program Description	Conceptual	Historical	Cross Cultural	Formative Evaluation	Outcome Evaluation	Public Opinion & Attitudes	Legal	Other Social Science	Studies of Use	General Summaries
Adult Law Violators	1, 2, 3, 4, 12, 22, 24, 35, 47, 50, 52, 53, 69, 72, 81, 89, 90, 99, 114, 115, 116, 117, 118, 128, 141, 145, 146, 147, 148, 149, 171, 177, 194, 198, 202, 222, 238, 256, 283, 302, 311, 318, 328, 332	2, 14, 22, 29, 52, 72, 81, 99, 114, 119, 128, 137, 249, 261, 268, 327, 328, 331, 332, 333			4, 34, 46, 52, 107, 180, 217, 248, 313	119, 247, 264, 265, 286, 307	73	13, 123, 128	114	2, 69, 253
Juvenile Law Violators	4, 12, 22, 52, 90, 112, 113, 128, 134, 146, 147, 148, 169, 171, 177, 193, 238	22, 52, 128, 169, 175		4, 52, 134, 217	286, 325		13, 112, 113, 128	221		
Other*	77	57, 77						77	8	

*Includes business or corporate law violators, the mentally ill, the developmentally disabled, or children other than law violators.

TABLE V: MONETARY RESTITUTION, BOTH, AND COMMUNITY SERVICE: VICTIM-OFFENDER INVOLVEMENT BY TYPE OF ARTICLE.

Program Description	Conceptual	Historical	Cross Cultural	Formative Evaluation	Outcome Evaluation	Public Opinion & Attitudes	Legal	Other Social Science	Studies of Use	General Summaries
Encouraged	27, 31, 42, 56, 75, 86, 88, 92, 94, 96, 99, 108, 145, 152, 177, 181, 211, 223, 235, 244, 252, 267, 284, 285, 322, 335	31, 56, 63, 64, 66, 67, 68, 75, 83, 84, 96, 99, 110, 152, 183, 209, 213, 234, 252, 272, 273, 274, 275, 287, 316, 323, 335	272, 273		84, 95, 135, 176, 178, 195, 210, 223, 296, 298, 303	84, 130, 218, 325	101	31	323	62, 63, 160, 161, 234
Discouraged	245			180, 292						
Discussed Neutrally	18, 52, 126, 140, 162, 204, 239, 259, 317, 320, 326, 334	52, 82, 85, 97, 106, 126, 140, 174, 185, 204, 242, 271, 320, 334	133, 204, 271	133	18, 52, 151, 162, 217, 305	26, 140, 151	102, 61, 162, 104, 157, 158, 240, 279	26	153, 279	45, 106, 122, 151, 156, 232, 233, 242

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* * * * *

1. ANONYMOUS. "ALTERNATIVE COMMUNITY SERVICE PROGRAM," PROGRAM BROCHURE, PORTLAND ; MULTNOMAH COUNTY DISTRICT COURT, UNDATED.

A PROGRAM BROCHURE FOR THE ALTERNATIVE COMMUNITY SERVICE PROGRAM THAT OPERATES IN MULTNOMAH COUNTY, OREGON. THE PROGRAM WAS ESTABLISHED IN DECEMBER, 1972, AND IS COORDINATED BY ONE STAFF PERSON. A RESULT OF THE PROGRAM IS SUGGESTED TO BE A DECREASED CASELOAD IN THE PROBATION DEPARTMENT. IN THE FIRST YEAR OF THE PROGRAM'S OPERATION, MORE THAN 1,000 PERSONS PARTICIPATED AND THE NUMBER HAS REPORTEDLY INCREASED SINCE THAT TIME. MORE THAN 200 COMMUNITY AGENCIES ARE USED FOR PLACEMENT.

* * * * *

2. ANONYMOUS. "COMMUNITY SERVICE: A SENTENCING ALTERNATIVE," A CONFERENCE OF CALIFORNIA COURT REFERRAL PROGRAMS, AUGUST, 1975, SACRAMENTO: DEPARTMENT OF YOUTH AUTHORITY.

* * * * *

3. ANONYMOUS. "COMMUNITY SERVICE BY OFFENDERS," MAGISTRATE, 31:4, 1975, PP. 52-53. THIS ARTICLE SUMMARIZES THE EXPANSION OF COMMUNITY SERVICE ORDER'S AS A SENTENCING ALTERNATIVE AVAILABLE TO MAGISTRATE'S COURTS IN ENGLAND AND WALES IN 1975. THE POWERS OF CRIMINAL COURTS ACT 1973 ALLOWS COURTS THE COMMUNITY SERVICE ALTERNATIVE AND ELIGIBILITY CRITERIA, SENTENCING GUIDELINES, AND MONITORING REQUIREMENTS UNDER THE ACT ARE DISCUSSED. IMPRESSIONS OF RESULTS FROM THE EXPERIMENTAL STAGE OF COMMUNITY SERVICE ORDERS IN SIX PROBATION AREAS ARE OFFERED.

* * * * *

4. ANONYMOUS.

"COMMUNITY WORK SENTENCES: PILOT PROJECTS IN QUEBEC," LIAISON, 5:1, 1979, PP. 15-18.

DESCRIBES A PILOT COMMUNITY WORK PROJECT IMPLEMENTED IN SIX CITIES IN THE PROVINCE OF QUEBEC. THE AIM OF THE PILOT PROJECT WAS TO SEE HOW WELL COMMUNITY WORK SENTENCES CORRESPONDED TO A NEED FELT BY THE COURTS AND USERS OF THE PROJECTS AS WELL AS TO EVALUATE THE EXTENT TO WHICH THE PROJECT SHOULD BE IMPLEMENTED IN ALL JUDICIAL DISTRICTS OF THE PROVINCE.

THIS ARTICLE DESCRIBES THE DATA COLLECTION PROCEDURES USED IN THE EVALUATION OF THE PROJECT AND THE INTERVIEW SCHEDULE ADMINISTERED TO APPROXIMATELY 100 PEOPLE AS THESE INCLUDED JUDGES, PROSECUTORS, PROBATION OFFICERS, OFFENDERS.

THE RESULTS OF THE EVALUATION WERE AS FOLLOWS:

1. A CRUCIAL FACTOR IN THE SUCCESS OF THE PROGRAM IS THE CREATION OF A VARIETY OF COMMUNITY ORGANIZATIONS ON WHICH THE COURT MIGHT DRAW TO PLACE OFFENDERS;
2. MORE PRECISE INFORMATION IS NEEDED ON LIABILITY INSURANCE FOR COMMUNITY ORGANIZATIONS IN CASE OF ACCIDENTS AND POSSIBLE CONFLICT WITH PROVINCIAL LEGISLATION, SUCH AS MINIMUM WAGE, QUALIFICATIONS AND PROFESSIONAL TRAINING OF MANPOWER, ETC.
3. 72 CASES WERE STUDIED BY PROBATION OFFICERS TO DETERMINE THE POSSIBILITY OF OBTAINING A COMMUNITY WORK ORDER AND OF THESE, 50 (69) WERE SEEN AS ELIGIBLE FOR THE PROGRAM. CASE HISTORIES ARE PROVIDED. THE EXPERIMENT IS DEFINED AS A SUCCESS AND IT IS SUGGESTED THAT COMMUNITY WORK SENTENCES SHOULD BE IMPLEMENTED THROUGHOUT THE PROVINCE.

* * * * *

5. ANONYMOUS. "COMPENSATION AND THE MEANS OF THE OFFENDER," JUSTICE OF THE PEACE, 140:25, JUNE 19, 1976, PP. 329-330.

REVIEWS SOME OF THE RECENT DECISIONS OF THE BRITISH COURT OF APPEAL IN WHICH THIS COURT HAS INDICATED THE MANNER IN WHICH REGARD SHOULD BE PAID TO THE MEANS OF THE OFFENDER WHEN THE COURT MAKES A COMPENSATION ORDER. THE AUTHOR CONCLUDES THAT THE JUDGEMENT TO BE MADE IN DETERMINING THE AMOUNT AND RATE OF RECOMPENSATION ORDERS IS OF EXACTLY THE SAME NATURE AS ANY OTHER JUDGEMENT IN THE SENTENCING PROCESS: THE COURT HAS TO LOOK AT THE DESIRABILITY OF THE ORDER, THE ABILITY OF THE OFFENDER TO PAY, AND THE LIKELY EFFECT UPON HIM OF THE ORDER BEING MADE.

* * * * *

6. ANONYMOUS. "CRIME MAY COST THE CRIMINAL," FBI LAW ENFORCEMENT BULLETIN, 44:3, 1971, P. 28.

UNDER A RECENTLY ENACTED PENNSYLVANIA LAW, THE COURTS MAY COMPEL ANY PERSON CONVICTED OF A CRIME INVOLVING THEFT OR DAMAGE TO PROPERTY OR INJURY TO PERSON TO BE SENTENCED, NOT ONLY TO IMPRISONMENT, BUT ALSO TO MAKE RESTITUTION TO THE VICTIM. IT AUTHORIZES THE SENTENCING JUDGE TO CONSIDER THE FINANCIAL CONDITION OF THE OFFENDER, THE EXTENT OF THE INJURY, AND TO SET APPROPRIATE ARRANGEMENTS FOR RESTITUTION.

* * * * *

7.
ANONYMOUS.
"LET REPARATION FIT THE CRIME," JOURNAL OF CRIMINAL LAW, VOL. 22, APRIL-JUNE, 1958, PP. 167-170.
DESCRIBES THE COMMUNITY SERVICE SANCTIONS USED BY JUDGE KARL HOLZSCHUH IN WEST GERMANY, IN RELATION TO THE PRACTICE OF FINANCIAL RESTITUTION IN ENGLISH COURTS. CONCLUDES THAT LEGISLATION IN ENGLAND ALLOWING JUDGES TO ORDER FINANCIAL RESTITUTION ARE ADEQUATE. SUGGESTS POSSIBLE PROBLEMS WITH THE WEST GERMAN COMMUNITY SERVICE SANCTIONS.

* * * * *

8.
ANONYMOUS.
"PROBATION AND COMPENSATION," JUSTICE OF THE PEACE AND LOCAL GOVERNMENT REVIEW, VOL. 124, DECEMBER 17, 1960, P. 821.
DESCRIBES A LEGAL CASE IN ENGLAND IN WHICH AN OFFENDER WAS SENTENCED TO PROBATION AND ORDERED TO MAKE RESTITUTION (COMPENSATION). THE PROBATION ORDER WAS SUBSEQUENTLY VIOLATED AND THE OFFENDER SENTENCED TO PRISON. THE AUTHOR ARGUES THAT SINCE THE RESTITUTION ORDER WAS SEPARATE FROM THE PROBATION ORDER, THE RESTITUTION SHOULD REMAIN IN EFFECT EVEN THOUGH THE PROBATION ORDER HAD CEASED TO HAVE EFFECT. THE REASONING IS THAT THERE IS NO SPECIFIC STATUTORY PROVISION FOR PUTTING AN END TO AN ORDER FOR THE PAYMENT OF RESTITUTION (COMPENSATION).

* * * * *

9.
ANONYMOUS.
"RESTITUTION AND COMPENSATION IN RELATION TO STOLEN GOODS," THE FORT-NIGHTLY LAW JOURNAL, VOL. 15, FEBRUARY 1, 1946, PP. 198-201.
EXAMINES SOME OF THE PROBLEMS INVOLVING RESTITUTION AND COMPENSATION AS IT IS USED IN ENGLAND. DESCRIBES THE RELEVANT SECTIONS OF THE CRIMINAL CODE DEALING WITH RESTITUTION AND COMPENSATION AND PROVIDES CASE EXAMPLES TO ILLUSTRATE THE LEGAL DIFFICULTIES THAT ARISE.

* * * * *

10.
ANONYMOUS.
"RESTITUTION AND THE CRIMINAL LAW," COLUMBIA LAW REVIEW, 39:3, 1939, PP. 1185-1207.
DESCRIBES WAYS IN WHICH RESTITUTION IS FREQUENTLY USED AT ALL LEVELS OF THE CRIMINAL JUSTICE SYSTEM TO INFORMALLY RESOLVE GRIEVANCES AND, FREQUENTLY, AVOID PROSECUTION. THE USE OF RESTITUTION WITHIN THE OFFICIAL CRIMINAL ENFORCEMENT AGENCIES IS NOTED AS WELL AS A USEFUL DISCUSSION OF EXTRA OFFICIAL RESTITUTION (ALLEGEDLY LARGELY UNDERTAKEN BY INSURANCE COMPANIES TO RETURN STOLEN PROPERTY) USED OUTSIDE OF THE CRIMINAL JUSTICE SYSTEM TO SATISFY PRIVATE LOSSES ARRIVING FROM ACTS WHICH ARE STILL CRIMINAL IN NATURE.

* * * * *

11.
ANONYMOUS.
"RESTITUTION BY CONVICTED CRIMINALS," LAW NOTES, VOL. 31, OCTOBER, 1927, P. 124.
ADVOCATES THE PRACTICE OF PAYING PRISONERS WAGES AND REQUIRING THEM TO MAKE RESTITUTION TO THE VICTIMS OF THEIR CRIMES. SUGGESTS THE ADVANTAGES OF SUCH A SCHEME AND NOTES THAT LABOR UNIONS ARE THE MAJOR OBSTACLE TO IMPLEMENTATION.

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12.
ANONYMOUS.
"SASKATCHEWAN'S FINE OPTION EXPERIMENT," LIAISON, 1:11, 1976, PP. 5, 6, 15.
DESCRIBES THE FINE OPTION PROGRAM WHICH EXISTS IN THE PROVINCE OF SASKATCHEWAN AS THIS INVOLVES PROVIDING OFFENDERS THE CHOICE OF VOLUNTARILY WORKING OUT A FINE IN LIEU OF A CASH PAYMENT. THE PROGRAM BEGAN IN JANUARY, 1975, AND ALLOWS OFFENDERS TO WORK OUT FINES AT THE PREVAILING MINIMUM WAGE. FOUR HUNDRED AND SIXTY-FIVE OFFENDERS PARTICIPATED DURING THE FIRST YEAR OF OPERATION AND APPROXIMATELY HALF OF THESE WERE BETWEEN THE AGES OF 16 AND 21. QUESTIONS ARE RAISED ABOUT THE EFFECT THE PROGRAM HAS HAD ON INCARCERATION RATES, CHANGES THAT NEED TO BE MADE IN THE STRUCTURE OF THE PROGRAM, AND WHETHER THE PROGRAM SHOULD BE LEGISLATED THROUGHOUT THE PROVINCE SO THAT OFFENDERS HAVE THE RIGHT TO WORK OUT THEIR FINES.

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13.
ACRES, DOUGLAS J.
"FOOTBALL HOOLIGANISM--AN ANSWER IN ATTENDANCE CENTERS?" JUSTICE OF THE PEACE, 142:17, APRIL 29, 1978, PP. 258-259.
SUGGESTS THAT VIOLENCE ASSOCIATED WITH FOOTBALL MATCHES COULD BEST BE HANDLED BY THE COURTS THROUGH THE USE OF COMMUNITY SERVICE ORDERS AND/OR ATTENDANCE CENTERS. COMMUNITY SERVICE ORDERS OFFER TWO BENEFITS IN RELATION TO FOOTBALL VIOLENCE: THEY ARE AN EFFECTIVE MEANS OF ENUNCIATION AS WELL AS INCAPACITATION.

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14.
ADVISORY COUNCIL ON THE PENAL SYSTEM (GREAT BRITAIN, HOME OFFICE).
"NON-CUSTODIAL AND SEMI-CUSTODIAL PENALTIES," LONDON: HER MAJESTY'S STATIONERY OFFICE, 1970.

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15.

ADVISORY COUNCIL ON THE PENAL SYSTEM (GREAT BRITAIN).
 "REPARATION BY THE OFFENDER-REPORT OF THE ADVISORY COUNCIL ON THE PENAL SYSTEM," HOME OFFICE, LONDON: HER MAJESTY'S STATIONERY OFFICE, 1970.
 A REPORT BY THE ADVISORY COUNCIL ON THE PENAL SYSTEM TO THE HOME SECRETARY WHICH CONSIDERS HOW PERSONAL REPARATIONS BY THE OFFENDER MIGHT BE GIVEN A MORE PROMINENT PLACE IN THE BRITISH PENAL SYSTEM. STRICTLY MONETARY COMPENSATION (RESTITUTION) IS CONSIDERED. AMONG THE MAJOR CONCLUSIONS REACHED IN THE REPORT ARE:

1. THE CRIMINAL COURTS SHOULD RETAIN POWER TO ORDER COMPENSATION AS AN ANCILLARY PENALTY;
2. NEITHER THE INSTITUTION OF CRIMINAL PROCEEDINGS NOR THE EXACTING OF ANY PENALTY OR COMPENSATION ORDERED IN SUCH PROCEEDINGS, SHOULD EXCLUDE ANY CIVIL REMEDY WHICH THE VICTIM MAY POSSESS;
3. THE CRIMINAL COURTS SHOULD RETAIN POWER TO ORDER COMPENSATION FOR PERSONAL INJURY AND IT SHOULD BE POSSIBLE TO COMBINE SUCH AN ORDER WITH ANY SENTENCE;
4. COMPENSATION FOR PERSONAL INJURY SHOULD NOT EXTEND TO DEPENDENTS OF VICTIMS WHO DIE FROM THE INJURY;
5. VICTIMS SHOULD NOT BE REQUIRED TO MAKE APPLICATION TO THE COURT FOR COMPENSATION;
6. THE PRESENT RATE OF PRISON PAYMENTS ARE TOO LOW TO ADMIT THE PAYMENT OF REPARATION. IT IS POSSIBLE TO ENVISAGE A SITUATION IN WHICH THE AVERAGE LEVEL OF PAY OR THE PAY OF SELECTED PRISONERS WILL HAVE RISEN TO A POINT THAT WOULD PERMIT SOME DEDUCTIONS FOR PURPOSES OF REPARATION BUT EVEN WHEN THAT POINT IS REACHED, IT IS DIFFICULT TO SEE HOW A SATISFACTORY SCHEME OF REPARATION BASED ON PRISON EARNINGS COULD BE DEvised. IF THE PRISONER WAS CALLED UPON TO MAKE DIRECT REPARATION TO HIS VICTIM, THE LATTER'S CHANCES OF RECEIVING IT WOULD DEPEND UPON THE OFFENDER'S DOMESTIC CIRCUMSTANCES AND THE TYPE OF WORK HE WAS DOING IN PRISON. THE ALTERNATIVE WOULD BE TO SET UP A GENERAL FUND TO WHICH ALL OFFENDERS WOULD BE REQUIRED TO CONTRIBUTE OUT OF THEIR PRESENT EARNINGS. BUT EVEN HERE THERE WOULD BE CONSIDERABLE DIFFICULTY ABOUT AN EQUITABLE DISTRIBUTION TO CLAIMANTS AND THERE WOULD BE PRESSURE FOR THE STATE TO ASSUME RESPONSIBILITY FOR THE CLAIMS OF THE VICTIMS OF CRIMES AGAINST PROPERTY. FOR SOME PRISONERS AT LEAST, A SCHEME OF REPARATION OUT OF PRISON EARNINGS WOULD ADVERSELY AFFECT THEIR REHABILITATION IF THEY HAD BEEN UNABLE TO SAVE A REASONABLE SUM FOR THEIR DISCHARGE.
7. IT IS RECOMMENDED THAT COURTS SHOULD CONSIDER ORDERING COMPENSATION IN RESPECT OF THE DIRECT CONSEQUENCES OF AN OFFENSE WHERE THESE REPRESENT AN APPRECIABLE LOSS TO THE VICTIM, EXCEPT WHERE ENFORCEMENT APPEARS IMPRACTICABLE, WHERE A NEED TO RESOLVE DIFFICULT ISSUES OF LIABILITY OR THE AMOUNT OF REPARATIONS MAKE IT MORE APPROPRIATE TO LEAVE THE OFFENDER TO HIS CIVIL REMEDIES AND WHERE REPARATION WOULD CONFLICT WITH THE SENTENCE FOR THE OFFENSE. DIFFICULTY OF ASSESSMENT NEED NOT ALWAYS PRECLUDE THE ORDERING OF COMPENSATION IN CRIMINAL PROCEEDINGS.

16.

ALTERNATIVE BEHAVIOR ASSOCIATES.
 SUMMARY REPORT: ARROWHEAD COMMUNITY CORRECTIONS, MINNEAPOLIS: MINNESOTA DEPARTMENT OF CORRECTIONS, UNDATED.
 PROVIDES THE SUMMARY RESULTS OF A STUDY OF RESTITUTION USED AS A SENTENCING ALTERNATIVE IN JUDICIAL DISTRICT SIX IN AITKIN AND KOCHICHING COUNTIES, MINNESOTA. TWO PARTS TO THE STUDY ARE DESCRIBED: A REVIEW OF CASE RECORDS IN COUNTY AND DISTRICT COURTS FOR THE PERIOD JULY 1, 1975 THROUGH JUNE 30, 1976; AND A "SYSTEMS ANALYSIS" OF COURT SYSTEM FUNCTIONING IN RELATION TO THE USE OF RESTITUTION DURING FALL, 1977.
 DATA WAS COLLECTED ON CASES WHERE THE DISPOSITION OCCURRED BETWEEN JULY 1, 1975 AND JUNE 30, 1976. DATA IS PRESENTED ON THE NUMBER OF CASES OF RESTITUTION ORDERED, PERCENTAGE OF RESTITUTION CASES OF ALL CASES DISPOSED OF, THE MOST COMMON OFFENSE FOR RESTITUTION CASES, THE EXTENT TO WHICH FULL AS COMPARED TO PARTIAL RESTITUTION WAS ORDERED, THE EXTENT TO WHICH RESTITUTION WAS PAID AS ORDERED.
 THE SYSTEMS ANALYSIS WORK WAS COMPLETED ON THE BASIS OF INTERVIEWS WITH JUDGES, PROBATION OFFICERS AND OTHER COURT OFFICIALS. SIX SCALES WERE DEVELOPED FOR THE ANALYSIS AND AIMED AT ASSESSING THE CURRENT LEVELS OF FUNCTIONING IN REGARD TO RESTITUTION.

17.

ARNOLD-BAKER, CHARLES.
 "A PILOT PROJECT FOR LAW REFORM," JUSTICE OF THE PEACE AND LOCAL GOVERNMENT REVIEW, VOL: 129, JANUARY 30, 1965, PP. 69-70.
 CRIME VICTIMS ARE NEGLECTED IN THE CRIMINAL JUSTICE SYSTEM. REFORMS ARE PROPOSED AS THESE WOULD INVOLVE A CENTRAL PLACE GIVEN TO RESTITUTION IN THE CRIMINAL JUSTICE SYSTEM, JOINING THE TORT WITH THE CRIMINAL PROCEEDINGS SO THAT THE CRIMINAL CHARGE WOULD BE HEARD FIRST AND A VERDICT OBTAINED AND A VERDICT OF GUILTY WOULD BE FOLLOWED BY A TRIAL IN RELATION TO THE ISSUE OF DAMAGES. IT IS PROPOSED THAT PRISONERS BE PAID AT PREVAILING UNION RATES AND BE HELD RESPONSIBLE FOR REPAYING THEIR VICTIMS.

18.

AULL, JOSEPH.
 "ISSUES IN IMPLEMENTING THE SOLE SANCTION RESTITUTION PROGRAM IN GEORGIA," ATLANTA: GEORGIA DEPARTMENT OF OFFENDER REHABILITATION, NOVEMBER, 1978.
 THE CONCEPT AND IMPLEMENTATION OF THE SOLE SANCTION RESTITUTION PROGRAM IN FOUR JUDICIAL DISTRICTS OF GEORGIA IS DESCRIBED. MAJOR PROBLEMS IN IMPLEMENTING THE PROGRAM AND RESEARCH INVOLVED: VAGUENESS IN DEFINING RESTITUTION, OVERLY AMBITIOUS RESEARCH OBJECTIVES RELATIVE TO THE AVAILABILITY OF RESOURCES, PROBLEMS FLOWING FROM ATTEMPTS AT IMPLEMENTING IDENTICAL PROGRAMS IN FOUR SEPARATE LOCATIONS.

19.

AZRIN, NATHAN H. AND M.D. WESLOWSKI.
 "THEFT REVERSAL: AN OVERCORRECTION PROCEDURE FOR ELIMINATING STEALING BY RETARDED PERSONS," JOURNAL OF APPLIED BEHAVIOR ANALYSIS, 1974, PP. 577-581.

20.

BARNETT, R. E.

"RESTITUTION: A NEW PARADIGM OF CRIMINAL JUSTICE," ETHICS, 87:4, JULY, 1977, PP. 279-301.

THE OLD PARADIGM OF CRIMINAL JUSTICE AS THIS INVOLVED PUNISHMENT IS IN A CRISIS PERIOD, NOT ONLY BECAUSE OF THE UNCERTAINTY OF ITS MORAL STATUS BUT BECAUSE OF ITS PRACTICAL DRAWBACKS. A NEW PARADIGM, ONE OF RESTITUTION, WOULD CALL FOR A COMPLETE REFOCUSING OF THE IMAGE OF CRIME. WHAT IS NOW SEEN AS AN OFFENSE AGAINST SOCIETY MUST BE SEEN AS AN OFFENSE AGAINST AN INDIVIDUAL VICTIM. THERE ARE TWO TYPES OF RESTITUTION PROPOSALS: A SYSTEM OF "PUNITIVE" RESTITUTION AND A "Purer" RESTITUTIONAL SYSTEM. PUNITIVE RESTITUTION WOULD SIMPLY ADD RESTITUTION TO THE PARADIGM OF PUNISHMENT. PURE RESTITUTION IS CONCERNED WITH COMPENSATION FOR ACTUAL DAMAGES. AN OFFENDER WOULD FIRST BE TRIED TO DETERMINE GUILT OR INNOCENCE. IF FOUND GUILTY AND ABLE TO MAKE RESTITUTION IMMEDIATELY, THEY WOULD DO SO. IF THEY COULD NOT, THEY WOULD EITHER BE ALLOWED TO WORK AND USE PART OF THEIR WAGES TO COMPENSATE THE VICTIM OR BE CONFINED TO AN EMPLOYMENT PROJECT WHERE PART OF THE EARNINGS WOULD AGAIN BE SET ASIDE FOR RESTITUTION. SOME ADVANTAGES OF RESTITUTION ARE THAT IT: PROVIDES ASSISTANCE TO THE VICTIMS OF CRIME, ENCOURAGES VICTIMS TO REPORT CRIMES AND TO APPEAR AT TRIAL, AIDS IN THE REHABILITATION OF CRIMINALS, PROVIDES A "SELF DETERMINATIVE" SENTENCE, SAVES TAXPAYERS A GREAT DEAL IN COURT COSTS AND THE MAINTAINANCE OF INMATES, AND DISCOURAGES MUCH WHITE COLLAR CRIME BY ELIMINATING LENIENT TREATMENT OF CORPORATE OFFICIALS AND REQUIRES REPAYMENT OF FUNDS. CRITICISMS OF RESTITUTION ARE ALSO DISCUSSED. (CRIMINAL JUSTICE ABSTRACTS)

21.

BAUNACH, PHYLLIS JO.

"FRAMING THE QUESTION IN CRIMINAL JUSTICE EVALUATION: MAYBE YOU CAN GET THERE FROM HERE IF YOU ASK THE RIGHT QUESTIONS," PRISON JOURNAL, 57:1, SPRING/SUMMER, 1977, PP. 19-27.

EVALUATION RESEARCH HAS NORMALLY BEEN GUIDED BY THE QUESTION OF THE PROGRAM'S EFFECTIVENESS, NOT ASKING WHAT IT WAS ABOUT THE PROGRAM THAT MAY HAVE BEEN CONDUCIVE TO PRODUCING THE DESIRED RESULTS. CONCEPTUAL AND METHODOLOGICAL DIFFERENCES BETWEEN BASIC SOCIAL SCIENCE AND EVALUATION RESEARCH ARE HIGHLIGHTED IN ORDER TO DIFFERENTIATE BETWEEN PAST APPROACHES OF THESE TWO TYPES OF RESEARCH. TWO EXAMPLES ARE GIVEN IN WHICH THE EXAMINATION OF CONDITIONS UNDER WHICH CERTAIN OUTCOMES MAY BE EXPECTED GUIDES THE RESEARCH EFFORT. THE FIRST EXAMPLE IS THE BALTIMORE LIVING INSURANCE FOR EX-PRISONERS (LIFE) PROGRAM. THE PURPOSE OF THIS PROGRAM IS TO DETERMINE WHETHER OR NOT PROVIDING NEWLY RELEASED PRISONERS WITH FINANCIAL ASSISTANCE WOULD REDUCE RECIDIVISM. THE SECOND EXAMPLE GIVEN IS AN EVALUATION EFFORT BY THE CRIMINAL JUSTICE RESEARCH CENTER IN ALBANY, NEW YORK. THIS ORGANIZATION IS EVALUATING RESTITUTION PROGRAMS SPONSORED BY LEAA IN SEVEN STATES. THE EVALUATION EFFORT WILL ATTEMPT TO DEAL WITH QUESTIONS AS TO WHEN AND FOR WHOM RESTITUTION IS EFFECTIVE. THE VARIABLES WILL INCLUDE TYPE OF OFFENDER AND TYPE OF VICTIM. OUTCOME MEASURES WILL FOCUS ON BOTH OFFENDER AND VICTIM, INCLUDING OFFENDER'S SUBSEQUENT CRIMINAL RECORD AND VICTIM SATISFACTION WITH REPAYMENT. AN ANALYSIS OF THE TWO APPROACHES REVEALS DISCREPANCIES IN METHODOLOGY. HOWEVER, BOTH PROGRAMS CONSIDER SPECIFIC PROGRAMMATIC ELEMENTS AND THEIR INTERACTIONS IN INFLUENCING RESULTS. THE EVALUATION DESIGN AND IMPLEMENTATION STRATEGY AT THE OUTSET OF THE PROGRAM ARE ESSENTIAL. ASKING THE QUESTION, "UNDER WHAT CONDITIONS?" IN EVALUATION EFFORTS MAY OBTAIN THE MAXIMUM AMOUNT OF INFORMATION. (CRIMINAL JUSTICE ABSTRACTS)

22.

BEHA, JAMES; CARLSON, K.; ROSENBLUM, R. H.

"SENTENCING TO COMMUNITY SERVICE," WASHINGTON, D.C.: NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, OCTOBER, 1977.

SENTENCING SELECTED OFFENDERS TO PERFORM SERVICES TO THE COMMUNITY HAS BECOME AN INCREASINGLY POPULAR SENTENCING OPTION FOR JUDGES. PREMISE AND THE NOTION THAT A FINE AND/OR JAIL TERM IS NOT ALWAYS IN THE BEST INTEREST OF SOCIETY OR THE OFFENDER, MANY COURTS HAVE EMBRACED THE CONCEPT OF COMMUNITY SERVICE IN LIEU OF THE TRADITIONAL SENTENCES, PARTICULARLY IN CASES INVOLVING MISDEMEANORS. THE PURPOSE OF THIS DOCUMENT IS TO SET FORTH SEVERAL TYPES OF COMMUNITY SERVICE ALTERNATIVE SENTENCING PROGRAMS AND DISCUSS THE ISSUES AND PROBLEMS TYPICALLY OR POTENTIALLY FACING THESE PROGRAMS.

AFTER AN INTRODUCTORY CHAPTER DISCUSSING THE THEORY BEHIND ALTERNATIVE SENTENCING, CHAPTER TWO DESCRIBES THREE DIFFERENT TYPES OF ALTERNATIVE COMMUNITY SERVICE OR COURT REFERRAL PROGRAMS. AT THE CONCLUSION OF CHAPTER TWO, THE MAJOR PROGRAM ISSUES OF CONCERN TO PLANNERS AND ADMINISTRATORS OF SUCH PROJECTS ARE DISCUSSED. CHAPTER THREE INVOLVES THE LEGAL ISSUES CONCERNING SENTENCING TO COMMUNITY SERVICE. INCLUDED IS A DISCUSSION OF THE STATUTORY BASES AND LEGAL AUTHORITY FOR SUCH SENTENCING, POTENTIAL CONSTITUTIONAL ISSUES, AND THE INCREASINGLY TROUBLESOME ISSUE OF POTENTIAL TORT LIABILITY. THE FOURTH AND FINAL CHAPTER IS A DISCUSSION OF THE NEED AND METHODS OF MONITORING AND EVALUATING SUCH PROGRAMS.

-THE EXTENT TO WHICH COMMUNITY SERVICE SENTENCING IS CURRENTLY BEING USED AND ITS IMPACT ON THE JUDICIAL SYSTEM ARE QUESTIONS YET TO BE ANSWERED. HOWEVER, THE PROJECTS AND THE RESULTS DESCRIBED IN THIS DOCUMENT SUGGEST THAT SENTENCING TO COMMUNITY SERVICE AS AN ALTERNATIVE TO FINES AND JAIL MAY BE OF BENEFIT TO INTERESTED COMMUNITIES. (AUTHORS' ABSTRACT)

23.

BENTHAM, JEREMY.

"POLITICAL REMEDIES FOR THE EVIL OF OFFENSES,"-IN-HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD.: THOMAS PUBLISHERS, 1975.

A SELECTION FROM THIS PHILOSOPHER'S WRITINGS IN WHICH RESTITUTION IS CONSIDERED AS A FORM OF SATISFACTION TO THE PERSON WHO HAS BEEN INJURED BECAUSE OF CRIME; THE SATISFACTION IS TO BE PROVIDED BY THE OFFENDER AS PART OF THE PENALTY FOR THE CRIME.

24.

BERGMAN, HOWARD STANDISH.

"COMMUNITY SERVICE IN ENGLAND: AN ALTERNATIVE TO CUSTODIAL SENTENCE," FEDERAL PROBATION, 39:1, MARCH, 1975, PP. 43-46.

THE BRITISH COMMUNITY SERVICE PROGRAM IS DESCRIBED IN TERMS OF ORIGINS, IMPLEMENTATION, AND CURRENT OPERATIONS. THE UNDERLYING PHILOSOPHY OF THE PROGRAM IS ASSESSED. IT IS NOTED THAT THE PROGRAM HAS BEEN WELL RECEIVED BY OFFENDERS, THE PROBATION SERVICE, AND THE PUBLIC.

25.
BERNSTEIN, JESSE.
"A STUDY OF THE EVOLUTION OF THE CONCEPT OF RESTITUTION AND RECENTLY ENACTED VICTIM COMPENSATION LAWS IN NEW YORK AND OTHER JURISDICTIONS," PH. D. DISSERTATION, NEW YORK UNIVERSITY, 1972.

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26.
BERSCHIED, ELLEN AND ELAINE WALSTER.
"WHEN DOES A HARM-DOER COMPENSATE A VICTIM," JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY, 6:4, AUGUST, 1967, PP. 435-441.
IT WAS HYPOTHESIZED THAT INDIVIDUALS WHO HAD HARMED ANOTHER PERSON WOULD BE MORE LIKELY TO COMPENSATE THEIR VICTIM IF THE AVAILABLE COMPENSATION MADE UP EXACTLY FOR THE HARM DONE THAN IF, IN ORDER TO COMPENSATE AT ALL, IT WAS NECESSARY TO GIVE THE VICTIM EITHER AN INSUFFICIENT OR AN EXCESSIVE COMPENSATION. SUBJECTS WERE MEMBERS OF A WOMEN'S CHURCH AUXILIARY WHO IN THE COURSE OF A GAME WERE LED TO DEPRIVE A FELLOW CHURCH MEMBER OF GREEN STAMP BOOKS. IN A SECOND GAME, THEY HAD A CHANCE TO AWARD A BONUS TO THE DEPRIVED WOMAN. IT WAS FOUND THAT INDIVIDUALS WERE MORE LIKELY TO COMPENSATE THEIR VICTIM WITH A BONUS IF IT WAS ADEQUATE TO COVER THE HARM DONE THAN IF THE AVAILABLE BONUS WAS INSUFFICIENT OR EXCESSIVE. FROM THESE FINDINGS AN INTERESTING HYPOTHESIS CAN BE DERIVED. IF A HARM-DOER'S RANGE OF COMPENSATORY OPPORTUNITIES IS LIMITED, EXAGGERATION BY THE VICTIM OF THE HARM HE HAS SUFFERED MAY CAUSE THE HARMDOER TO PERCEIVE THAT HIS AVAILABLE COMPENSATIONS ARE INADEQUATE; THIS THE HARMDOER MAY BE LESS LIKELY TO COMPENSATE THE VICTIM THAN HE WOULD HAD THE VICTIM DESCRIBED HIS SUFFERING IN A MORE MODEST WAY. (JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY)

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27.
BLEW, CAROL HOLLIDAY AND ROBERT ROSENBLUM.
"THE COMMUNITY ARBITRATION PROJECT, ANNE ARUNDEL COUNTY, MARYLAND; A JUVENILE JUSTICE ALTERNATIVE," NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, APRIL, 1979.
DESCRIBES THE OPERATIONS AND CURRENT STATUS OF THE COMMUNITY ARBITRATION PROJECT. IDENTIFIES ESSENTIAL ELEMENTS OF THE PROJECT, AS THESE INCLUDE: PROMPT CASE PROCESSING, COURT ROOM SETTING, INVOLVEMENT OF VICTIMS, ASSURANCE OF DUE PROCESS, USE OF COMMUNITY RESOURCES, CONSTRUCTIVE SENTENCING. IDENTIFIES BENEFITS OF THE PROGRAM FOR THE CLIENTS AND THE JUVENILE JUSTICE SYSTEM AND SUGGESTS WAYS TO START A SIMILAR KIND OF PROGRAM IN OTHER COMMUNITIES.

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28.
BLUESTEIN, ROBIN SOLOMON.
"ATTITUDES OF THE LEGAL COMMUNITY TOWARD CREATIVE RESTITUTION, VICTIM COMPENSATION, AND RELATED SOCIAL WORK INVOLVEMENT," UNPUBLISHED MASTER'S THESIS, UNIVERSITY OF SOUTH CAROLINA, 1977.
THE AIMS OF THIS STUDY WERE TO DESCRIBE THE ATTITUDES OF THE LEGAL COMMUNITY IN SOUTH CAROLINA TOWARDS CREATIVE RESTITUTION AND VICTIM COMPENSATION AS WELL AS TO DESCRIBE THE DIFFERENCES IN THE ATTITUDES HELD BY THREE SUB-SAMPLES OF THE LEGAL POPULATION--JUDGES, PRIVATE PRACTICE ATTORNEYS, PROSECUTING ATTORNEYS--TOWARD CREATIVE RESTITUTION AND COMPENSATION.
MAILED QUESTIONNAIRES WERE SENT TO 250 MEMBERS OF THE LEGAL COMMUNITY, INCLUDING 57 JUDGES, 51 PROSECUTORS, AND 142 ATTORNEYS IN PRIVATE PRACTICE. ONE HUNDRED QUESTIONNAIRES WERE RETURNED AND TEN OF THESE WERE UNUSABLE. THE OVERALL RESPONSE RATE WAS 38 PERCENT AND THE RESPONSE RATE FOR THE SUB-SAMPLES WERE 57 PERCENT FOR PRIVATE PRACTICE ATTORNEYS, 22 PERCENT FOR PROSECUTING ATTORNEYS, 21 PERCENT FOR JUDGES.
MAJOR FINDINGS WERE:
1. STRONG SUPPORT WAS SHOWN FOR RESTITUTION; LAWYERS IN PRIVATE PRACTICE WERE HIGHLY SUPPORTIVE WITH JUDGES RANKING CLOSELY BEHIND.
2. RESPONDENTS BETWEEN THE AGES OF 36 AND 50 HAD A MORE POSITIVE ATTITUDE TOWARD RESTITUTION THAN EITHER YOUNGER OR OLDER RESPONDENTS.
3. EIGHTY-NINE PERCENT OF THE RESPONDENTS SAW POTENTIAL VALUE FOR THE USE OF CREATIVE RESTITUTION PROGRAMS AND ONLY FOUR PERCENT OF THE SAMPLE RESPONDED NEGATIVELY.
4. SEVENTY-FOUR PERCENT OF THE RESPONDENTS DID NOT THINK THAT THE STATE SHOULD BE OBLIGATED TO COMPENSATE VICTIMS OF CRIME AND 44 PERCENT WERE EITHER DISINTERESTED OR VERY DISINTERESTED IN THE CONCEPT OF VICTIM COMPENSATION.

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29.
BOURKE, CHRISTOPHER.
"COMMUNITY SERVICE: A DIFFERENT VIEW," JUSTICE OF THE PEACE, 140:33, AUGUST 14, 1976, PP. 441-443.
THE BRITISH COMMUNITY SERVICE PROGRAM'S PROVISION THAT OFFENDERS ARE NOT TO BE SENTENCED FOR COMMUNITY SERVICE UNLESS THE COURT WOULD OTHERWISE HAVE IMPOSED A CUSTODIAL SENTENCE IS DISCUSSED AND THE AUTHOR CONCLUDES BY DISAGREEING WITH THIS VIEW. TWO POINTS OF ORIGIN TOWARD THE VIEW THAT COMMUNITY SERVICE SHOULD ONLY BE USED AS AN ALTERNATIVE TO CUSTODIAL SENTENCES ARE IDENTIFIED: FIRST, THE POLICY OF COMMUNITY SERVICE AUTHORITIES IN TERMS OF MAKING ADMINISTRATIVE DECISIONS ABOUT RETURNING PROGRAM DEFAULTERS BACK TO COURT. THE SECOND AND MORE FUNDAMENTAL SOURCE OF THE "PRISON ONLY" VIEW COMES FROM THE CRIMINAL JUSTICE ACT OF 1972 WHICH STATED: "THE GOVERNMENT HAS AIMED AT PROVIDING A POWER WHICH THE COURT AND PUBLIC WILL SEE AS A VIABLE ALTERNATIVE TO THE SHORTER CUSTODIAL SENTENCES. THE DIFFERENT MEANINGS OF THE SENTENCE ARE IDENTIFIED.
THE AUTHOR NOTES THAT BREACHES OF A COMMUNITY SERVICE ORDER ARE SPECIFIED IN THE CRIMINAL JUSTICE ACT AS RANKING WITH A FINE OR THE CONTINUANCE OF PROBATION OR WITH ANY OTHER FORM OF SENTENCE. THE AUTHOR CONCLUDES THAT BOTH ON THE BASIS OF REPORTS LEADING UP TO THE LEGISLATION AS WELL AS FROM THE CRIMINAL JUSTICE ACT ITSELF, COMMUNITY SERVICE MUST BE SEEN AS MORE THAN SIMPLY AN ALTERNATIVE TO IMPRISONMENT.

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30.

BOWLING, J. M.

"RESTITUTION--AN AID TO REHABILITATION," PRESIDIO, VOL. 31, MARCH, 1964, PP. 13-29.

DESCRIBES THE POSSIBLE USE OF RESTITUTION AS A REHABILITATIVE TOOL. A PAROLE BASED RESTITUTION PROGRAM IS DESCRIBED, ALONG WITH THE PERCEIVED BENEFITS OF SUCH A PROGRAM.

31.

BRENZIKOFER, P.

"EFFORTS TAKEN ON BEHALF OF THE VICTIMS OF CRIME IN SWITZERLAND," UNPUBLISHED AGENCY REPORT, PRISON AT SAXERRIET, SALEX, SWITZERLAND, UNDATED.

THE DISCUSSION OF EFFORTS TAKEN ON BEHALF OF THE VICTIMS OF CRIME IN SWITZERLAND IS DIVIDED INTO THREE SECTIONS: OFFENDER INITIATED ATTEMPTS AT RESTITUTION AND RECONCILIATION WHILE IMPRISONED; NATIONAL EFFORTS TO PROVIDE A VICTIM COMPENSATION PROGRAM; RESTITUTION AS A PART OF THE OFFENDER'S SENTENCE. THE FIRST SECTION DESCRIBES A SPECIAL PRISON PROGRAM ENTITLED: AIDE FOR VICTIM-PERPETRATOR RELATIONS AND ALSO POINTS OUT THREE CATEGORIES OF CRIME. IN CATEGORY ONE THE EMPHASIS IS ON OFFENDER/VICTIM RECONCILIATION, OFFENSES IN CATEGORY TWO NECESSITATE RESTITUTION AS THE PRIMARY FOCUS, CATEGORY THREE ARE VICTIM-LESS TYPE OFFENSES. THE SECOND SECTION DESCRIBES ATTEMPTS TO ESTABLISH A VICTIM COMPENSATION PROGRAM; THE ATTEMPTS INCLUDE NORMAL FEDERAL LEGISLATION, NATIONAL REFERENDUM, AND A PRIVATE ORGANIZATION'S ESTABLISHMENT OF ITS OWN FOUNDATION FOR SUPPORT OF NEEDY CRIME VICTIMS. THE THIRD SECTION ADDRESSES THE NEED TO INTEGRATE RESTITUTION INTO THE SENTENCE AND THE CORRECTIONAL PROCESS. THROUGHOUT THE PAPER THE AUTHOR STRESSES THAT NOT ONLY MATERIAL RESTITUTION BUT RECONCILIATION BEING OF PRIME IMPORTANCE IN THE CRIMINAL JUSTICE SYSTEM.

32.

BREWER, DAVID L.

"THE CALIFORNIA RESTITUTION PROJECT," PAPER PRESENTED AT THE AMERICAN SOCIETY OF CRIMINOLOGY ANNUAL MEETING, ATLANTA, GEORGIA, NOVEMBER 18, 1977; "UPDATE OF THE CALIFORNIA RESTITUTION PROJECT," UNPUBLISHED PAPER, FEBRUARY 9, 1979.

THESE TWO PAPERS DEAL WITH THE PLANNING, IMPLEMENTATION, AND OPERATIONS OF A RESTITUTION PROGRAM DEALING WITH PAROLE VIOLATORS AND EVALUATED ON THE BASIS OF AN EXPERIMENTAL DESIGN. PROGRAM CLIENTS WERE STATE PRISON PAROLEES FOUND GUILTY OF A TECHNICAL PAROLE VIOLATION AND ORDERED RETURNED TO PRISON. AT THE POINT OF RETURN TO PRISON, AND AFTER VOLUNTEERING TO TAKE PART, PAROLE VIOLATORS WERE RANDOMLY SELECTED AND THE EXPERIMENTALS CONTINUED ON PAROLE WITH A SPECIAL CONDITION TO DO RESTITUTION. CONTROL GROUP NUMBERS WERE SENT BACK TO PRISON. NO INFORMATION IS PROVIDED ON SPECIFIC DATA COLLECTION PROCEDURES THAT WERE USED. IT IS ASSUMED, HOWEVER, THAT OFFICIAL RECORDS WERE USED ALONG WITH PERSONAL INTERVIEW INFORMATION OF OFFENDERS AND VICTIMS. DATA IS PRESENTED IN PERCENTAGES.

MAJOR FINDINGS WERE:

1. BETWEEN APRIL 15, 1977, AND DECEMBER 15, 1977, THE RESTITUTION PROJECT ENROLLED 23 EXPERIMENTALS; IN ADDITION, TEN CONTROLS WERE RANDOMLY ASSIGNED BACK TO PRISON.
2. EIGHT OF THE 23 EXPERIMENTALS ABSCONDED BEFORE THEIR RESTITUTION PLAN WAS SIGNED.
3. TEN OF THE SIGNED RESTITUTION PLANS INVOLVED PERSONAL SERVICE, SUCH AS COUNSELLING, TEACHING, OR SUPERVISING; FIVE INVOLVED LABORING, SUCH AS LANDSCAPING OR TYPING; FIVE INVOLVED FINANCIAL RESTITUTION.
4. OF THE 1,753 HOURS OF SERVICE RESTITUTION INCLUDED IN THE PLAN, 732 HOURS (42) WERE COMPLETED. OF THE \$845 IN THE FINANCIAL RESTITUTION PLANS, \$90 (11) WERE COMPLETED.
5. DURING THE FIRST YEAR AFTER RELEASE FROM THE PROGRAM, 17 OF THE 23 EXPERIMENTALS (74) HAD AT LEAST ONE ARREST. FIVE OF THE TEN CONTROLS (50) HAD AN ARREST DURING THEIR FIRST YEAR AFTER SERVING THEIR REVOCATION TIME.
6. THE EXPERIMENTAL CASES SERVED AN AVERAGE OF 11 DAYS FROM REVOCATION TO RELEASE, PRIOR TO ADMISSION TO THE EXPERIMENTAL PROGRAM. CONTROLS SERVED ONLY 70 DAYS ON THE AVERAGE BEFORE RELEASE. AVERAGE PRISON TIME SAVED BY DOING RESTITUTION WAS 59 DAYS.

33.

BRICKMAN, PHILIP.

"CRIME AND PUNISHMENT IN SPORTS AND SOCIETY," JOURNAL OF SOCIAL ISSUES, NUMBER 1, 1977, PP. 140-164.

A DISTINCTION IS DRAWN BETWEEN EQUITY-BASED PENALTIES, WHOSE PRIMARY PURPOSE IS TO RESTORE FAIRNESS, AND DETERRENT-BASED PENALTIES, WHOSE PRIMARY PURPOSE IS PREVENT DEVIANCE. SPORTS ARE OFFERED AS AN EXAMPLE IN WHICH DEVIANCE IS SUCCESSFULLY ENCAPSULATED BY THE USE OF EQUITY-BASED PENALTIES. CURRENT CRIMINAL LAW IS SEEN AS DETERRENT-BASED RATHER THAN EQUITY-BASED. ADVANTAGES OF AN EQUITY-BASED SYSTEM OF JUSTICE FOR CRIMINALS, FOR VICTIMS, AND FOR SOCIETY ARE OUTLINED. AN EQUITY-BASED SYSTEM COULD RECONCILE THE GENERALLY INCOMPATIBLE GOALS OF DETERRENCE AND REHABILITATION. WHILE IT MIGHT REQUIRE AN IMAGINATIVE REFORMATION OF OUR CRIMINAL JUSTICE SYSTEM, THE VIABILITY OF EQUITY-BASED JUSTICE HAS ALREADY BEEN DEMONSTRATED THROUGH ITS USE IN FAMILIAL, PRIMITIVE, AND CIVIL PROCEEDINGS. (JOURNAL OF SOCIAL ISSUES)

34.

BROONFIELD, TERRY.

"EVALUATION REPORT: COURT REFERRAL PROGRAM," VOLUNTARY ACTION CENTER OF SOUTH ORANGE COUNTY, CALIFORNIA, APRIL 20, 1977.

THE COURT REFERRAL PROGRAM PROVIDES THE COURTS OF ORANGE COUNTY WITH AN ALTERNATIVE DISPOSITION FOR SENTENCE DEFENDERS IN THE FORM OF REQUIRING THE OFFENDER TO COMPLETE COMMUNITY SERVICE WORK. THE PROGRAM IS SEEN AS AN ALTERNATIVE TO A FINE OR INCARCERATION. THE COURT MAKES THE REFERRAL TO THE AGENCY, THE AGENCY INTERVIEWS THE OFFENDER AND ARRANGES THE PLACEMENT, THE OFFENDER COMPLETES THE WORK AND A REPORT IS MADE BACK TO THE COURT.

THE STUDY DESIGN USED WAS A ONE SHOT CASE STUDY, PROVIDING AN ASSESSMENT OF THE PROGRAM FOR A SIXTEEN MONTH PERIOD.

DATA WAS COLLECTED ON THE BASIS OF UNSTRUCTURED INTERVIEWS WITH PROGRAM STAFF MEMBERS, OFFICIALS STATISTICS, INTERVIEWS WITH COMMUNITY AGENCY STAFF WHO SUPERVISED PROGRAM REFERRALS.

MAJOR FINDINGS WERE

- 1) DURING THE SIXTEEN MONTH PERIOD THE COURTS REFERRED A TOTAL OF 1,097 OFFENDERS; THE LARGEST PERCENTAGE OF THESE WERE FROM MUNICIPAL AND TRAFFIC COURTS ON THE BASIS OF TRAFFIC VIOLATIONS.
- 2) THE LARGEST PROPORTION OF OFFENDERS REFERRED WERE MALE, 18 - 25 YEARS OF AGE, EMPLOYED, AND SENTENCED FOR TRAFFIC VIOLATIONS.
- 3) THE RANGE OF HOURS TO BE COMPLETED RAN FROM 5 TO 212, WITH APPROXIMATELY 50 PERCENT UNDER 36 HOURS. A TOTAL OF 30,000 HOURS OF SERVICE WAS OBLIGATED DURING THE SIXTEEN MONTH PERIOD.
- 4) SIXTEEN PERCENT OF OFFENDERS REFERRED BY THE COURT DID NOT APPEAR AT THE PROGRAM. OF THOSE WHO WERE ASSIGNED TO A PLACEMENT, APPROXIMATELY 71 PERCENT COMPLETED THE ASSIGNMENT.
- 5) THE AVERAGE COST PER OFFENDER IN THE PROGRAM WAS \$42.

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35.

BROWN, BAILEY.

"COMMUNITY SERVICE AS A CONDITION OF PROBATION," FEDERAL PROBATION, 41:4, 1977, PP. 7-9.

DESCRIBES THE OPERATIONS OF A COMMUNITY SERVICE PROGRAM ESTABLISHED IN THE STATE OF TENNESSEE IN 1976. THE ADVANTAGES OF SUCH A SCHEME ARE IDENTIFIED. THE STATUS OF THE PROGRAM AS OF JUNE, 1977, IS DESCRIBED IN TERMS OF CLIENTS IN THE PROGRAM AND COMMUNITY AGENCIES UTILIZING REFERRALS FOR THE COMPLETION OF WORK.

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36.

BROWN, DOUGLAS.

"THE AWARD OF COMPENSATION IN CRIMINAL CASES IN EAST AFRICA," JOURNAL OF AFRICAN LAW, VOL. 10, 1966, PP. 33-39.

IN EAST AFRICA, THE TRADITIONAL DIVISION OF "NATIVE JUSTICE" ON THE ONE HAND AND "ENGLISH LAW" ON THE OTHER IS GRADUALLY DISAPPEARING. A FUSION IS TAKING PLACE IN KENYA, TANGANYIKA, AND UGANDA WITH THE RESULT THAT CUSTOMARY LAW IS BEING LARGELY SUPERCEDED BY ENGLISH LAW. IN CUSTOMARY LAW, THE COURT COULD AND DID ORDER BOTH PUNISHMENT AND DAMAGES AT THE SAME HEARING. SIMILAR TO INDIAN COURTS, AN AWARD OF COMPENSATION WAS PERMITTED FOR THE LOSS OR INJURY CAUSED BY A CONVICTED OFFENDER. MOST COMMONLY, A PORTION OF THE FINE AFFLICTED ON THE ACCUSED COULD BE PAID AT THE DISCRETION OF THE COURT TO THE OWNER OF THE PROPERTY THAT HAD BEEN STOLEN. IN SHORT, THE COMPENSATION AWARDED TO THE PERSON INJURED, IN CONSIDERATION OF THE LOSS WHICH WAS SUFFERED, RESPONDED TO DAMAGES AWARDED IN CIVIL PROCEEDINGS. MORE RECENTLY, EAST AFRICAN JUDGES HAVE BEEN GUIDED BY THE PRACTICE IN ENGLISH COURTS AND HELD TO A STRICT DISTINCTION BETWEEN CRIMINAL AND CIVIL ACTIONS. THE AUTHOR SUGGESTS THAT PERHAPS IN THE FUTURE, EAST AFRICA WILL ADOPT A MORE IMAGINATIVE APPROACH THAN THE JUDGES HAVE SEEN FIT TO DO IN THE PAST TO THE QUESTION OF MIXING CRIMINAL AND CIVIL ACTIONS. IT IS SUGGESTED THAT IT WOULD BE A LOSS IF CUSTOMARY LAW IS NOT ALLOWED TO CONTINUE TO EXERCISE THIS DISTINCTIVE FEATURE OF ITS PRACTICE AND PROCEDURE.

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37.

BROWN, EDWARD J. AND MARGUERITE Q. WARREN.

"OVERVIEW OF THE NATIONAL EVALUATION OF ADULT RESTITUTION PROGRAMS," PAPER PRESENTED AT THIRD RESTITUTION SYMPOSIUM, DULUTH, MINNESOTA, SEPTEMBER 27-28, 1979.

DESCRIBES THE AIMS, METHODS, AND PROBLEMS AND ISSUES ASSOCIATED WITH THE NATIONAL EVALUATION OF SEVEN ADULT RESTITUTION PROGRAMS FUNDED BY LEAA.

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38.

BRYSON, J.

"SURVEY OF JUVENILE RESTITUTION PROGRAMS," MIMED REPORT ON FILE WITH OJJDP, 1976.

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39.
CAMPBELL, R.
"JUSTICE THROUGH RESTITUTION: MAKING CRIMINALS PAY," MILFORD: MOTT MEDIA,
1977.

THE AUTHOR PROPOSES A VICTIM-ORIENTED SYSTEM OF JUSTICE THROUGH RESTITUTION BASED ON A BIBLICAL VIEWPOINT. PRISONS ARE REEXAMINED IN TERMS OF COST AND EFFECTIVENESS IN REDUCING THE CRIME RATE. GENERAL OBSERVATIONS ARE MADE CONCERNING CRIME, PRISON PROBLEMS, THE STAGGERING COST OF IMPRISONMENT, THE BURDEN TO THE TAXPAYER, AND THE FAILURE OF THE PENAL SYSTEM TO DEAL EFFECTIVELY WITH THE CRIMINAL. THE AUTHOR CALLS FOR A RETURN TO THE "BASICS" TO INSURE JUSTICE FOR BOTH VICTIMS AND OFFENDERS, BY INSTITUTING A SYSTEM OF OFFENDER RESTITUTION TO THE VICTIM. EXPERIMENTS IN RESTITUTION AND COMPENSATION ARE CITED. THIS ALTERNATIVE TO IMPRISONMENT WOULD HAVE THE FOLLOWING ADVANTAGES: THE VICTIM IS HELPED RATHER THAN IGNORED; BECAUSE RESTITUTION IS DIRECTLY RELATED TO THE OFFENSE, THE LAWBREAKER IS REMINDED OF HIS WRONG-DOING; THE PROFIT IS REMOVED FROM CRIME; AND THE PUBLIC WOULD BE SPARED THE COSTS OF IMPRISONMENT. AN APPENDIX PROVIDES A NATIONWIDE SURVEY OF THE DAILY COST OF INMATE CARE AND CUSTODY. A BIBLIOGRAPHY IS INCLUDED.
(NCJRS)

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40.
CANADIAN CORRECTIONS ASSOCIATION.
"COMPENSATION TO VICTIMS OF CRIME AND RESTITUTION BY OFFENDERS,"--IN-HUDSON,
J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.

THIS REPORT STATES THE CASE FOR RESTITUTION AND COMPENSATION AND DEFINES BOTH. IT IS SUGGESTED THAT COMPENSATION MAY OVERCOME PUBLIC APATHY IN RELATION TO BOTH THE VICTIM AND THE CRIMINAL AND MAY HELP LAW ENFORCEMENT BY ENCOURAGING THE LAYING OF CRIMINAL CHARGES. "FEAR IS SOMETIMES EXPRESSED." THE ARTICLE STATES. "THAT THE AVAILABILITY OF COMPENSATION MIGHT REMOVE THE INHIBITION SOME POTENTIAL CRIMINALS FEEL ABOUT STEALING FROM THE INDIVIDUAL." "BUT," IT GOES ON, "THE SMALL POTENTIAL DANGERS ARE OUTWEIGHED BY LARGE KNOWN BENEFITS. THE REPORT REVIEWS RECENT DEVELOPMENTS. AND TEN RECOMMENDATIONS ARE MADE FOR A COMPENSATION PROGRAM IN CANADA. (NCJRS)

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41.

CANTOR, GILBERT M.
"AN END TO CRIME AND PUNISHMENT," THE SHINGLE, 39:4, 1976, PP. 99-114.

THE DEVELOPMENT OF CRIMINAL LAW IS PLACED THROUGH THE HISTORY OF ROME AND ENGLAND AND THE GOALS OF PUNISHMENT ARE TRACED THROUGH THE WORK OF PHILOSOPHERS OVER THE COURSE OF THE PAST SEVERAL HUNDRED YEARS. THE AUTHOR CONCLUDES THAT THE PRESENT SYSTEM OF CRIMINAL JUSTICE IS A FAILURE IN TERMS OF THE CONFLICTED GOALS THAT ARE SOUGHT AS WELL AS IN TERMS OF PRISONS ACTING AS SCHOOLS FOR CRIME. A NEW PARADIGM FOR CRIMINAL JUSTICE IS SUGGESTED, AS THIS WOULD ABOLISH THE GAME OF CRIME AND PUNISHMENT AND SUBSTITUTE A PARADIGM OF RESTITUTION AND RESPONSIBILITY.

THE PRIMARY FEATURE OF THE PROPOSED SYSTEM WOULD BE RELYING UPON THE USE OF MONEY DAMAGES PAID BY THE DEFENDANT TO THE PLAINTIFF WITHIN THE CIVIL LAW SYSTEM.

THE AUTHOR SUGGESTS THAT THE CIVIL LAW SYSTEM OF MONEY DAMAGES CAN SERVE ALL THE PURPOSES NOW ATTRIBUTED TO CRIMINAL PUNISHMENT. THE VICTIM OF A CRIME WOULD BE ENTITLED AND ENCOURAGED TO BRING SUIT AGAINST THE OTHER PARTY FOR DAMAGES. THE TRAILS WOULD BE ESSENTIALLY THE SAME AS IN ANY CIVIL SUIT. THE PLAINTIFF WOULD BE REQUIRED TO ESTABLISH HIS CASE "BY PREPONDERANCE OF THE EVIDENCE" RATHER THAN PROOF "BEYOND A REASONABLE DOUBT." A SYSTEM OF ARBITRATION IS PROPOSED FOR ADOPTION SO AS TO HANDLE MOST OF THE TRANSPOSED CRIMINAL CASES. THE ASSESSMENT OF DAMAGES WOULD BE DONE UNDER THE RULES WHICH NOW APPLY IN CIVIL ACTIONS INVOLVING PROPERTY DAMAGES OR LOSS. PUNITIVE OR EXEMPLARY DAMAGES WOULD ALSO BE PERMISSIBLE.

INDIGENT DEFENDANTS WOULD BE HANDLED ON THE BASIS OF JUDGES ORDERING DAMAGES TO BE PAID IN WEEKLY INSTALLMENTS. THESE PAYMENTS WOULD BE MADE THROUGH THE COURT, NOT DIRECTLY THROUGH THE PLAINTIFF. WHERE THE PLAINTIFF HAS BEEN COMPENSATED BY THE STATE OR BY AN INSURER, THE PAYMENTS WOULD GO TO THE PAYING AGENCY. THE AMOUNT OF THE WEEKLY PAYMENT SHOULD BE SET IN RELATION TO THE EARNINGS OF THE DEFENDANT AND SHOULD BE SUBJECT TO ADJUSTMENT UPWARD OR DOWNWARD IN CHANGED CIRCUMSTANCES. EMPLOYMENT MUST BE MADE AVAILABLE BY THE STATE FOR THOSE DEFENDANTS WHO DO NOT HAVE WORK. IN ADDITION, A BROAD RANGE OF HELPING PROGRAMS SHOULD BE MADE AVAILABLE, INCLUDING EDUCATION, JOB TRAINING, FAMILY COUNSELLING, ETC. THE OBJECTIVE IS TO REDUCE OR OVERCOME THE OFFENDER'S SENSE OF IMPOTENCE.

A FURTHER TECHNIQUE THAT IS PROPOSED IS THE DEVELOPMENT OF THE CIVIL LAW USE OF "COMPOSITION", OR ADJUSTMENT BETWEEN THE PARTIES. WHERE A DEFENDANT IS WILLING TO ENTER INTO A COMPOSITION ACCEPTABLE TO THE PLAINTIFF WHICH MAY INCLUDE POSITIVE ELEMENTS OF RESTITUTION, PERSONAL SERVICES AND THE LIKE, OR NEGATIVE ELEMENTS OF RESTRICTED BEHAVIOR, OR BOTH, THE OFFICIATING JUDGE OR PANEL OF ARBITRATORS SHOULD BE EMPOWERED TO APPROVE THE COMPOSITION AND TO ADOPT IT BY APPROPRIATE ORDER OR DECREE, SUBJECT TO PENALTIES FOR CONTEMPT IF IT SHOULD BE DISHONORED. THE AUTHOR CONCLUDES BY NOTING THAT THE PROPOSED SYSTEM PLACES THE RESPONSIBILITY UPON THE OFFENDER TO REDRESS THE WRONGS DONE. THE AIM IS REDEMPTION AND RESTORATION OF THE WRONGDOER.

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42.
CHALLENGE, DENNIS A. AND JAMES H. HEINLEN.
"THE WIN-ONUS RESTITUTION PROGRAM,"--IN-GALAWAY, B. AND JOE HUDSON, EDS.,
OFFENDER RESTITUTION IN THEORY AND PRACTICE, LEXINGTON: D. C. HEATH, 1978.
DESCRIBES THE WINONA COUNTY COURT (MINNESOTA) RESTITUTION PROJECT AS
THIS PRIMARILY INVOLVES COMMUNITY SERVICE WORK FOR A POPULATION OF
MISDEMEANANT OFFENDERS;

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43.
CHESNEY, STEVEN L.
"THE ASSESSMENT OF RESTITUTION IN THE MINNESOTA PROBATION SERVICES," ST.
PAUL: MINNESOTA DEPARTMENT OF CORRECTIONS, JANUARY 31, 1974.
THE PRIMARY OBJECTIVE OF THIS STUDY WAS TO IDENTIFY AND DESCRIBE THE
MANNER AND EXTENT OF RESTITUTION USE IN THE PROBATION SERVICES OF
MINNESOTA. THE DESIGN INVOLVED DRAWING A STRATIFIED RANDOM SAMPLE OF
PROBATION DISPOSITIONS DURING FOUR MONTHS OF 1973 AND 1974. COUNTIES
WERE STRATIFIED ON POPULATION AND SEVENTEEN RANDOMLY SELECTED IN EACH
OF THREE STRATA. PROPORTIONATE NUMBERS OF PROBATION CASES WERE RANDOMLY
SELECTED FROM EACH OF THE THREE LEVELS OF COURTS WITHIN EACH OF THE
SAMPLE COUNTIES. A TOTAL OF 525 CASES COMPRISED THE FINAL SAMPLE.
OFFICIAL CRIMINAL JUSTICE FILES AND STRUCTURED INTERVIEWS WERE USED FOR
THE COLLECTION OF DATA. STUDY RESULTS WERE HELD TO BE VALID FOR THE
POPULATION OF PROBATION CASES IN MINNESOTA DURING THE TWELVE MONTHS,
JULY, 1973 THROUGH JUNE 30, 1974.
MAJOR FINDINGS WERE:
1. RESTITUTION WAS USED AS A CONDITION OF PROBATION IN NEARLY ONE-
FIFTH OF ALL PROBATION CASES.
2. RESTITUTION WAS USED MAINLY IN THE FORM OF FULL CASH RESTITUTION;
ADJUSTMENTS IN THE AMOUNT OF RESTITUTION BECAUSE OF THE OFFENDER'S
LIMITED ABILITY TO PAY WAS RELATIVELY RARE; SERVICE RESTITUTION WAS
ORDERED IN ONLY A FEW CASES.
3. THE MOST IMPORTANT FACTOR DETERMINING WHETHER AN OFFENDER WAS
ORDERED TO PAY RESTITUTION WAS PREDICTED ABILITY TO PAY AND THEREFORE,
MOST RESTITUTION CASES WERE WHITE, MIDDLE CLASS PERSONS.
4. FAILURE TO MAKE RESTITUTION WAS RELATED TO THE EXISTENCE OF A PRIOR
CRIMINAL RECORD.
5. MOST JUDGES AND PROBATION OFFICERS FAVORED THE USE OF RESTITUTION
AND BELIEVED THAT IT HAD REHABILITATIVE EFFECTS.
6. ONLY A MINORITY OF VICTIMS WERE SATISFIED WITH THE WAY RESTITUTION
HAD BEEN MADE.

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44.
CHESNEY, STEVEN L.
"RESTITUTION AND SOCIAL CONTROL,"--IN-HUDSON, J. AND B. GALAWAY, EDS.,
VICTIMS, OFFENDERS, AND ALTERNATIVE SANCTIONS, LEXINGTON: D.C. HEATH/
LEXINGTON BOOKS, 1980.
THE CENTRAL QUESTION ADDRESSED IN THIS STUDY IS WHETHER OFFENDERS
ORDERED TO MAKE RESTITUTION AS A CONDITION OF PROBATION FORM A DISTINCT
GROUP OR WHETHER THEY ARE SIMILAR TO EITHER THOSE ON STRAIGHT PROBATION
OR THOSE SENTENCED TO INCARCERATION. DATA WAS COLLECTED ON 383 DIS-
POSITIONS FROM THE FELONY (DISTRICT) COURTS IN 17 MINNESOTA COUNTIES.
THIS REPRESENTED ALL CASES IN WHICH A RESTITUTION ORDER WAS PRESENT AND
A RANDOM SELECTION OF ONE OUT OF EVERY OTHER FOUR DISPOSITIONS TO
EITHER STRAIGHT PROBATION OR INCARCERATION. ALL DATA WAS COLLECTED FROM
COURT RECORDS AND LOCAL PROBATION FILES. THE DISCRIMINANT ANALYSIS
TECHNIQUE WAS USED TO DISTINGUISH BETWEEN THE THREE GROUPS.
THE DISCRIMINANT ANALYSIS DID DERIVE FUNCTIONS DISCRIMINATING AMONG
PROBATION ONLY, RESTITUTION AND PROBATION, AND INCARCERATION CASES.
HOWEVER, NO CLEAN CUT DISTINCTIONS AMONG THE GROUPS WERE FOUND. OF
CASES IN THE RESTITUTION AND PROBATION GROUP, 40 WERE CORRECTLY
CLASSIFIED. THIRTY-THREE PERCENT OF THESE CASES WERE SIMILAR TO PRO-
BATION ONLY CASES AND OVER ONE-FOURTH OF THE CASES WERE MORE SIMILAR TO
INCARCERATION CASES. THE RESTITUTION ONLY GROUP WAS FOUND TO BE VERY
SIMILAR TO THE RESTITUTION AND PROBATION GROUP ON RACE, EMPLOYMENT,
AND SERIOUSNESS OF CONVICTED OFFENSE. THE RESTITUTION AND PROBATION
GROUP TENDED TO BE BETWEEN THE PROBATION ONLY GROUP AND THE INCARCERA-
TION GROUP ON THE NUMBER OF PREVIOUS FELONIES AND AGE. IN SHORT, THE
RESULTS SHOWED THAT THOSE SENTENCED TO MAKE RESTITUTION AS A CONDITION
OF PROBATION ARE MOST SIMILAR ON SOCIAL ECONOMIC STATUS TO THE PROBATION
ONLY GROUP.

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45.
CHESNEY, S., J. HUDSON AND J. MCLAGEN.
"A NEW LOOK AT RESTITUTION: RECENT LEGISLATION, PROGRAMS AND RESEARCH,"
JUDICATURE, 61:8, MARCH, 1978; PP. 348-357.
MAJOR DEVELOPMENTS IN LEGISLATION, PROGRAMS AND RESEARCH DEALING WITH
RESTITUTION ARE DESCRIBED. THREE CATEGORIES OF LAWS DEALING WITH
RESTITUTION ARE IDENTIFIED: RESTITUTION AS A COMPONENT OF THE ROUTINE
SENTENCING OF ADULTS, RESTITUTION AS A SPECIFIC CONDITION FOR THE DIS-
POSITION OF JUVENILES, RESTITUTION AS A GOAL TO BE ACHIEVED THROUGH
SPECIAL CORRECTIONS PROGRAMS. FIFTY-FOUR RESTITUTION PROJECTS OR
PROGRAMS ARE DESCRIBED. THE LARGEST PROPORTION OF PROGRAMS ARE NON-
RESIDENTIAL; SERVE PRIMARILY ADULT OFFENDERS; ARE OPERATED LARGELY BY
STATE-LEVEL AGENCIES. RESEARCH COMPLETED ON RESTITUTION IS DESCRIBED
AND SUMMARIZED ACCORDING TO THREE CATEGORIES: DESCRIBING THE MANNER AND
EXTENT TO WHICH RESTITUTION IS BEING USED; DETERMINING ATTITUDES
TOWARD THE PRACTICE, OR EVALUATING THE RELATIVE EFFECTIVENESS OF
RESTITUTION PROGRAMS.

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46.

CIALLELLA, JEAN A.

"A MANAGEMENT STUDY OF ALTERNATIVE ASSIGNMENT PROJECT 20," SAN FRANCISCO: JEFFERSON ASSOCIATES, INC., UNDATED.

THE AIM OF THIS STUDY WAS TO ASSESS THE OPERATIONS AND IMPACT OF PROJECT 20 AS THIS INVOLVED EXAMINING THE COST EFFECTIVENESS OF THE PROGRAM AND BENEFITS TO THE CRIMINAL JUSTICE SYSTEM. THE PROJECT IS AIMED AT LOW INCOME PERSONS WHO ARE UNABLE TO PAY FINES AND, AS A RESULT, WERE COMMONLY PLACED IN JAIL. THE PROJECT IS AN ALTERNATIVE FOR THE COURTS FOR SUCH CASES. OFFENDERS ARE REFERRED TO COMMUNITY SERVICE AGENCIES WITHIN THE CITY AND COUNTY OF SAN FRANCISCO. THE PROJECT BEGAN IN JUNE, 1973 AND HAS CONTINUED UNDER THE COUNTY PROBATION DEPARTMENT.

DATA WAS COLLECTED FROM PROJECT FILES AND CRIMINAL JUSTICE SYSTEM RECORDS. A SAMPLE OF PERSONS HAVING HAD CONTACT AND KNOWLEDGE ABOUT THE PROJECT WERE ALSO INTERVIEWED AS THESE INCLUDED PROBATION OFFICERS, JUDGES, CLERKS OF COURT, AS WELL AS OFFENDERS ASSIGNED TO THE PROJECT. MAJOR FINDINGS WERE:

1. A TOTAL OF 249 CASES WERE REFERRED TO THE PROJECT FROM THE COURTS DURING THE PERIOD OCTOBER - DECEMBER, 1975, AND A TOTAL OF 474 CASES WERE REFERRED DURING THE PERIOD APRIL - JUNE, 1977.
2. A SUCCESS RATE OF 73 PERCENT WAS ACHIEVED FOR THE PERIOD JULY 1, 1976 - JUNE 30, 1977. INCLUDED IN THIS SUCCESS RATE ARE PERSONS WHO DECIDED TO PAY THE BALANCE OF THE FINE RATHER THAN COMPLETE THEIR WORK ASSIGNMENT.
3. THE LARGEST PROPORTION OF OFFENDERS ASSIGNED TO THE PROJECT DURING APRIL - JUNE, 1977 WERE REFERRED ON THE BASIS OF TRAFFIC INFRACTIONS.

47.

CLARK, DONALD E.

"COMMUNITY SERVICE: A REALISTIC ALTERNATIVE FOR SENTENCING," FBI LAW ENFORCEMENT BULLETIN, MARCH, 1976, PP. 3-7.

DESCRIBES THE HISTORY AND CURRENT OPERATIONS OF THE MULTNOMAH COUNTY, ALTERNATIVE COMMUNITY SERVICE PROGRAM. THE PROGRAM BEGAN IN 1972 WITHIN THE MISDEMEANOR COURT. IT WAS DESIGNED AS A COMMUNITY SERVICE WORK ALTERNATIVE FOR FIRST OFFENSE MISDEMEANANTS. DEFENDANTS CHOOSE TO PARTICIPATE IN THE PROGRAM EITHER AS AN ALTERNATIVE TO MORE TRADITIONAL SANCTIONS (FINES) OR AS A SUPPLEMENT TO SUCH SANCTIONS. AS A RESULT OF THE PROGRAM, DECREASED CASELOADS HAVE OCCURRED IN PROBATION. BETWEEN DECEMBER, 1972, AND OCTOBER, 1975, OVER 4,900 OFFENDERS HAD BEEN REFERRED TO THE PROJECT. APPROXIMATELY 150 AGENCIES ARE INVOLVED IN RECEIVING REFERRALS AND THE SUCCESS RATE OF COMPLETIONS HAS BEEN 80 PERCENT, REPRESENTING OVER 115,000 VOLUNTEER HOURS COMPLETED.

48.

CLEMENTS, H. M.; G.F. SMITH; R.L. SAUNDERS; W.B. MCGILL.

"CORRECTIONAL INDUSTRIES," PROCEEDINGS OF THE AMERICAN CORRECTIONAL ASSOCIATION, ANNUAL CONGRESS OF CORRECTIONS, HUSTON, TEXAS, AUGUST 18-22, 1974.

A GROUP OF TALKS GIVEN AT THE 1974 AMERICAN CONGRESS OF CORRECTIONS, DEALING WITH A CORRECTIONAL INDUSTRIES' FEASIBILITY STUDY, THE LEGAL ASPECTS OF THE STUDY, AND ITS MARKETING RESEARCH PHASE. THE GOAL OF CORRECTIONAL INDUSTRIES IS SEEN AS HELPING TO REDUCE THE COST OF INCARCERATION AND PRODUCING A LAW ABIDING, TAXPAYING CITIZEN UPON RELEASE. IT IS EXPECTED THAT IF INMATES ARE GIVEN AN OPPORTUNITY TO EARN FAIR WAGES WHILE CONFINED, THEY LATER WILL BE ABLE TO ASSUME RESPONSIBILITY FOR SUPPORT OF THEMSELVES AND THEIR DEPENDENTS, PAY TAXES, AND POSSIBLY MAKE RESTITUTION FOR THEIR CRIMES. HOWEVER, CORRECTIONAL INDUSTRIES TYPICALLY HAVE A RAPID TURNOVER OF THEIR WORK FORCE, WITH LITTLE INCENTIVE FOR QUALITY PERFORMANCE, AND GENERALLY CANNOT USE THE MOST EFFECTIVE AND EFFICIENT PRODUCTION METHODS. THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS HAS OBTAINED AN LEAA GRANT FOR A FEASIBILITY STUDY. THE GOAL IS TO DEVELOP DETAILED IMPLEMENTATION PLANS FOR CORRECTIONAL INDUSTRIES THAT WILL PROVIDE INMATES WITH FAIR WAGES FOR THEIR WORK; ON THE JOB EXPERIENCE IN A MODERN, EFFICIENT INDUSTRIAL OR SERVICE OPERATION; AND MEANINGFUL VOCATIONAL TRAINING. THE PROJECT DIRECTORS VIEW IT FROM AN ECONOMIC STANDPOINT AND BELIEVE THAT REHABILITATION WILL BE A NATURAL BY-PRODUCT. QUESTIONS WHICH ARISE CONCERN INMATE MEMBERSHIP IN UNIONS, ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION, AND THE LEGALITY OF REQUIRING VICTIM RESTITUTION OUT OF WAGES. THE CONTRACTOR SELECTED TO CONDUCT THE STUDY BELIEVES THAT THE PROJECT CAN WORK BEST WITH PRIVATE INDUSTRY AND RECOMMENDS A SYSTEM OF INCENTIVES TO ENCOURAGE LOCAL AND INDUSTRIAL PARTICIPATION. (NCJRS)

49.

COHEN, IRVING E.

"THE INTEGRATION OF RESTITUTION IN THE PROBATION SERVICES," -IN-HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.

RESTITUTION IS SEEN AS A USEFUL AND BENEFICIAL PROBATION TOOL AIDING IN THE DEVELOPMENT OF A WORKING RELATIONSHIP BETWEEN THE PROBATION OFFICER AND THE PROBATIONER AS WELL AS IN TERMS OF THE REHABILITATIVE EFFECTS UPON THE PROBATIONER. CASE EXAMPLES ARE PROVIDED. A SUGGESTION IS OFFERED FOR THE USE OF RESTITUTION AS A CONDITION OF PAROLE; FOR BOTH PROBATION AND PAROLE WORK, RESTITUTION IS PROPOSED AS A PART OF A CASEWORK PROGRAM.

50.

COKER, J. B.

"COMMUNITY SERVICE IN HAMPSHIRE (ENGLAND)," JOURNAL OF OFFENDER THERAPY AND COMPARATIVE CRIMINOLOGY, 21:2, 1977, PP. 114-123.

DESCRIBES THE HISTORY AND OPERATIONS OF THE COMMUNITY SERVICE PROGRAM IN HAMPSHIRE. EIGHT PRINCIPLES FOR THE OPERATION OF THE PROGRAM ARE IDENTIFIED, INCLUDING: IT SHOULD ONLY BE MADE AVAILABLE FOR OFFENDERS WHO WOULD OTHERWISE BE GIVEN A CUSTODIAL SENTENCE; THE OFFENDER SHOULD BE INVOLVED IN SELECTING THE SANCTION; THE OFFENDER'S PRESENT INTENTIONS AND MOTIVATIONS SHOULD BE GIVEN MORE WEIGHT AND PRIORITY THAN PAST BEHAVIOR; THE GOOD INTENTIONS OF THE OFFENDER SHOULD BE REINFORCED; THE WORK SHOULD NOT BE REGARDED AS "SLAVE LABOR"; THE OFFENDER SHOULD BE TRUSTED AS A RESPONSIBLE PERSON; THE SENTENCE SHOULD BE SEEN AS REPARATIVE AND NOT AS TREATMENT; THE SUCCESS OF THE PROGRAM SHOULD BE JUDGED PRIMARILY BY SATISFACTORY COMPLETION OF THE SENTENCE.

51.
COVEY, JOAN M.
"ALTERNATIVES TO A COMPENSATION PLAN FOR VICTIMS OF PHYSICAL VIOLENCE,"-IN- HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.

REVIEWS POTENTIAL REMEDIES AVAILABLE TO THE VICTIM OF CRIME, INCLUDING MUNICIPAL LIABILITY STEMING FROM THE FAILURE OF GOVERNMENT TO ACT AND WRONGDOER LIABILITY OPERATIONALIZED EITHER THROUGH CIVIL SUITS OR PENAL FINES. THE USE OF THE ADHESIVE PRINCIPLE IN CONTINENTAL LAW SYSTEMS IS NOTED AS THIS INVOLVES A PROCEDURE PROVIDING FOR THE JOINDER OF THE VICTIM'S CIVIL CASE AND THE CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT. THE CONCLUSION IS REACHED THAT A STATE COMPENSATION SCHEME IS PROBABLY THE MOST EQUITABLE AND WORKABLE FORM OF REDRESS FOR VICTIMS OF CRIMINAL VIOLENCE.

52.
CREATIVE ALTERNATIVES TO PRISON.
"TRIAL JUDGES" CONFERENCE, SPONSORED BY CREATIVE ALTERNATIVES TO PRISON, SUB-COMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE OF THE COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, WASHINGTON, D.C.: U. S. GOVERNMENT PRINTING OFFICE, 1978.

ON OCTOBER 14, 1978, CREATIVE ALTERNATIVES TO PRISON SPONSORED A CONFERENCE ON ALTERNATIVE SENTENCING. THE CONFEREES CONSISTED OF A GROUP OF TWENTY TRIAL JUDGES FROM ACROSS THE COUNTRY AS WELL AS GREAT BRITAIN, FRANCE, AND CANADA. ALSO PARTICIPATING WERE MEMBERS OF BOTH HOUSES OF CONGRESS, THE WHITE HOUSE, AND THE DEPARTMENT OF JUSTICE. THE PURPOSE OF THE CONFERENCE WAS TO DEMONSTRATE THE FACT THAT THERE WAS A GROWING MOVEMENT WITHIN THE CRIMINAL JUSTICE FIELD TO PUT ASIDE TRADITIONAL FORMS OF PUNISHMENT IN FAVOR OF POSITIVE AND CONSTRUCTIVE ALTERNATIVE SENTENCES. CREATIVE SENTENCING IS EMERGING BECAUSE IT OFFERS RETRIBUTION TO THE VICTIM, POSSIBLE REHABILITATION OF THE OFFENDER, AND SAVINGS TO THE TAXPAYER. THE EVER RISING COSTS OF PRISONS AND DEVELOPING THEORY THAT THERE MUST BE A BETTER WAY TO DEAL WITH LAW AND ORDER ISSUES IS FERTILE GROUND FOR LEGISLATIVE ATTENTION. THE TRANSCRIPT OF THE PROCEEDINGS PRESENTS THE VIEWS OF A WIDE VARIETY OF JUDGES FROM ACROSS THE COUNTRY CONCERNING THE USE OF COMMUNITY SERVICE WORK ORDERS.

53.
CROMER, G.
"DOING HOURS INSTEAD OF TIME: COMMUNITY SERVICE AS AN ALTERNATIVE TO IMPRISONMENT," OFFENDER REHABILITATION, 1:2, WINTER, 1976-77, PP. 143-146.
DESCRIBES THE STATUTORY BASIS, RATIONALE, AND CURRENT STATUS OF THE BRITISH COMMUNITY SERVICE PROGRAM.

54.
DAGGER, RICHARD.
"RESTITUTION, PUNISHMENT, AND DEBTS TO SOCIETY,"-IN- HUDSON, J. AND B. GALAWAY, EDS., VICTIMS, OFFENDERS, AND ALTERNATIVE SANCTIONS, LEXINGTON: D. C. HEATH/LEXINGTON BOOKS, 1980.
AUTHOR PROVIDES A CONTRASTING VIEW TO THAT OF RANDY BARNETT'S IN "RESTITUTION: A NEW PARADIGM OF CRIMINAL JUSTICE" (IN BARNETT AND JOHN HAGEL, EDS., ASSESSING THE CRIMINAL, CAMBRIDGE: BALLINGER, 1977, PP. 349-383). AUTHOR DISAGREES WITH BARNETT'S PROPOSAL TO REPLACE "THE PARADIGM OF PUNISHMENT" WITH ONE WHICH TAKES RESTITUTION TO VICTIMS RATHER THAN PUNISHMENT OF CRIMINALS AS ITS CENTRAL GOAL. WHILE BARNETT'S PROPOSAL VIEWS CRIME AS AN OFFENSE BY ONE INDIVIDUAL AGAINST ANOTHER, AUTHOR CONTENDS CRIMINAL OFFENSES SHOULD ALSO BE CONSIDERED ACTS AGAINST SOCIETY. THE CONCEPT OF RESTITUTION IS NOT INCOMPATIBLE WITH THE LATER VIEWPOINT, BUT RESTITUTION WOULD BE REGARDED AS A FORM OF PUNISHMENT.

55.
DEL VECCHIO, GIORGIO.
"THE PROBLEM OF PENAL JUSTICE,"-IN- HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.
TRACES THE PHILOSOPHICAL ROOTS OF PENAL JUSTICE AND SUGGESTS THAT CRIME IS NOT ONLY AN INDIVIDUAL ACT WHICH THE OFFENDER SHOULD BE RESPONSIBLE FOR REPAIRING BUT IT IS ALSO A SOCIAL ACT REQUIRING DIRECT REPARATION BY THE OFFENDER OF THE DAMAGE DONE.

56.
DEMING, ROMAINE R.
"CORRECTIONAL RESTITUTION: A STRATEGY FOR CORRECTIONAL CONFLICT MANAGEMENT," FEDERAL PROBATION, 40:3, SEPTEMBER, 1976, PP. 27-32.
DRAWS FROM THE THEORETICAL WORK OF STEVEN SCHAFFER WHO JUSTIFIED THE USE OF RESTITUTION AND SUGGESTS A PROCESS OF DEFINING THE PATHS OF CORRECTIONAL STRATEGY THAT MIGHT BE USED TO BRING OFFENDERS AND VICTIMS TOGETHER TO IMPLEMENT CORRECTIONAL RESTITUTION. CRIME IS SEEN AS A CONFLICT; A CONFLICT TYPOLOGY IS DEVELOPED AND USED TO CATEGORIZE ADULT OFFENDERS IN THE RHODE ISLAND STATE PRISON. THE MAJORITY OF FELONS ARE CATEGORIZED AS SPECIFIC CRIMINAL CONFLICTS--NON INTERFACIAL (CRIMES SUCH AS BURGLARY, LARCENY, SHOPLIFTING) WHICH ARE SEEN AS VERY APPROPRIATE FOR CORRECTIONAL RESTITUTION. SUGGESTS THAT ONE OF THE TASKS OF THE CRIMINAL JUSTICE SYSTEM IS TO MANAGE (RATHER THAN RESOLVE) CONFLICT AND CORRECTIONAL RESTITUTION IS SEEN AS ONE WAY TO ACCOMPLISH THIS.

57.
DOCKAR-DRYSDALE, P.
"SOME ASPECTS OF DAMAGE AND RESTITUTION," BRITISH JOURNAL OF DELINQUENCY, JULY, 1953, PP. 4-13.
FROM A PSYCHOANALYTIC PERSPECTIVE, DISCUSSES THE USE OF RESTITUTION IN A RESIDENTIAL TREATMENT CENTER FOR AGGRESSIVE, DISTURBED CHILDREN, AGED 5 - 12. THE CHILDREN'S NEED TO ATTACK THINGS IS DISCUSSED, CHILDREN WHO DO DAMAGE STRIVE CONSCIOUSLY OR UNCONSCIOUSLY TO MAKE RESTITUTION BUT THERE IS A WIDE DIFFERENCE BETWEEN ENFORCING RESTITUTION AND MAKING AVAILABLE THE MEANS FOR SPONTANEOUS RESTITUTION. THE LATTER IS FELT TO BE OF MOST THERAPEUTIC HELP TO THE DISTURBED CHILD.

58.

DODGE, DOUG.

"RESTITUTION BY JUVENILE OFFENDERS: AN ALTERNATIVE TO INCARCERATION," PAPER PRESENTED AT THIRD SYMPOSIUM ON RESTITUTION, DULUTH, MINNESOTA, SEPTEMBER 27-28, 1979.

DESCRIBES THE NATIONAL FUNDING INITIATIVE BY THE OFFICE OF JUVENILE JUSTICE IN RESTITUTION; THE AIMS, IMPLEMENTATION PROBLEMS, RESEARCH APPROACH, AND CURRENT STATUS OF THIS INITIATIVE IS PRESENTED.

59.

DUFFY, JOE AND JEFF WELCH.

"RESTITUTION REPORT," DELAWARE CRIMINAL JUSTICE PLANNING COMMISSION, SEPTEMBER, 1978.

LEGISLATIVE PROVISIONS IN DELAWARE ALLOW FOR THE USE OF RESTITUTION IN CONJUNCTION WITH A SENTENCE. THE PURPOSE OF THIS STUDY WAS TO ASSESS THE EXTENT TO WHICH RESTITUTION IS BEING USED BY THE SUPERIOR COURTS IN THE STATE AND TO DETERMINE THE ADEQUACY OF THE COLLECTION MECHANISMS EXISTING IN THAT STATE.

THE STUDY DESIGN INVOLVED TAKING A SIX MONTH SAMPLE OF CRIMINAL CHARGES DISPOSED OF BY THE SUPERIOR COURTS DURING JANUARY TO JUNE, 1976. IN ADDITION, A SAMPLE OF 32 PROBATIONERS ORDERED TO MAKE RESTITUTION DURING THIS TIME PERIOD WERE FOLLOWED SO AS TO OBTAIN INFORMATION ON PAYMENTS. DATA WAS COLLECTED FROM OFFICIAL COURT AND PROBATION DEPARTMENT FILES.

MAJOR FINDINGS WERE:

1. DURING THE FIRST SIX MONTHS OF 1976, A TOTAL OF 1,700 CHARGES WERE DISPOSED OF IN THE STATE INVOLVING 1,100 INDIVIDUALS; OF THAT TOTAL NUMBER, APPROXIMATELY 600 CHARGES INVOLVED PROPERTY OFFENSES.
2. OF THE TOTAL NUMBER OF CHARGES, 81 INVOLVED AN ORDER TO MAKE RESTITUTION AND THIS INVOLVED A TOTAL OF 76 OFFENDERS. RESTITUTION WAS THEREFORE ORDERED IN SLIGHTLY OVER 4% OF THE TOTAL CHARGES DISPOSED OF DURING THE SIX MONTH SAMPLE PERIOD. CONSIDERING ONLY PROPERTY OFFENSES, APPROXIMATELY 10% OF THE CHARGES RECEIVED A DISPOSITION INVOLVING RESTITUTION.
3. FOLLOWING 32 PROBATIONERS ORDERED TO PAY RESTITUTION FOR A 19 MONTH PERIOD, IT WAS FOUND THAT APPROXIMATELY 9% OF THE ORDERED RESTITUTION HAD BEEN PAID; THE AVERAGE PAYMENT PER MONTH WAS SLIGHTLY OVER \$3.00 PER OFFENDER.
4. SEVERAL PROBLEMS WERE IDENTIFIED, INCLUDING THE INADEQUATE MECHANISMS USED BY PROBATION OFFICERS FOR COLLECTION AND THE UNEMPLOYMENT OF OFFENDERS.

60.

EDELHERTZ, HERBERT.

"LEGAL AND OPERATIONAL ISSUES IN THE IMPLEMENTATION OF RESTITUTION WITHIN THE CRIMINAL JUSTICE SYSTEM," -IN-HUDSON, J. AND BURT GALAWAY, EDS., RESTITUTION IN CRIMINAL JUSTICE, LEXINGTON: D. C. HEATH, 1977.

DISCUSSES OPERATIONAL ISSUES IN USING RESTITUTION AND THE VARIETY OF LEGAL ISSUES THAT FLOW FROM THEM AT DIFFERENT POINTS IN THE CRIMINAL JUSTICE SYSTEM.

61.

EDELHERTZ, H.; D. SCHRAM; M. WALSH; P. LINES.

"RESTITUTIVE JUSTICE: A GENERAL SURVEY AND ANALYSIS," SEATTLE: BATTELLE HUMAN AFFAIRS RESEARCH CENTERS, JANUARY, 1975.

THIS REPORT EXPLORES AND HIGHLIGHTS MAJOR ISSUES, PROBLEMS, AND PROSPECTS RELATING TO THE CONCEPT OF RESTITUTION AND ITS OPERATIONAL IMPLEMENTATION. IT BROADLY EXAMINES RESTITUTIVE JUSTICE FROM FOUR PERSPECTIVES: THE HISTORICAL, THE THEORETICAL, THE LEGAL, AND OPERATIONAL. THIS LAST AREA OF EXAMINATION IS BASED ON THE RESULTS OF A SURVEY OF STATE PLANNING AGENCIES FOR INFORMATION ON OPERATIONAL OR PROPOSED PROGRAMS. HIGHLIGHTED ARE PROGRAMS IN EAST PALO ALTO, CALIFORNIA; SOUTH DAKOTA; TUCSON; PHILADELPHIA; GEORGIA; MINNESOTA; AND SOUTH CAROLINA. SPECIFIC PROBLEMS WITH THE RESTITUTION CONCEPT ARE ANALYZED TO SET FORTH THE DILEMMA PRESENTED AND TO INDICATE ITS POTENTIAL IMPACT ON PROPOSED OR OPERATIONAL RESTITUTION PROGRAMS. THESE INCLUDE THE SELECTION OF CRIMES APPROPRIATE FOR RESTITUTION, SENTENCING IMPLICATIONS, INTERACTION BETWEEN VICTIMS AND OFFENDERS, AND THE RELATIONSHIP OF RESTITUTION AND COMPENSATION. A RESEARCH MODEL FOR FUTURE STUDY FOR THE DESIGN OF CONTROLLED ACTION PROGRAMS IS ALSO RECOMMENDED. (NCJRS)

62.

EDMONDS, DOROTHY J.

"THE CIGARETTE MACHINE WIPE-OUT: A CASE STUDY OF THIRD PARTY INTERVENTION," UNPUBLISHED PAPER, CONRAD GREBEL COLLEGE, 1976.

A CASE STUDY OF THREE YOUTH WHO DESTROYED A CIGARETTE VENDING MACHINE, APPEARED IN COURT AND WERE REFERRED TO THE VICTIM/OFFENDER RECONCILIATION PROJECT. DESCRIBES THE MEETING BETWEEN THE OFFENDERS AND THE VICTIM, THE AGREED-UPON RESTITUTION AND THE SATISFACTORY RESOLUTION OF THE OFFENSE.

63.

EGLASH, ALBERT.

"CREATIVE RESTITUTION," JOURNAL OF CRIMINAL LAW, CRIMINOLOGY, AND POLICE SCIENCE, 48:6, MARCH/APRIL, 1958, PP. 619-622.

DISTINGUISHES RESTITUTION FROM REPARATION AND PUNISHMENT. RESTITUTION IS SEEN AS ANY CONSTRUCTIVE ACT THAT IS CREATIVE AND UNLIMITED, IT IS GUIDED, SELF-DETERMINED BEHAVIOR, AND MAY HAVE A GROUP BASIS. REPARATION IS SEEN AS MERE MANDATORY AND RESTORING THE VICTIM TO HIS OR HER FORMER POSITION COMPARED WITH THE MORE VOLUNTARY, UNLIMITED ASPECT OF RESTITUTION. RESTITUTION GOES BEYOND REPARATION BUT BOTH ARE GOOD THERAPEUTIC PROCEDURES.

64.
EGLASH, ALBERT.
"CREATIVE RESTITUTION: SOME SUGGESTIONS FOR PRISON REHABILITATION PROGRAMS," AMERICAN JOURNAL OF CORRECTIONS, 20:6, NOVEMBER/DECEMBER, 1958, PP. 20-34.
DEFINES CREATIVE RESTITUTION AS "A REHABILITATIVE TECHNIQUE IN WHICH AN OFFENDER, UNDER APPROPRIATE SUPERVISION, IS HELPED TO FIND SOME WAY TO MAKE AMENDS TO THOSE HE HAS HURT BY HIS OFFENSE AND TO "WALK A SECOND MILE" BY HELPING OTHER OFFENDERS." SUGGESTS FIVE CHARACTERISTICS OF THE RESTITUTIVE ACT; SUGGESTS CREATIVE RESTITUTION CAN BE USED AS A VEHICLE FOR IMPROVED INTERPERSONAL COMMUNICATION (AMONG OFFENDERS, BETWEEN OFFENDERS AND VICTIMS, AND BETWEEN OFFENDERS AND CORRECTIONS STAFF) AND FORMULATES A SERIES OF PROVOCATIVE QUESTIONS CONCERNING RESTITUTION.

65.
EGLASH, ALBERT.
"CREATIVE RESTITUTION: ITS ROOTS IN PSYCHIATRY, RELIGION AND LAW," BRITISH JOURNAL OF DELINQUENCY, VOL. 10, MAY, 1969, PP. 114-119.
DESCRIBES THE VARIOUS USAGES OF RESTITUTION IN THE DISCIPLINES OF PSYCHOANALYSIS, RELIGION, AND LAW SO AS TO SHOW THE RELATIONSHIP OF THESE USAGES TO CREATIVE RESTITUTION AS A TECHNIQUE IN REHABILITATION. GUIDED RESTITUTION INCLUDES THE ELEMENTS OF: AN ACT OF AN EFFORTFUL ROLE BY THE OFFENDER; THE EFFORT IS A CONSTRUCTIVE ONE THAT IS RELATED TO THE OFFENSE; THE REPARATIVE ACT GOES BEYOND THE SIMPLE REPAIR; ENCOURAGES INTERPERSONAL RELATIONS BETWEEN OFFENDERS AND THE SUPERVISING AUTHORITY AS WELL AS BETWEEN THE OFFENDER AND THE VICTIM AND BETWEEN OFFENDERS THEMSELVES.

66.
EGLASH, ALBERT AND E. PAPANEK.
"CREATIVE RESTITUTION: A CORRECTIONAL TECHNIQUE AND A THEORY," JOURNAL OF INDIVIDUAL PSYCHOLOGY, 1959, PP. 226-232.
CREATIVE RESTITUTION IS DEFINED AS PROVIDING APPROPRIATE SUPERVISION SO AS TO HELP THE OFFENDER FIND A WAY TO MAKE AMENDS TO THOSE HE HAS HURT, MAKING GOOD THE DAMAGE OR HARM CAUSED, AND GOING A "SECOND MILE" WHENEVER POSSIBLE. WHILE CREATIVE RESTITUTION IS DISTINCT FROM THE USUAL REPARATION OR INDEMNITY, IT CONTAINS NO ELEMENTS ACTUALLY NEW TO CORRECTIONAL WORK. THE INNOVATION OF CREATIVE RESTITUTION SEEMS TO BE THAT IT TAKES FAMILIAR ELEMENTS AND COMBINES THEM INTO A NEW GESTALT. THE VARIOUS ASPECTS OF THE TECHNIQUE OF CREATIVE RESTITUTION ARE DESCRIBED AND ILLUSTRATED, PARTICULARLY IN REFERENCE TO ADLERIAN THEORY.

67.
EGLASH, ALBERT.
"CREATIVE RESTITUTION: A BROADER MEANING FOR AN OLD TERM,"--IN--HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.
EMPHASIS IS PLACED ON THE VOLUNTARY NATURE OF MAKING AMENDS FOR DAMAGES DONE AS WELL AS ON THE REHABILITATIVE EFFECTS OF SUCH A PROCESS. THE ROLE OF THE PROBATION OFFICER IS SEEN AS ONE OF TEACHING OR GUIDING THE OFFENDER IN THE PROCESS OF MAKING RESTITUTION. THE SELF-HELP NATURE OF MAKING RESTITUTION IS EMPHASIZED.

68.
EGLASH, ALBERT.
"BEYOND RESTITUTION--CREATIVE RESTITUTION,"--IN--HUDSON, J. AND BURT GALAWAY, EDS., RESTITUTION IN CRIMINAL JUSTICE, LEXINGTON: D. C. HEATH, 1977.
DESCRIBES THE CENTRAL INGREDIENTS OF "CREATIVE RESTITUTION" AND PROVIDES CASE EXAMPLES.

69.
FAUTSKO, TIMOTHY F. AND RUTH WEDDEN.
"RECOMMENDATIONS FOR DEVELOPING COURT REFERRAL PROJECT USING MISDEMEANANTS AS COMMUNITY VOLUNTEERS--ALACHUA COUNTY, FLORIDA," WASHINGTON, D.C.: AMERICAN UNIVERSITY LAW SCHOOL, 1974.
THE NEED TO INSTILL IN A CLIENT A FEELING OF RESPONSIBILITY FOR HIS/HER ACTIONS THROUGH SERVICE TO THE COMMUNITY IS RECOGNIZED. FEMALE SHOP-LIFTERS WERE TO BE THE PRIMARY RECIPIENT OF THE PROPOSED PROGRAM. THE DEFENDANT'S ADJUDICATION WOULD BE WITHHELD, AND THE TRIAL DATE SET UPON SUCCESSFUL COMPLETION OF THE COMMUNITY CONTRACT. AT THE PRELIMINARY HEARING THE JUDGE WOULD DETERMINE THE LENGTH OF TIME AND THE TYPE OF AREA TO BE WORKED, SUCH AS IN A HOSPITAL EMERGENCY ROOM FOR THE CARELESS DRIVER. VOLUNTEER COORDINATORS WOULD BE APPOINTED TO COORDINATE THE VOLUNTEER WORKERS.
ALSO INCLUDED IS AN APPENDICES OF SAMPLE PROGRAM GUIDELINES, FORMS, GRANT PROPOSALS, PROGRAM DESCRIPTIONS AND A SUGGESTED BIBLIOGRAPHY.

70.
FEENEY, T. G.
"PITY THE CRIMINAL LESS, MORE HIS INNOCENT VICTIM," CANADIAN SOCIETY OF FORENSIC SCIENCE JOURNAL, 6:1, MARCH, 1973, PP. 11-18.
SUGGESTS THAT A BETTER MEANS OF PROVIDING COMPENSATION TO VICTIMS OF CRIMES IS COMPELLING THE CRIMINALS TO ASSUME RESPONSIBILITY FOR THE CRIME. THIS CANADIAN LEGAL SCHOLAR RECOMMENDS THAT A BETTER SYSTEM OF VICTIM RESTITUTION COULD AID IN THE DUAL PURPOSE OF CRIMINAL LAW--DETERRENCE AND REHABILITATION. THE AUTHOR SUGGESTS THAT IF CRIMINALS WERE FORCED TO REPAY VICTIMS, CRIMES WOULD BE LESS PROFITABLE AND THEREFORE BE DETERRED, AND THAT COMPENSATING VICTIMS COULD HAVE A REHABILITATIVE EFFECT ON THE OFFENDER. NOTES THAT IN SEVERAL EUROPEAN SYSTEMS, THE VICTIMS OF CRIME APPEAR AT THE CRIMINAL TRIAL AS A PARTIE CIVIL AND MAY PARTICIPATE IN THE TRIAL TO ESTABLISH THE EXTENT OF DAMAGES AND AMOUNT OF RESTITUTION. NOTES THAT THIS AVOIDS THE COSTLY PROCEDURE OF A SECOND TRIAL IN THE CIVIL COURTS TO ESTABLISH DAMAGES. (NCJRS)

71.
FEINMAN, HOWARD F.
"LEGAL ISSUES IN THE OPERATION OF RESTITUTION PROGRAMS IN A JUVENILE COURT,"--IN--HUDSON, J. AND B. GALAWAY, EDS., VICTIMS, OFFENDERS, AND ALTERNATIVE SANCTIONS, LEXINGTON: D.C. HEATH/LEXINGTON BOOKS, 1980.
EXAMINES THE LOGICAL AND CONSTITUTIONAL PROBLEMS POSED BY DIFFERENT METHODS OF ORDERING RESTITUTION AND THE LEGAL ISSUES THAT ARISE IN THE OPERATION OF RESTITUTION PROGRAMS AT THE LEVEL OF THE JUVENILE COURT.

72.

FINCKENAUER, JAMES O.

"THEORY AND PRACTICE IN SENTENCING THE POLITICAL CRIMINAL: A COMMENT,"
CRIMINAL LAW BULLETIN, 10:8, OCTOBER, 1974, PP. 737-748.
HOLDS THAT POLITICAL OFFENDERS OF THE WATERGATE TYPE SHOULD BE SENTENC-
ED TO COMMUNITY SERVICE POSITIONS WHICH WOULD MAKE USE OF THEIR
OCCUPATIONAL TALENTS. IT IS MAINTAINED THAT THE PERSONAL CHARACTER-
TICS OF THE CORRECTIONAL PROGRAM SHOULD DETERMINE THE PURPOSES OF A
CRIMINAL SENTENCE. SUPERVISED RELEASE TO THE COMMUNITY WITH A CONDITION
OF EMPLOYMENT IN PUBLIC SERVICE IS CONSIDERED TO TAKE FULL ADVANTAGE OF
THE UNIQUE CHARACTERISTICS OF POLITICAL OFFENDERS. (NCJRS)

73.

FLEGG, MRS. D; MS. B. COLEMAN; MS. J. ELLIS; R. J. HIGGINSON;
"NOTTINGHAMSHIRE CONSUMER SURVEY--1973-1976," UNPUBLISHED.

THE MAJOR AIMS OF THIS STUDY WERE TO OBTAIN THE OFFENDER'S PERCEPTION
OF HIS COMMUNITY SERVICE WORK, TO DETERMINE ANY PRACTICAL OF FAMILY
PROBLEMS WHICH AROSE AS THE RESULT OF THIS WORK, TO ASSESS THE
OFFENDER'S PERCEPTION OF THE COMMUNITY SERVICE ORDER RELATIVE TO OTHER
ALTERNATIVE SENTENCES SUCH AS PROBATION OR FINES, AND TO ASSESS WHAT
DIFFERENCE THE COMMUNITY SERVICE ORDER MADE TO THE OFFENDER'S OUTLOOK
AND PARTICULARLY IN TERMS OF CONTINUING ON WITH THE WORK ON A VOLUNTARY
BASIS.

NOTTINGHAMSHIRE WAS ONE OF THE EXPERIMENTAL AREAS FOR THE COMMUNITY
SERVICE SCHEME AS ORIGINALLY IMPLEMENTED IN ENGLAND IN 1972.

A BRIEF INTERVIEW SCHEDULE WAS DEVELOPED AND RELATIVELY UNSTRUCTURED
INTERVIEWS COMPLETED WITH THE FIRST 100 OFFENDERS COMPLETING THE COM-
MUNITY SERVICE SCHEME IN THE TARGET AREA. TWENTY-SIX QUESTIONS WERE
LISTED.

AMONG THE MAJOR FINDINGS WERE:

1. THE MAJORITY OF OFFENDERS APPRECIATED THE ATTEMPT MADE TO MATCH
AVAILABLE TASKS WITH THEIR OWN PREFERENCES;
2. THE VASE MAJORITY OF OFFENDERS BELIEVED THAT THEY WOULD HAVE RECEIV-
ED A CUSTODIAL SENTENCE IN THE ABSENCE OF THE COMMUNITY SERVICE SCHEME;
3. THE VAST MAJORITY OF OFFENDERS FELT THAT COMMUNITY SERVICE WAS A
BETTER SANCTION THAN BEING FINED OR BEING PLACED ON PROBATION;
4. THE VAST MAJORITY OF OFFENDERS BELIEVED THAT COMMUNITY SERVICE HAD
CAUSED NO DIFFICULTIES OF A PRACTICAL OR FAMILY TYPE;
5. MOST OF THE RESPONDENTS HAD NO DIFFICULTY EXPLAINING WHAT THEY WERE
DOING TO FAMILY MEMBERS OR FRIENDS AND FELT NO SENSE OF STIGMA FROM
DOING COMMUNITY SERVICE WORK;
6. VERY FEW NEGATIVE EXPERIENCES WERE REPORTED BY RESPONDENTS IN RE-
LATION TO THE TYPE OF WORK COMPLETED AND MOST OF THE RESPONDENTS WERE
VERY ENTHUSIASTIC ABOUT THE WORK THEY HAD BEEN INVOLVED WITH;
7. ONLY FOUR RESPONDENTS OUT OF THE 100 INTERVIEWED SAID THAT THE
COMMUNITY SERVICE WORK HAD NOT BEEN A WORTHWHILE EXPERIENCE AND THE
MAJORITY OF THE RESPONDENTS BELIEVED THAT COMMUNITY SERVICE WORK HAD
HELPED THEM TO REMAIN OUT OF DIFFICULTY WITH THE LAW.

74.

FLOWERS, GERALD T.

"THE GEORGIA RESTITUTION SHELTER PROGRAM," EVALUATION REPORT NO. 1-150;
ATLANTA: GEORGIA DEPARTMENT OF OFFENDER REHABILITATION, SEPTEMBER 30, 1977.

THE PROGRAMS EVALUATED IN THIS STUDY WERE FOUR RESTITUTION CENTERS
LOCATED IN GEORGIA. THE CENTERS WERE RESIDENTIAL, WITH A CAPACITY OF
FROM 20 - 25 OFFENDERS IN EACH. A PRIMARY PURPOSE OF THE PROGRAMS WAS
TO PROVIDE THE COURTS WITH AN ALTERNATIVE TO INCARCERATION. THE
FACILITIES RECEIVED OFFENDERS DIRECTLY FROM THE COURTS AS WELL AS FROM
THE PAROLING AUTHORITY.

THE RESEARCH AIMED AT ASSESSING THE EXTENT TO WHICH THE FOUR CENTERS
ACHIEVED THE GOALS OF PROVIDING FINANCIAL AND SERVICE RESTITUTION TO
CRIME VICTIMS, ACTING AS AN ALTERNATIVE TO INCARCERATION, AND REDUCING
RECIDIVISH.

WHILE RANDOM SELECTION PROCEDURES WERE PLANNED, THESE WERE NEVER IM-
PLEMENTED. CONSEQUENTLY, THE EVALUATION AMOUNTS TO AN AFTER-ONLY, NON
EXPERIMENTAL TYPE OF STUDY.

DATA WAS COLLECTED FROM OFFICIAL AGENCY REPORTS.

MAJOR FINDINGS WERE AS FOLLOWS:

1. IT IS DOUBTFUL WHETHER THE PROGRAMS SERVED AS ALTERNATIVES TO
PRISON FOR MANY OFFENDERS.
2. THE CENTERS WERE ALL SLOW IN ACCEPTING REFERRALS SO THAT THERE WERE
A LARGE PROPORTION OF BEDS EMPTY.
3. THE COST OF THE PROGRAM WAS MORE EXPENSIVE THAN THE USE OF THE
PRISON.
4. OF THE 400 OFFENDERS PARTICIPATING IN THE CENTERS, APPROXIMATELY 80
PERCENT WERE RECEIVED FROM THE COURT, 20 PERCENT FROM THE PAROLE BOARD.
5. OF THE \$270,567 AWARDED OR OBLIGATED TO VICTIMS, ONLY \$54,828 WAS
ACTUALLY REPAID DURING THE EVALUATION PERIOD.
6. THIRTEEN PERCENT OF THE OFFENDERS WERE PLACED IN THE PROGRAMS ON THE
BASIS OF A MISDEMEANOR CONVICTION AND THE REMAINING 87 PERCENT ON THE
BASIS OF FELONY CONVICTIONS.
7. 59 PERCENT OF THE OFFENDERS (241) WERE DEFINED AS "SUCCESSFUL
TERMINATIONS" (EITHER THE SENTENCE EXPIRED, THEY PAID THEIR RESTITUTION
IN FULL, COMPLETED THE SERVICE RESTITUTION, OR THE SENTENCE WAS AMENDED;
35 PERCENT (139) WERE IN-PROGRAM FAILURES; 45 PERCENT (62) OF THESE
FAILURES ABSCONDED AND 55 PERCENT (76) OF ALL FAILURES HAD NEW CON-
VICTIMS OR WERE REVOKED.
8. OF THE 274 OFFENDERS ON WHICH DATA WAS COLLECTED, 31 PERCENT WERE
REARRESTED WITHIN SIX MONTHS OF PROGRAM RELEASE; 59 PERCENT HAD BEEN
REARRESTED WITHIN ONE YEAR; 87 PERCENT HAD BEEN REARRESTED WITHIN 18
MONTHS.
9. OF THE 40 CASES WHERE BOTH ARREST AND CONVICTION DATA WAS PRESENT,
45 PERCENT WERE DEFINED AS SUCCESSES AND 55 PERCENT AS FAILURES WITHIN
SIX MONTHS; THE ONE YEAR RATE FOR FAILURE WAS 75 PERCENT.

75.

FOGEL, DAVID; B. GALAWAY; J. HUDSON.

"RESTITUTION IN CRIMINAL JUSTICE: A MINNESOTA EXPERIMENT," CRIMINAL LAW BULLETIN, 8:8, OCTOBER 1972, PP. 681-691.

DEALS WITH THE DEVELOPMENT AND IMPLEMENTATION OF A PROPOSED RESTITUTION PROGRAM WHICH WILL BE INTEGRATED WITHIN A COMMUNITY-BASED CORRECTIONS FACILITY. PARTICIPANTS WILL BE RANDOMLY SELECTED FROM ADULT MALE AND FEMALE PROPERTY OFFENDERS UPON ADMISSION TO PRISON. THESE OFFENDERS WOULD BE OFFERED THE OPTION OF LIVING IN A COMMUNITY CORRECTIONS CENTER AND MAKING RESTITUTION AS AN ALTERNATIVE TO INCARCERATION. A FIELD EXPERIMENTAL DESIGN IS PROPOSED TO MEASURE THE EFFECTS OF THE PROGRAM RELATIVE TO THE PRISON PROGRAM AS WELL AS THE EXTENT OF RECONCILIATION OF THE VICTIM AND OFFENDER. BASIC TO THIS RESTITUTION PROPOSAL IS A CONTRACTUAL PROCESS OF RECONCILIATION ENTAILING A NEGOTIATED SETTLEMENT OF GRIEVANCES BY THE PARTIES INVOLVED, MEDIATED BY A REPRESENTATIVE OF THE CORRECTIONAL SYSTEM. (NCJRS)

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76.

FORER, LOIS G.

"THE LAW: EXCESSIVE PROMISE AND INADEQUATE FULFILLMENT," CRIME AND DELINQUENCY, 24:2, 1978, PP. 197-206.

DESPITE MAJOR ADVANCEMENTS IN THE LEGAL PROTECTION OF HUMAN RIGHTS, DISSATISFACTION WITH THE LAW AND WITH THE ADMINISTRATION OF JUSTICE HAS REACHED A NEW HIGH. A PRIMARY CAUSE OF THIS IS THE CRIMINAL LAW, WHICH HAS LITTLE DETERRENT CAPACITY, IMPOSES UNEQUAL SENTENCES ON THE POOR AND THE NON-POOR, AND DISREGARDS THE PROBLEMS OF THE VICTIMS OF CRIME. INSTEAD, THE WRONGDOER SHOULD BE MADE TO COMPENSATE THE VICTIM FOR PERSONAL INJURY OR PROPERTY LOSS. THE AUTHOR PROPOSES A POSSIBLE RESTITUTION PROGRAM AND ARGUES THAT THIS WOULD SERVE THE VICTIM--WHO IS OFTEN UNABLE TO BEAR THE COST OF PERSONAL INJURY, INCAPACITATION, LOSS OF INCOME, AND PROPERTY LOSS--AND MIGHT HELP IN DETERRING AND REHABILITATING THE OFFENDER. ALSO DISCUSSED ARE MANDATORY FINES FOR WHITE-COLLAR CRIMES, STATE-SPONSORED EMPLOYMENT PROGRAMS FOR STREET CRIMINALS, AND COMPULSORY EDUCATION IN PRISON FOR FUNCTIONALLY ILLITERATE STREET CRIMINALS. (AUTHOR'S ABSTRACT)

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77.

COXX, R. M. AND N. H. AZRIN.

"RESTITUTION: A METHOD OF ELIMINATING AGGRESSIVE AND DISRUPTIVE BEHAVIOR OF RETARDED AND BRAIN-DAMAGED PATIENTS," BEHAVIOR, RESEARCH AND THERAPY, VOL. 10, 1972, PP. 15-27.

DESCRIBES A PROCEDURE DEVELOPED TO PROVIDE DISRUPTIVE CHILDREN WITH RE-EDUCATION, REMOVAL OF THE REINFORCEMENT FOR THE MISBEHAVIOR, TIME-OUT FROM GENERAL POSITIVE REINFORCEMENT, AND AN EFFORT (RESTITUTION) REQUIREMENT. THE OFFENDER WAS REQUIRED BY INSTRUCTIONS OR PHYSICAL GUIDANCE TO OVERCORRECT THE GENERAL PSYCHOLOGICAL AND PHYSICAL DISTURBANCE CREATED BY THE BEHAVIOR. THE PROCEDURE WAS APPLIED TO ONE BRAIN DAMAGED AND TWO RETARDED PATIENTS, WHO DISPLAYED ONE OR MORE OF THE FOLLOWING TYPES OF BEHAVIOR: PHYSICAL ASSAULT, PROPERTY DESTRUCTION, TANTRUMS, CONTINUOUS SCREAMING, AND BITING, ALL OF WHICH HAD RESISTED OTHER TREATMENTS SUCH AS TIME-OUT, PUNISHMENT AND SOCIAL DISAPPROVAL. THE PROCEDURE REDUCED THE DISTURBED BEHAVIOR OF ALL PATIENTS TO A NEAR-ZERO LEVEL IN ONE OR TWO WEEKS AND MAINTAINED THIS EFFECT WITH MINIMAL STAFF ATTENTION. THIS METHOD APPEARS TO BE A RAPID AND EFFECTIVE TREATMENT PROCEDURE FOR DISRUPTIVE BEHAVIOR AND EMPHASIZES THE INDIVIDUAL'S RESPONSIBILITY FOR HIS ACTIONS.

THE RATIONALE OF THE RESTITUTION PROCEDURE WAS TO EDUCATE THE OFFENDER TO ASSUMING INDIVIDUAL RESPONSIBILITY FOR THE DISRUPTION CAUSED BY HIS MISBEHAVIOR, BY REQUIRING HIM TO RESTORE THE DISTURBED SITUATION TO A GREATLY IMPROVED STATE. THE GENERAL METHOD FOR ACCOMPLISHING THIS WAS TO:

- 1) IDENTIFY THE SPECIFIC AND GENERAL DISTURBANCE CREATED BY THE MISBEHAVIOR;
 - 2) REQUIRE THE OFFENDER TO OVER-CORRECT THESE DISTURBANCES WHENEVER HE/SHE MISBEHAVES.
- STEP 1) REQUIRED THE IDENTIFICATION AS TO THE FEATURES OF THE ENVIRONMENT DISTURBED BY THE BEHAVIOR AND TO DESIGNATE THE PSYCHOLOGICAL AND PHYSICAL ASPECTS OF THE DISTURBANCE IN GENERAL AND SPECIFIC TERMS. THIS STEP IS NECESSARY FOR DESCRIBING THE CORRECTED SITUATION THAT THE OFFENDER WILL BE REQUIRED TO ACHIEVE.
- THE SECOND STEP OF RESTITUTION BY THE OFFENDER IS THE RE-EDUCATION ASPECT OF THE PROCEDURE IN WHICH THE DESIRED RESPONSE IS TRAINED AND PRACTICED.
- THE RESTITUTIVE ACTS ARE DESIGNED TO HAVE THE FOLLOWING CHARACTERISTICS:
- A) RESTITUTION SHOULD BE DIRECTLY RELATED TO THE MISBEHAVIOR;
 - B) RESTITUTION SHOULD BE REQUIRED IMMEDIATELY AFTER THE MISBEHAVIOR;
 - C) RESTITUTION SHOULD BE EXTENDED IN DURATION;
 - D) THE OFFENDER SHOULD BE VERY ACTIVELY PERFORMING THE RESTITUTION, WITHOUT PAUSING. RESTITUTION AMOUNTS TO WORK AND EFFORT.

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78.

FREDERICK, GEORGE L.
"CONDITIONS OF PROBATION IMPOSED ON WISCONSIN FELONS: COST OF PROSECUTION AND RESTITUTION," WISCONSIN LAW REVIEW, JULY, 1962, PP. 672-685.

A WISCONSIN TRIAL COURT MAY ORDER ONLY TWO CONDITIONS WHEN PLACING A DEFENDANT ON PROBATION, COST OF PROSECUTION AND RESTITUTION. THE PURPOSE OF THIS ARTICLE IS TO ENQUIRE INTO WHAT LIMITS THERE ARE, IF ANY, ON THE IMPOSITION OF THESE CONDITIONS. THERE IS ONLY ONE WISCONSIN CASE DEALING WITH THE RESTITUTION CONDITION OF PROBATION (STATE V. SCHERR). IN THIS CASE, THE COURT HELD THAT THE AMOUNT OF RESTITUTION NEEDS TO INCLUDE ONLY THOSE LOSSES FOR THE PERIOD COVERED IN THE COURT INFORMATION. THE COURT NOTED THAT RESTITUTION COULD BE ORDERED FOR THE AMOUNT FOR WHICH THE DEFENDANT WAS CONVICTED OR FOR WHICH HE REALLY ADMITS (PLEA BARGAINS). THE COURT WENT ON TO NOTE THAT THE CRIMINAL PROCESS SHOULD NOT BE USED TO SUPPLEMENT A CIVIL SUIT.

IT IS NOTED THAT GENERAL AGREEMENT IS LACKING AS TO WHAT THE PURPOSE OF RESTITUTION IN PROBATION IS. SIMILARLY, THERE IS LACK OF AGREEMENT AS TO THE PURPOSES OF PROBATION IN THE CRIMINAL LAW--PUNISHMENT, REFORMATION, OR PROTECTION OF SOCIETY. THE AUTHOR NOTES THAT THE WISCONSIN COURT TENDS TO EMPHASIZE REFORMATION AND PROTECTION OF SOCIETY AND THEREFORE IF THE COURT WERE CONVINCED THAT RESTITUTION WERE ORDERED ON THE BASIS OF PUNISHMENT, SUCH CONDITIONS MIGHT BE STRUCK DOWN. LEGISLATION IS NEEDED SO THAT RESTITUTION COULD BE MORE NARROWLY DEFINED, A MAXIMUM TIME COULD BE SET FOR CONTINUING AN OFFENDER ON PROBATION, A PROCEDURE COULD BE SET UP FOR DETERMINING RESTITUTION IN DISPUTED CASES AND A STATUTE COULD STATE THAT ACCEPTING PROBATION DOES NOT BAR A DEFENDANT FROM CONTESTING THE CONDITIONS ON APPEAL.

79.

FREIBERT, MARY T.
"THE EVOLUTION OF RESTITUTION," UNPUBLISHED PAPER, UNIVERSITY OF SOUTHERN MISSISSIPPI, UNDATED.

PROVIDES AN OVERVIEW OF THE HISTORY OF RESTITUTION, BEGINNING WITH CODE OF HAMMURABI THROUGH THE 1970'S. MATERIAL IS DRAWN PRIMARILY FROM SECONDARY SOURCES AND OTHER SUMMARIES OF RESTITUTION HISTORY.

80.

FRY, M.
"FINES AND RESTITUTION,"--CHAPTER 5 OF--ARMS OF THE LAW, LONDON, VICTOR GOLLANCZ, 1951.

VIEWS FINES AS GENERALLY INEFFECTIVE AND UNFAIR, BUT RECOMMENDS "LOOKING INTO THE WAY OF EARLIER MEN" IN REQUIRING THE OFFENDER TO MAKE COMPENSATION OF THE VICTIM. THIS CAN BE DONE UNDER COURT ORDER AS A PROBATION CONDITION AND IS ESPECIALLY USEFUL IN CHILDREN'S COURT. "COMPENSATION CANNOT UNDO THE WRONG, BUT IT WILL OFTEN ASSUAGE THE INJURY, AND IT HAS A REAL EDUCATIVE VALUE FOR THE OFFENDER, WHETHER ADULT OR CHILD."

81.

ULLER, GORDON.
"VALUE TO PRISONERS OF PARTICIPATION IN PUBLIC SERVICE PROJECT," FEDERAL PROBATION, VOL. 20, DECEMBER, 1956, PP. 52-54.

NOTES THE FACT THAT DURING 1955, OVER 48,000 PINTS OF BLOOD WERE DONATED BY INMATES IN AMERICAN PRISONS. THE ADVANTAGES FOR THE COMMUNITY AND THE INMATE OF MAKING SUCH DONATIONS ARE DESCRIBED.

82.

GALAWAY, BURT.
"IS RESTITUTION PRACTICAL?," FEDERAL PROBATION, 41:3, SEPTEMBER, 1977, PP. 3-8.

THE IDEA OF RESTITUTION HAS A LONG HISTORY BUT IT IS ONLY IN THE LAST DECADE THAT A VARIETY OF SPECIALIZED PROGRAMS HAVE BEEN DEVELOPED. SOME PRACTICAL PROBLEMS AT OPERATIONALIZING THE CONCEPT OF RESTITUTION NEED TO BE IDENTIFIED AND RESOLVED BEFORE THE USE OF RESTITUTION CAN BE MOST FULLY REALIZED. AMONG THESE PROBLEMS ARE THOSE OF:

- 1) DETERMINING THE AMOUNT OF RESTITUTION;
- 2) ENFORCING THE RESTITUTION OBLIGATION;
- 3) ASSESSING THE COST OF RESTITUTION;
- 4) VICTIM CULPABILITY.

THERE IS A NEED FOR CAREFUL REVIEW AND SUMMARIZATION OF RESTITUTION PROJECT'S EXPERIENCES TO GUIDE FURTHER PROGRAMMING. SUFFICIENT EXPERIENCE IS AVAILABLE, HOWEVER, TO SUGGEST THAT MANY OF THE PRACTICAL ISSUES WHICH ARE FREQUENTLY RAISED IN REGARD TO RESTITUTION PROGRAMMING CAN BE RESOLVED. FAIR RESTITUTION AMOUNTS CAN BE DETERMINED. DIFFERENCES IN PERCEIVED DAMAGES BETWEEN VICTIMS AND OFFENDERS ARE RESOLVABLE AND GUIDELINES ARE AVAILABLE TO DEAL WITH THE ISSUES OF PAYMENT FOR INTANGIBLE DAMAGES, PARTIAL RESTITUTION, AND EXCESSIVE RESTITUTION. THERE DOES NOT APPEAR TO BE ANY PARTICULAR REASON TO BELIEVE MAJOR PROBLEMS WILL BE ENCOUNTERED IN ENFORCING THE RESTITUTION OBLIGATIONS SO LONG AS INSTALLMENT PAYMENTS ARE USED; IMPLEMENTATION OF THE RESTITUTION AGREEMENT IS MONITORED; JUDICIOUS USE IS MADE OF JOB-FINDING SERVICES, PUBLIC EMPLOYMENT, PERSONAL SERVICE RESTITUTION; AND A MORE SEVERE SANCTION CAN BE IMPOSED IF THE OFFENDER REFUSES TO COMPLETE THE RESTITUTION OBLIGATION. ATTENTION SHOULD BE GIVEN TO FINDING TYPES OF OFFENSES FOR WHICH RESTITUTION MIGHT BE A SOLE PENALTY. FINALLY, THE ISSUE OF VICTIM CULPABILITY SHOULD NOT DETER FROM THE IMPOSITION OF A RESTITUTION REQUIREMENT.

83.

GALAWAY, BURT.

"RESTITUTION AS AN INTEGRATIVE PUNISHMENT,"--IN-BARNETT, R. RANDY AND JOHN HEGEL, EDS., "ASSESSING THE CRIMINAL-RESTITUTION, RETRIBUTION AND THE LEGAL PROCESS, CAMBRIDGE: BALLINGER, 1977.

RESTITUTION REFERS TO A SANCTION IMPOSED BY AN OFFICIAL OF THE CRIMINAL JUSTICE SYSTEM THAT REQUIRED THE OFFENDER TO MAKE THE MONEY OR SERVICE PAYMENT EITHER TO THE DIRECT VICTIMS OF THE CRIME OR TO SUBSTITUTE VICTIMS. THIS DEFINITION IS BROAD ENOUGH TO ENCOMPASS A NUMBER OF RESTITUTION TYPES, INCLUDING MONETARY PAYMENTS BY THE OFFENDER TO THE DIRECT OR ACTUAL VICTIMS, MONETARY PAYMENTS MADE BY THE OFFENDER TO SOME COMMUNITY AGENCY, PERSONAL SERVICE BY THE OFFENDER TO THE VICTIM, AND SERVICE TO THE COMMUNITY. THE IDEA OF RESTITUTION HAS BEEN FOUND TO APPEAL TO BOTH LIBERALS, AS IT TREATS OFFENDERS MORE HUMANELY, AND TO CONSERVATIVES, AS IT REQUIRES OFFENDERS TO PAY FOR THE CRIME AND AT THE SAME TIME HELPS THE VICTIM. FOUR MAJOR REASONS FOR ASSIGNING RESTITUTION A DEFINITE ROLE IN THE CRIMINAL JUSTICE SYSTEM ARE EXAMINED:

- 1) RESTITUTION SHOULD HAVE A LARGER ROLE IN THE JUSTICE SYSTEM BECAUSE THE PRACTICE PROVIDES AN ALTERNATIVE PUNISHMENT THAT CAN BE USED EITHER IN ADDITION TO, OR INSTEAD OF, THE SANCTION CURRENTLY AVAILABLE;
 - 2) THE RESTITUTION SANCTION HAS THE POTENTIAL FOR RECONCILING VICTIMS AND OFFENDERS;
 - 3) RESTITUTION WILL PROVIDE A VEHICLE FOR THE INCLUSION OF THE VICTIM INTO THE CRIMINAL JUSTICE PROCESS;
 - 4) RESTITUTION PROCEDURES CAN BE INTEGRATED INTO THE CURRENT ORGANIZATIONAL STRUCTURES OF THE JUSTICE SYSTEM WITHOUT THE NEED FOR ADDITIONAL PROGRAMS REQUIRING SUBSTANTIAL PUBLIC EXPENDITURE.
- THE AUTHOR CONCLUDES THAT THE CONTINUED, CAUTIOUS DEVELOPMENT OF RESTITUTION PROGRAMMING IS ONE OF THE MOST HOPEFUL AND POTENTIALLY CONSTRUCTIVE APPROACHES TO CRIMINAL JUSTICE REFORM. (NCJRS)

84.

GALAWAY, BURT.

"TOWARD THE RATIONAL DEVELOPMENT OF RESTITUTION,"--IN-HUDSON, J. AND BURT GALAWAY, EDS., RESTITUTION IN CRIMINAL JUSTICE, LEXINGTON: D. C. HEATH, 1977. SUGGESTS THREE WAYS IN WHICH CRIMINAL JUSTICE PLANNERS AND ADMINISTRATORS CAN CONTRIBUTE TO THE ORDERLY DEVELOPMENT OF RESTITUTION: ANALYSIS AND DISSEMINATION OF INFORMATION FROM OPERATIONAL PROJECTS; CREATION OF CONTROLLED EXPERIMENTS; DEVELOPMENT OF DESCRIPTIVE ACCOUNTS OF WAYS TO RESOLVE KEY QUESTIONS IN THE USE OF RESTITUTION.

85.

GALAWAY, BURT.

"THE USE OF RESTITUTION," CRIME AND DELINQUENCY, 23:1, JANUARY, 1977, PP. 57-67.

RESTITUTION REFERS TO THE PAYMENT OF MONEY TO VICTIMS OF CRIME, PAYMENT OF MONEY TO OTHER COMMUNITY ORGANIZATIONS, AND COMMUNITY SERVICE. POSSIBLE PURPOSES INCLUDE REDRESS TO THE VICTIM, LESS SEVERE SANCTION FOR THE OFFENDER, REHABILITATION OF THE OFFENDER, REDUCTION OF DEMANDS ON THE CRIMINAL JUSTICE SYSTEM, AND THE REDUCTION OF VENGEANCE. RESTITUTION IS BEING USED AS A SANCTION FOR CRIME IN SEVERAL EXPLORATORY PROJECTS, INCLUDING PRE-TRIAL DIVERSION PROGRAMS, SPECIAL PROBATION PROJECTS, AND COMMUNITY CORRECTIONS CENTERS. A NUMBER OF UNRESOLVED ISSUES HAVE DEVELOPED FROM THESE PRELIMINARY EFFORTS TO INTEGRATE IT INTO CORRECTIONAL PROGRAMS. A USEFUL CLASSIFICATION SCHEME REFLECTING THE DIFFERENT TYPES OF RESTITUTION MUST BE DEVELOPED AND PROGRAM PURPOSES MUST BE CLARIFIED. WHAT IS THE PROPER RELATIONSHIP OF RESTITUTION TO OTHER SANCTIONS? WHEN IS RESTITUTION APPROPRIATELY USED AS THE SOLE SANCTION, WHEN SHOULD IT BE USED IN CONJUNCTION WITH OTHER REQUIREMENTS, AND WHEN IS IT INAPPROPRIATE? WHAT ROLE SHOULD THE VICTIM PLAY IN A RESTITUTION PROGRAM? SHOULD THE VICTIM HAVE VETO POWER OVER THE USE OF RESTITUTION? SHOULD VICTIM/OFFENDER COMMUNICATION BE ENCOURAGED? ATTENTION TO THESE ISSUES IS NECESSARY FOR THE ORDERLY DEVELOPMENT OF THE CONCEPT OF RESTITUTION AND APPRAISAL OF ITS PLACE IN THE CRIMINAL JUSTICE SYSTEM. (AUTHOR'S ABSTRACT)

86.

GALAWAY, BURT.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 7: PRE-PROSECUTION DIVERSION PROGRAM, SAN JUAN AND MCKINLEY COUNTIES, NEW MEXICO."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS--DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
 - 2.--PRE-PROJECT HISTORY--COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
 - 3.--IMPLEMENTATION--COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.
- THE PRE-PROSECUTION DIVERSION PROGRAM IS A PRETRIAL DIVERSION PROGRAM OPERATING UNDER THE ADMINISTRATION OF THE DISTRICT ATTORNEY IN TWO RURAL, NORTHWESTERN NEW MEXICO COUNTIES; THE DISTRICT ATTORNEY MAINTAINS OFFICES IN FARMINGTON AND GALLUP, NEW MEXICO. THE PROJECT ADMITS APPROXIMATELY 135 CLIENTS PER YEAR; THE CLIENTS ARE PREDOMINANTLY FIRST OFFENDERS WHO HAVE COMMITTED PROPERTY OFFENSES AND ARE DIVERTED FROM CRIMINAL PROSECUTION TO A PROGRAM INVOLVING MONETARY RESTITUTION, COMMUNITY SERVICE, REFERRAL TO COMMUNITY AGENCIES FOR OTHER SERVICES, AND MONITORING TO BE SURE THE CLIENT IS FOLLOWING THROUGH ON THE DIVERSION AGREEMENT. THE OFFENDERS ARE ALL ADULTS WHO HAVE BEEN CHARGED WITH A FELONY.

87.

GALAWAY, BURT.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 9:
TENNESSEE RESTITUTION INDUSTRIES PROGRAM, TENNESSEE STATE PRISON, NASHVILLE,
TN."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
- 2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;

3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.

A 1977 TENNESSEE STATUTE PERMITS THE DEPARTMENT OF CORRECTIONS TO CONTRACT WITH PRIVATE FIRMS TO OPERATE INDUSTRIES WITHIN THE ADULT CORRECTIONS INSTITUTIONS IN TENNESSEE. THE STATUTE PROVIDES THAT PRISONERS EMPLOYED IN SUCH INDUSTRIES MUST MAKE RESTITUTION TO THE VICTIM OR TO A STATE VICTIM COMPENSATION FUND, PAY ROOM AND BOARD, AND MAKE CONTRIBUTIONS TO THE SUPPORT OF SPOUSES AND DEPENDENTS. THE DEPARTMENT OF CORRECTIONS HAS ENTERED INTO A CONTRACT WITH SARA, INC. TO OPERATE A BLOOD PLASMA COLLECTION PROGRAM IN THE TENNESSEE STATE PRISON, NASHVILLE; APPROXIMATELY TWENTY PRISONERS ARE EMPLOYED AND ARE PAID UNDER TERMS OF THE TENNESSEE PREVAILING WAGE ACT OF 1975. TWENTY PERCENT OF AFTER-TAX SALARY OF THE INMATE EMPLOYEES IS USED FOR RESTITUTION EITHER TO THE VICTIMS OF THE CRIME OR TO THE TENNESSEE VICTIM COMPENSATION FUND.

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88.

GALAWAY, BURT.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 11:
ADULT DIVERSION PROGRAM, COUNTY ATTORNEY'S OFFICE, TUCSON, ARIZONA."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
- 2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;

3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.

THE ADULT DIVERSION PROGRAM SERVES ADULTS CHARGED WITH THEIR FIRST FELONY OFFENSE; THE PROGRAM HAS A STAFF OF ELEVEN PERSONS AND IS ADMINISTERED BY THE COUNTY ATTORNEY'S OFFICE. RESTITUTION AND COMMUNITY SERVICE REQUIREMENTS ARE A PART OF A BROADER RANGE OF PROGRAM COMPONENTS INCLUDING SUPERVISION/COUNSELING, GROUP COUNSELING, MANPOWER SERVICES, AND REFERRAL TO OTHER AGENCIES FOR A RANGE OF SOCIAL SERVICES. FORTY HOURS OF COMMUNITY SERVICE ARE REQUIRED OF CLIENTS; RESTITUTION IS REQUIRED WHERE DAMAGES HAVE BEEN DONE AND THE VICTIM DESIRES RESTITUTION. AN INTENSIVE INTAKE/SCREENING PROCESS IS USED TO FILTER OUT REFERRALS FROM ASSISTANT COUNTY ATTORNEYS WHO MIGHT NOT BE AMENABLE TO THE PROGRAM'S REHABILITATIVE AIMS.

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89.

GALAWAY, BURT.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 14:
PORTER COUNTY PACT COMMUNITY SERVICE PROJECT, VALPARAISO, INDIANA."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
- 2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;

3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.

THE PACT PROJECT IS A NON-RESIDENTIAL PROGRAM WHICH PROVIDES OPPORTUNITIES FOR ADULT MISDEMEANANT OFFENDERS TO ENGAGE IN COMMUNITY SERVICE WORK AS AN ALTERNATIVE TO INCARCERATION IN THE COUNTY JAIL. THIS POST ADJUDICATION PROGRAM SERVES OFFENDERS WHO ARE SENTENCED IN THE COUNTY COURT IN PORTER COUNTY, INDIANA; ALL OFFENDERS HAVE BEEN SENTENCED TO A COUNTY JAIL SENTENCE AND, AT THE JUDGE'S DISCRETION, ARE PERMITTED THE OPTION OF DOING COMMUNITY SERVICE IN LIEU OF SERVING THE SENTENCE. GENERALLY CLIENTS ARE NOT ON PROBATION STATUS. ABOUT 300 INTAKES ARE RECEIVED EACH YEAR, THE VASE MAJORITY OF WHOM HAVE COMMITTED A MISDEMEANOR OFFENSE AND ARE BETWEEN THE AGES OF 18 THROUGH 25; THE PROGRAM WAS ESTABLISHED TO PROVIDE AN ALTERNATIVE TO JAIL SENTENCE FOR YOUNG ADULTS BECAUSE THE COUNTY COURT JUDGE WAS DISSATISFIED WITH THE USE OF EITHER FINES OR JAIL SENTENCES FOR THIS POPULATION. THE PROGRAM IS ADMINISTERED BY A PRIVATE NON-PROFIT COMMUNITY BASED CORRECTIONS ORGANIZATION.

THE PROGRAM STARTED IN JULY, 1977; DURING THE FIRST TWO YEARS LOCAL RESOURCES WERE UTILIZED--SPECIAL GRANTS FROM THE UNITED WAY, A SMALL GRANT FROM A LOCAL FOUNDATION, THE USE OF CETA POSITIONS, AND SOME RESOURCES FROM COUNTY COMMISSIONERS. IMPLEMENTATION ISSUES AROUND BUDGETING HAVE CONTINUED TO BE RESOLVED DURING THE CURRENT OPERATIONS YEAR. DURING THE CURRENT OPERATIONS YEAR, THE PROJECT MADE APPLICATION AND WAS AWARDED AN LEAA DISCRETIONARY GRANT AS A PART OF THE NATIONAL COMMUNITY SERVICE INITIATIVE. THIS FUNDING BECAME AVAILABLE EFFECTIVE JULY 1, 1979. THUS, THIS CURRENT OPERATIONS MATERIAL WILL PROVIDE A DESCRIPTION OF THE OPERATION OF THE PROJECT JUST PRIOR TO THE INFUSION OF FEDERAL MONEY, MAY PROVIDE A USEFUL BASELINE TO ANALYZE THE IMPACT OF FEDERAL FUNDING ON THE PROGRAM, AND AVOIDS DUPLICATION WITH THE NATIONAL EVALUATION OF THE COMMUNITY SERVICE SENTENCING PROJECTS OF WHICH THIS PROGRAM IS ALSO A PART. AS A RESULT OF FEDERAL FUNDING, THE PROGRAM HAS BEEN EXPANDED TO PROVIDE SERVICES TO A NEWLY FORMED COUNTY COURT IN THE NORTHERN PART OF PORTER COUNTY (PORTAGE).

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90.

GALAWAY, BURT.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 16:
ROCKLAND COUNTY YOUTH COUNSEL BUREAU, NEW CITY, NEW YORK."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
 - 2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
 - 3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.
- THE ROCKLAND COUNTY YOUTH COUNSEL BUREAU IS A NON-RESIDENTIAL PROGRAM SERVING PRIMARILY YOUNG ADULT MISDEMEANANTS (PREDOMINANTLY AGES 16-19) REFERRED FROM VILLAGE AND TOWN COURTS. ROCKLAND COUNTY IS AN AFFLUENT, SUBURBAN COUNTY NORTH OF NEW YORK CITY. THE PROJECT ADMITS APPROXIMATELY 600 CLIENTS PER YEAR, MOST OF WHOM ARE INVOLVED IN A SIX MONTH PROGRAM INCLUDING COMMUNITY SERVICE, COUNSELING AND SUPERVISION BY AGENCY STAFF, AND MAY INVOLVE REFERRAL TO EXTERNAL AGENCIES FOR SERVICES. MOST CLIENTS HAVE RECEIVED THEIR FIRST ADJUDICATION IN A MISDEMEANANT COURT AND THE TYPICAL DISPOSITION INVOLVES EITHER ADJOURNMENT IN CONTEMPLATION OF DISMISSAL (ACD) OR CONDITIONAL DISCHARGE (CD). THE AGENCY IS AN AUTONOMOUS UNIT OF COUNTY GOVERNMENT WITH THE DIRECTOR REPORTING TO AN EIGHTEEN MEMBER COUNTY LEGISLATURE WHICH SETS POLICIES AND OVERSEES THE OPERATION OF VARIOUS UNITS OF COUNTY GOVERNMENT.

91.

GALAWAY, BURT.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 17:
KENNEBEC AND SOMERSET COUNTIES RESTITUTION PROGRAM, AUGUSTA, ME."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
 - 2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
 - 3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.
- THE KENNEBEC AND SOMERSET COUNTIES RESTITUTION PROJECT OPERATES FROM THE DISTRICT ATTORNEY'S OFFICE IN TWO RURAL MAINE COUNTIES. THE DISTRICT ATTORNEY ATTEMPTS TO SECURE RESTITUTION REQUIREMENTS FOR ALL OFFENDERS, BOTH ADULTS AND JUVENILES, CONVICTED IN DISTRICT AND SUPERIOR COURTS FOR CRIMES IN WHICH VICTIMS EXPERIENCE MONETARY LOSS. LOSS ASSESSMENTS AND DEVELOPMENT OF RESTITUTION PLANS ARE DONE BY STAFF IN THE DISTRICT ATTORNEY'S OFFICE; STATE PROBATION OFFICERS, HOWEVER, MUST FREQUENTLY BE INVOLVED IN THE PROCESSES OF MONITORING RESTITUTION, COLLECTING RESTITUTION AND DISBURSING FUNDS TO VICTIMS. THE DISTRICT ATTORNEY ALSO ASSIGNS CLERICAL STAFF THE RESPONSIBILITY OF MONITORING THE EXTENT TO WHICH THE ORDERED RESTITUTION HAS ACTUALLY BEEN PAID. AS A RESULT OF THIS PROGRAM, RESTITUTION OBLIGATIONS ARE IMPOSED ON APPROXIMATELY 400 OFFENDERS PER YEAR.

92.

GALAWAY, BURT.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 18:
ADULT DIVERSION PROGRAM, DEPARTMENT OF ATTORNEY GENERAL, PROVIDENCE, RI."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
 - 2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
 - 3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.
- THE ADULT DIVERSION PROGRAM IS A PRETRIAL, NON-RESIDENTIAL PROJECT ADMINISTERED BY THE RHODE ISLAND ATTORNEY GENERAL. IN RHODE ISLAND, THE ATTORNEY GENERAL'S OFFICE HANDLES FELONY PROSECUTIONS; THE DIVERSION PROGRAM IS AVAILABLE STATEWIDE. COMMUNITY SERVICE IS REQUIRED OF ALL PERSONS DIVERTED EXCEPT FOR SOME DRUG OFFENDERS; THE MAJORITY OF DIVERTEES HAVE A MONETARY RESTITUTION OBLIGATION WHICH IS EXPECTED AS A DIVERSION REQUIREMENT IN CASES WHERE VICTIMS SUSTAIN DAMAGES. THE PROGRAM STAFF MAKE REFERRALS TO OTHER EMPLOYMENT, HEALTH, AND SOCIAL SERVICE AGENCIES IN THE COMMUNITY AND THEY REQUIRE PARTICIPATION IN THESE PROGRAMS AS A CONDITION OF DIVERSION. THE PROJECT ADMITS ABOUT 150 FELONY LEVEL OFFENDERS EACH YEAR AND SERVES PRIMARILY PROPERTY OFFENDERS WHO HAVE BEEN CHARGED WITH THEIR FIRST FELONY.

93.

GALAWAY, BURT.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 19:
ORLEANS PARISH CRIMINAL SHERIFF'S RESTITUTION PROGRAM, NEW ORLEANS,

LOUISIANA."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
 - 2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
 - 3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.
- THE PARISH SHERIFF IS RESPONSIBLE FOR THE ADMINISTRATION OF SEVERAL LOCAL CORRECTIONAL PROGRAMS INCLUDING INSTITUTIONAL FACILITIES SERVING CONVICTED OFFENDERS. THE RESTITUTION SHELTER PROGRAM PERMITS SELECTED OFFENDERS TO MAINTAIN EMPLOYMENT IN THE COMMUNITY BUT TO RETURN TO THE FACILITY AT NIGHT. ALL PARTICIPANTS IN THE PROGRAM ARE REQUIRED TO ALLOCATE TEN PERCENT OF THEIR SALARY TO RESTITUTION WHICH GOES FIRST TO THEIR VICTIM AND, WHEN THE VICTIM IS REPAID OR IN SITUATIONS WHERE THERE IS NO VICTIM, SECONDLY TO A SPECIAL FUND TO PROVIDE ASSISTANCE TO AGED VICTIMS OF CRIME. ALL PARTICIPANTS ARE ALSO REQUIRED TO PROVIDE UNPAID COMMUNITY SERVICE. AN EXTENSIVE DIAGNOSTIC PROCESS IS USED TO SCREEN AND ACCEPT ELIGIBLE OFFENDERS FOR THE PROGRAM. THE PROJECT ADMITS APPROXIMATELY 150 OFFENDERS PER YEAR.

94.

GALAWAY, BURT.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 20: GEORGIA DEPARTMENT OF CORRECTIONS DIVERSION SHELTERS, ATLANTA, GEORGIA." SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS--DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
- 2.--PRE-PROJECT HISTORY--COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
- 3.--IMPLEMENTATION--COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.

THE PROBATION DIVISION OF THE GEORGIA DEPARTMENT OF CORRECTIONS OPERATES ELEVEN DIVERSION SHELTERS LOCATED THROUGHOUT THE STATE OF GEORGIA. THE SHELTERS OPERATE AS RESIDENTIAL COMMUNITY CORRECTIONS CENTERS, RECEIVE ADULT OFFENDERS WHO ARE USUALLY ON PROBATION STATUS FROM COURTS, AND SERVE AS AN ALTERNATIVE, AND THUS DIVERSION FROM PRISON. THE ELEVEN CENTERS HAVE APPROXIMATELY 373 BEDS AVAILABLE, KEEP RESIDENTS FOR AN AVERAGE OF FOUR MONTHS, AND THUS ADMIT APPROXIMATELY 1,100 OFFENDERS PER YEAR. THE CENTER SERVES ADULT MALE FELONS WHO HAVE BEEN REFERRED FROM THE COURTS AS AN ALTERNATIVE FROM PRISON. RESTITUTION, WHEN COURT ORDERED, IS A PART OF THE RESIDENT'S PROGRAM; ADDITIONALLY, ALL RESIDENTS ARE EXPECTED TO BE INVOLVED IN UNPAID COMMUNITY SERVICE ACTIVITY. EACH CENTER IS STAFFED BY THIRTEEN STAFF WHO, IN ADDITION TO MAINTAINING SECURITY, PROVIDE A RANGE OF SERVICES INCLUDING INDIVIDUAL AND GROUP COUNSELLING, FAMILY COUNSELLING, EMPLOYMENT ASSISTANCE, AND EDUCATIONAL PROGRAMMING. THE CENTERS HAVE AN OUT CLIENT PHASE TO PROVIDE PROBATION SUPERVISION AND SERVICES TO RESIDENTS FOR A TOTAL OF ONE YEAR (FOUR MONTHS IN RESIDENCE, EIGHT MONTHS OUT CLIENT).

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95.

GALAWAY, BURT; MARGIE HENZEL; GLENN RAMSEY; BART WANYAMA. "VICTIMS AND DELINQUENTS IN THE TULSA JUVENILE COURT," UNPUBLISHED PAPER, SEPTEMBER 25, 1979.

THIS STUDY AIMS AT PROVIDING A DESCRIPTION OF THE OPERATIONS OF THE VICTIM'S PROGRAM IN THE JUVENILE COURT IN TULSA, OKLAHOMA, AS WELL AS TO PROVIDE INFORMATION ON ALL YOUTH WHO RECEIVED THEIR FIRST ADJUDICATION IN THIS COURT DURING 1978 IN ORDER TO MAKE COMPARISONS BETWEEN THOSE WHO WERE AND WERE NOT REFERRED TO THE VICTIM'S PROGRAM.

THE VICTIM'S PROGRAM WAS ESTABLISHED IN APRIL, 1975, AND IS STAFFED BY TWO FULL-TIME COORDINATORS WHO RECEIVE REFERRALS FROM EITHER THE JUVENILE COURT JUDGE OR REFEREE. THE PROJECT IS INTENDED PRIMARILY FOR YOUTH REFERRED AFTER GUILT HAS BEEN DETERMINED AT AN ADJUDICATORY HEARING. AFTER THE HEARING, PROGRAM STAFF MEET WITH THE YOUTH AND THEIR PARENTS FOR THE PURPOSE OF DETERMINING PROGRAM REQUIREMENTS. STAFF THEN ATTEMPT TO DEVELOP A RESTITUTION PLAN CALLING FOR FULL PAYMENT OF VICTIM LOSSES OR IN THE CASE OF EXCESSIVE AMOUNTS, NEGOTIATING THE AMOUNT WITH THE VICTIM AND DEVELOPING A PARTIAL RESTITUTION PLAN. COMMUNITY SERVICE IS ALSO INCLUDED. A PLAN FOR RESTITUTION IS PRESENTED TO THE COURT AT THE TIME OF THE DISPOSITION HEARING AND AT THAT HEARING, THE COURT MAY PLACE THE YOUTH ON FORMAL PROBATION OR CONTINUE THE CASE INFORMALLY. OFFENDERS ARE RESPONSIBLE FOR PAYING VICTIMS DIRECTLY AND PROJECT STAFF MONITOR COMPLETION OF RESTITUTION. DATA WAS COLLECTED FROM OFFICIAL AGENCY FILES FOR ALL VICTIM CASES OPENED AND CLOSED BETWEEN DECEMBER 1, 1975 AND NOVEMBER 30, 1978. A POPULATION OF 251 VICTIMS AND 291 OFFENDERS WAS SECURED. IN ADDITION, A STUDY WAS MADE OF ALL YOUTH WHO RECEIVED THEIR FIRST DELINQUENCY ADJUDICATION IN THE TULSA JUVENILE COURT DURING 1978 AND COMPARISONS WERE MADE BETWEEN THOSE WHO WERE AND WERE NOT REFERRED TO THE PROGRAM. THE CHARACTERISTICS OF YOUTH, VICTIM AND RESTITUTION/COMMUNITY SERVICE FOR THE THREE YEARS OF PROGRAM OPERATIONS WERE THAT YOUTH WERE PRE-DOMINANTLY MIDDLE ADOLESCENT, WHITE MALES WHO HAD COMMITTED PROPERTY OFFENSES WITH NO PREVIOUS REFERRALS TO THE JUVENILE COURT. APPROXIMATELY HALF OF THE YOUTH CAME FROM INTACT FAMILIES AND HALF FROM FAMILIES WITH LESS THAN \$10,000 INCOME PER YEAR. OF THE 251 VICTIMS, 60 WERE INDIVIDUALS OR HOUSEHOLDS, 7 WERE OWNER-OPERATED BUSINESSES, 26 WERE MANAGED BUSINESSES. THE AVERAGE NET LOSS PER VICTIM WAS \$207. THE MEAN AMOUNT OF RESTITUTION ORDERED PER VICTIM WAS \$127 WHILE THE ACTUAL AMOUNT OF RESTITUTION COLLECTED BY VICTIMS WAS \$90. FIVE PERCENT OF THE VICTIMS RECEIVED SERVICES DIRECTLY FROM THE OFFENDERS AVERAGING 28 HOURS PER VICTIM. TWO HUNDRED AND EIGHTEEN OF THE 291 YOUTH HAD FINANCIAL RESTITUTION OBLIGATIONS AVERAGING \$155.

SEVENTY-ONE PERCENT OF THE VICTIMS WERE WILLING TO MEET THEIR OFFENDERS BUT ONLY 54 ACTUALLY MET WITH THEM. ONLY SIX PERCENT OF THE VICTIMS WERE UNWILLING TO MEET WITH THEIR OFFENDERS. OF THE 291 YOUTH, APPROXIMATELY 4 HAD CONTACT WITH ONE OR MORE OF THEIR VICTIMS AS A PART OF PARTICIPATING IN THE PROGRAM.

NO DIFFERENCES WERE FOUND BETWEEN THE GROUP OF YOUTH WHO RECEIVED THEIR FIRST ADJUDICATION IN THE TULSA JUVENILE COURT DURING 1978 AND WERE OR WERE NOT REFERRED TO THE PROGRAM IN TERMS OF THE VARIABLES OF RACE, PRIOR NUMBER OF REFERRALS TO JUVENILE COURT, AND FAMILY INCOME. PROPERTY OFFENDERS WERE MORE LIKELY TO BE REFERRED TO THE PROGRAM THAN NON-PROPERTY OFFENDERS AND A SIGNIFICANTLY HIGHER PROPORTION OF OFFENDERS ADJUDICATED BEFORE A JUDGE WERE REFERRED TO THE PROGRAM AS COMPARED TO THOSE ADJUDICATED BEFORE A REFEREE.

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96.
GALAWAY, BURT AND JOE HUDSON.
"ISSUES IN THE CORRECTIONAL IMPLEMENTATION OF RESTITUTION TO VICTIMS OF CRIME,"--IN-HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.
THE MINNESOTA RESTITUTION CENTER PROGRAM IS DESCRIBED AND ISSUES INVOLVED IN APPLYING RESTITUTION WITHIN THIS COMMUNITY-BASED CORRECTIONS. PROGRAM ARE ASSESSED. THE LEGAL STATUS OF OFFENDERS IN THE PROGRAM IS PAROLE AND THE RESTITUTION OBLIGATION IS SET AS A PRIMARY CONDITION OF THE PAROLE AGREEMENT. A UNIQUE FEATURE OF THE PROGRAM IS THE EMPHASIS PLACED UPON THE JOINT INVOLVEMENT OF THE VICTIM AND OFFENDER IN NEGOTIATING A RESTITUTION AGREEMENT. PARTICULAR ATTENTION IS GIVEN TO THE ISSUES OF VICTIM-OFFENDER INVOLVEMENT, THE AMOUNT OF DAMAGES DONE BY OFFENDERS AND CONSEQUENTLY THE AMOUNT OF RESTITUTION TO BE MADE, THE VARIETY OF PROBLEMS HELD BY PROPERTY OFFENDERS, THE USE OF RESTITUTION AS COMPARED TO MORE CONVENTIONAL TREATMENTS, AND THE IMPLEMENTATION OF THE EVALUATION RESEARCH DESIGN.

97.
GALAWAY, B. AND JOE HUDSON.
"RESTITUTION AND REHABILITATION,"--IN-HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975;--ALSO IN-CRIME AND DELINQUENCY, 18:4, 1972, PP. 403-410.
PROVIDES AN OVERVIEW AND DISCUSSION OF SOME OF THE MAJOR ISSUES TO BE CONSIDERED IN STRUCTURING A RESTITUTION SCHEME: FULL VERSUS SYMBOLIC OR PARTIAL RESTITUTION, VOLUNTARY VERSUS INVOLUNTARY RESTITUTION, THE QUESTION OF VICTIM CULPABILITY, AND THE PLACE OF OFFENDER-VICTIM RELATIONS. THE CENTRAL QUESTION ADDRESSED IS THE EXTENT TO WHICH RESTITUTION HAS IMPLICATIONS FOR THE REHABILITATION OF THE OFFENDER.

98.
GALAWAY, B. AND JOE HUDSON.
"SIN, SICKNESS, RESTITUTION--TOWARD A RECONCILIATIVE CORRECTIONAL MODEL,"--IN-HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.
TRACES THE CONTRIBUTIONS OF THE CLASSICAL AND POSITIVE SCHOOLS OF CRIMINOLOGICAL THOUGHT TO CORRECTIONS AND SUGGESTS THE NEED FOR A THIRD ORIENTATION BASED UPON OFFENDER RESTITUTION; IDENTIFIES FIVE REASONS WHY RESTITUTION AS THE MAJOR PENALTY FOR CRIMINAL OFFENSES IS LIKELY TO HAVE A RECONCILIATIVE EFFECT BETWEEN THE OFFENDER AND THE LARGER SOCIETY.

99.
GALAWAY, BURT AND J. HUDSON.
"USING RESTITUTION IN THE REHABILITATION OF OFFENDERS," INTERNATIONAL SOCIAL WORK, 16:4, 1974, PP. 44-50.
THIS PAPER FOCUSES ON THE CONCEPT OF RESTITUTION AND ITS HISTORICAL DEVELOPMENT, AS WELL AS SOME COMPARATIVE APPLICATIONS OF RESTITUTION IN THE CRIMINAL JUSTICE SYSTEM. PARTICULAR EMPHASIS IS PLACED UPON DESCRIBING THE PROGRAM OF THE MINNESOTA RESTITUTION CENTER.

100.
GALAWAY, BURT, AND J. HUDSON.
"EVALUATION RESEARCH: A GUIDE FOR JUVENILE RESTITUTION PROJECT MANAGERS," ARLINGTON: NATIONAL OFFICE FOR SOCIAL RESPONSIBILITY, FEBRUARY, 1979.
THIS DOCUMENT IS DESIGNED TO PROVIDE MANAGERS OF JUVENILE RESTITUTION PROJECTS WITH INFORMATION ABOUT THE PLANNING AND CONDUCT OF EVALUATION RESEARCH. THE MAJOR POINT OF THE DOCUMENT IS THAT EVALUATION RESEARCH SHOULD BE GEARED TO THE PRESENT STAGE OF PROJECT DEVELOPMENT AND INVOLVE A CONTINUOUS PROCESS OF PROJECT ASSESSMENT. A DEFINITE SEQUENCE OF STEPS IN PLANNING AND IMPLEMENTING EVALUATION RESEARCH IS PROPOSED AND DISCUSSED, AS THESE STEPS INVOLVE:
1) EXAMINING PREREQUISITES FOR CONDUCTING EVALUATION RESEARCH;
2) PERFORMING AN EVALUABILITY ASSESSMENT SO AS TO DEVELOP A CONCEPTUAL MODEL THAT SPECIFIES THE INTENDED PROJECT PURPOSE, OBJECTIVES, AND ACTIVITIES;
3) USING THE METHODS OF FORMATIVE RESEARCH TO DEFINE THE CONCEPTUAL MODEL INTO AN OPERATIONAL MODEL OF HOW THE PROJECT ACTUALLY OPERATES;
4) USING THE METHODS OF SUMMATIVE RESEARCH TO ASSESS THE EFFECTS OF THE PROJECT.

101.
GALAWAY, BURT AND WILLIAM MARSELLA.
"AN EXPLORATORY STUDY OF THE PERCEIVED FAIRNESS OF RESTITUTION AS A SANCTION FOR JUVENILE OFFENDERS," PAPER PRESENTED AT THE SECOND NATIONAL SYMPOSIUM ON VICTIMOLOGY, BOSTON, SEPTEMBER, 1976.
THE AIM OF THIS STUDY WAS TO ASSESS THE EXTENT TO WHICH RESTITUTION, IMPOSED AS A PROBATION CONDITION ON JUVENILE PROPERTY OFFENDERS, WAS PERCEIVED AS A FAIR AND JUST REQUIREMENT BY THE YOUTH PLACED ON PROBATION, PARENTS OF THE YOUTH, POLICE OFFICER, JUVENILE PROBATION OFFICER, AND THE VICTIM. JUVENILE COURT DISPOSITIONS IN ST. LOUIS COUNTY, MINNESOTA, WERE REVIEWED FOR A FOUR WEEK PERIOD OF TIME TO DETERMINE THOSE IN WHICH RESTITUTION WAS ORDERED AS A PROBATION CONDITION. SEVENTEEN DISPOSITIONS WERE IDENTIFIED. FOR 16 OF THE 17 YOUTH FOR WHOM RESTITUTION HAD BEEN ORDERED, FOLLOW UP INTERVIEWS WERE SCHEDULED WITH THE YOUTH, PARENT, VICTIM, PROBATION OFFICER AND POLICE OFFICER. INTERVIEWS WERE CONDUCTED USING A STRUCTURED INTERVIEW SCHEDULE CONTAINING A NUMBER OF OPEN-ENDED QUESTIONS. INTERVIEWS WERE CONDUCTED AN AVERAGE OF FORTY DAYS FOLLOWING COURT DISPOSITION.
MAJOR FINDINGS WERE AS FOLLOWS:
1. THE YOUTH REPORTED AN AVERAGE ESTIMATED LOSS TO VICTIMS OF \$66 WHILE THE AVERAGE ESTIMATED LOSS REPORTED BY THE OTHER GROUPS (PARENTS, VICTIMS, PROBATION OFFICERS, POLICE OFFICERS) WAS BETWEEN \$200 AND \$300.
2. THE MAJORITY OF THE YOUTH, THEIR PARENTS, AND PROBATION OFFICERS EITHER DID NOT KNOW OR DID NOT FEEL THAT THE VICTIMS SUFFERED ANY LOSSES IN ADDITION TO MONETARY DAMAGES. EIGHTY PERCENT OF THE VICTIMS, HOWEVER, REPORTED SUFFERING IN OTHER WAYS AND MOST FREQUENTLY MENTIONED EMOTIONAL TRAUMA RESULTING FROM THE INCIDENT.
3. AT THE TIME OF THE INTERVIEW, 90 OF THE VICTIMS HAD NO KNOWLEDGE OF THE COURT DISPOSITION AND WERE UNAWARE THAT THEY WERE TO RECEIVE RESTITUTION.
4. THE MAJORITY OF ALL SUBJECTS THOUGHT THE COURT HAD HANDLED THE YOUTH FAIRLY; PROBATION OFFICERS HAD THIS PERCEPTION MORE FREQUENTLY THAN THE OTHER SUBJECTS.
5. ALL GROUPS OF SUBJECTS PERCEIVED THE RESTITUTION AS FAIR TO THE YOUTH BUT THE VICTIMS, PARENTS, PROBATION OFFICERS, POLICE OFFICERS WERE IN STRONGER AGREEMENT THAN THE YOUTH THEMSELVES.
6. PARENTS AND YOUTH BOTH PERCEIVED RESTITUTION AS A FAIR SANCTION LESS FREQUENTLY THAN DID VICTIM, PROBATION OFFICERS, OR POLICE.
7. PARENTS AND YOUTH TENDED TO PERCEIVE RESTITUTION ALONE AS A SUFFICIENT PENALTY WHILE VICTIMS, PROBATION OFFICERS, AND POLICE OFFICERS WERE MORE LIKELY TO CONSIDER RESTITUTION ALONE AS AN INSUFFICIENT PENALTY.

102.

GANDY, JOHN T.

"COMMUNITY ATTITUDES TOWARD CREATIVE RESTITUTION AND PUNISHMENT," UNPUBLISHED DOCTORAL DISSERTATION, UNIVERSITY OF DENVER, 1975.

THE MAJOR AIMS OF THIS STUDY WERE TO DETERMINE COMMUNITY ATTITUDES TOWARD CREATIVE RESTITUTION; TO DETERMINE THE RELATIONSHIP BETWEEN ATTITUDES TOWARD RESTITUTION AND PUNISHMENT; TO DETERMINE ATTITUDES AND PERCEPTIONS TOWARD CREATIVE RESTITUTION THAT WOULD SUPPORT OR IMPEDE PROGRAM APPROACHES.

MAILED QUESTIONNAIRES WERE SENT TO SIX SUB-SAMPLES AS THESE INCLUDED POLICE OFFICERS, SECOND YEAR SOCIAL WORK GRADUATE STUDENTS, MEMBERS OF A WOMEN'S COMMUNITY SERVICE CLUB, JUVENILE AND ADULT PROBATION OFFICERS IN COLORADO, JUVENILE PAROLE OFFICERS IN COLORADO, MINNESOTA PAROLE OFFICERS.

A TOTAL OF 705 QUESTIONNAIRES WERE DISTRIBUTED. FOUR HUNDRED AND TWENTY QUESTIONNAIRES WERE RETURNED FOR A RESPONSE RATE OF APPROXIMATELY 60 PERCENT. RESPONSES VARIED ACCORDING TO THE SUB-SAMPLE: POLICE HAD A 34 PERCENT RESPONSE RATE, SOCIAL WORK STUDENTS A 76 PERCENT RESPONSE RATE, MEMBERS OF A WOMEN'S CLUB HAD A 75 PERCENT RESPONSE RATE, JUVENILE PROBATION AND PAROLE OFFICERS HAD A 67 PERCENT RATE, AND MINNESOTA ADULT PAROLE AND PROBATION OFFICERS A 65 PERCENT RESPONSE RATE.

MAJOR FINDINGS WERE:

1. STRONG SUPPORT AND ACCEPTANCE OF CREATIVE RESTITUTION WAS FOUND WITH ALL OF THE STUDIES POPULATIONS BEING SUPPORTIVE ALTHOUGH THE POLICE HAD A LOWER RATE.
2. ALL OF THE PUNISHMENT SCALES USED WERE NEGATIVELY CORRELATED WITH CREATIVE RESTITUTION. THE REHABILITATION SCALE WAS POSITIVELY CORRELATED WITH RESTITUTION.
3. THOSE RESPONDENTS WHO SUPPORTED THE TRADITIONAL CONCEPT OF PUNISHMENT RESPONDED POSITIVELY TOWARD CREATIVE RESTITUTION BUT LESS SO THAN PEOPLE HOLDING FAVORABLE ATTITUDES TOWARD REHABILITATION.
4. INCREASED EDUCATION TENDED TO BE REFLECTED IN GREATER SUPPORT FOR REHABILITATION AND DECREASED SUPPORT FOR PUNISHMENT.
5. RESPONDENTS GENERALLY FAVORED THE USE OF RESTITUTION WITH PROPERTY OFFENSES AND DRUNK DRIVING AND BURGLARY. RESTITUTION WAS SEEN AS INAPPROPRIATE FOR CRIMES AGAINST THE PERSON.
6. GENERALLY, RESTITUTION WAS SEEN AS A SUBSTITUTE FOR IMPRISONMENT WITH CERTAIN TYPES OF PROPERTY OFFENSES.
7. GENERALLY, RESPONDENTS VIEWED THE DEVELOPMENT OF A CONTRACTUAL RELATIONSHIP BETWEEN AN OFFENDER AND A VICTIM AS REALISTIC, ALTHOUGH THERE WERE QUESTIONS ABOUT THIS.
8. MONETARY PAYMENTS AND SERVICE TO THE COMMUNITY WERE CONSIDERED TO HAVE GREATER POTENTIAL THAN SERVICE TO THE VICTIM.

103.

GANDY, JOHN T.

"ATTITUDES TOWARD THE USE OF RESTITUTION," IN GALAWAY, B. AND JOE HUDSON, EDS., OFFENDER RESTITUTION IN THEORY AND ACTION, LEXINGTON: D. C. HEATH, 1978.

DISCUSSES RESEARCH FINDINGS REGARDING ATTITUDES OF CITIZENS AND CRIMINAL JUSTICE OFFICIALS TOWARD THE USE OF RESTITUTION AND DISCUSSES THE IMPLICATIONS OF THESE ATTITUDES FOR RESTITUTION PROGRAMMING.

104.

GANDY, JOHN T. AND BURT GALAWAY.

RESTITUTION AS A SANCTION FOR OFFENDERS: A PUBLIC'S VIEW,"--IN-HUDSON, J. AND B. GALAWAY, EDS., VICTIMS, OFFENDERS, AND ALTERNATIVE SANCTIONS, LEXINGTON: D.C. HEATH/LEXINGTON BOOKS, 1980.

THE AIM OF THIS RESEARCH WAS TO IDENTIFY PUBLIC ATTITUDES TOWARD THE CONCEPT AND PRACTICE OF FINANCIAL RESTITUTION, COMMUNITY AND PERSONAL SERVICE RESTITUTION. THE STUDY POPULATION CONSISTED OF ALL PERSONS LISTED IN THE 1979 METROPOLITAN COLUMBIA, SOUTH CAROLINA TELEPHONE BOOK. APPROXIMATELY 98,000 PEOPLE WERE INVOLVED. SYSTEMATIC RANDOM SAMPLE WAS USED AND TELEPHONE INTERVIEWS CONDUCTED WITH 500 RESPONDENTS. DATA COLLECTIONS WAS CARRIED OUT BETWEEN MARCH AND JUNE, 1979. MAJOR FINDINGS WERE:

1. MONETARY RESTITUTION RECEIVED THE STRONGEST SUPPORT BUT COMMUNITY SERVICE RESTITUTION WAS ALMOST AS STRONGLY SUPPORTED. PERSONAL SERVICE RESTITUTION RANKED THIRD IN TERMS OF PUBLIC SUPPORT.
2. APPROXIMATELY HALF OF THE RESPONDENTS NOTED THAT THEY WOULD BE WILLING TO BECOME INVOLVED IN PERSONAL SERVICE RESTITUTION IF THEY WERE VICTIMIZED.
3. RESPONDENTS SAW RESTITUTION AS A VIABLE SANCTION FOR BURGLARY, DRUNK DRIVING, EMBEZZLEMENT, DESTRUCTION OF PROPERTY, AND SHOPLIFTING. RESTITUTION WAS NOT VIEWED AS A VIABLE SANCTION FOR AUTO THEFT.
4. THE SEX OF THE OFFENDER WAS NOT FOUND TO BE OF SIGNIFICANT IMPORTANCE TO THE PUBLIC IN VIEWING RESTITUTION AS A SANCTION. AGE OF OFFENDER DID MAKE SOME DIFFERENCE WITH THE PUBLIC TENDING TO VIEW JUVENILES AS COMPARED TO ADULTS MORE APPROPRIATE CANDIDATES FOR RESTITUTION. PRIOR RECORD OF THE OFFENDER WAS OF SOME IMPORTANCE WITH FIRST TIME OFFENDERS PERCEIVED AS MORE APPROPRIATE CANDIDATES FOR RESTITUTION THAN THOSE WITH PRIOR RECORDS.
5. LITTLE EVIDENCE WAS FOUND TO SUPPORT THE NOTION THAT THE PUBLIC PREFERS RESTITUTION TO BE USED IN CONJUNCTION WITH SUCH OTHER SANCTIONS AS PROBATION, PRISON OR JAIL, REVOCATION OF A LICENSE, COUNSELLING.

105.

GAROFALO, RAFFAELE.

"ENFORCED REPARATION AS A SUBSTITUTE FOR IMPRISONMENT,"--IN-HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975. THE PROPOSAL ADVANCED BY THE POSITIVE CRIMINOLOGIST, GAROFALO, ADVANCED AT THE INTERNATIONAL PENITENTIARY CONGRESS IN BRUSSELS IN 1960; ENFORCED LABOR IS OPPOSED AS A SUBSTITUTE FOR IMPRISONMENT FOR LESS SERIOUS OFFENDERS WITH WORK EARNINGS USED FOR RESTITUTION PURPOSES.

106.

GEIS, GILBERT.

"RESTITUTION BY CRIMINAL OFFENDERS: A SUMMARY AND OVERVIEW,"--IN-HUDSON, J. AND BURT GALAWAY, EDS., RESTITUTION IN CRIMINAL JUSTICE, LEXINGTON: D. C. HEATH, 1977.

DESCRIBES THE MAJOR ISSUES AND CONCERNS DEALT WITH DURING THE FIRST SYMPOSIUM ON RESTITUTION; SUGGESTS ADDITIONAL AREAS FOR RESEARCH AND STUDY.

107.

GERRARD, JOHN M. AND ROBERT W. KNIGHT.

"AN EVALUATION OF COMMUNITY RESTITUTION IN-SERVICE PROGRAM," MAY 5, 1977. THE KRISP PROJECT WAS ESTABLISHED IN 1975 BY THE PIMA COUNTY ADULT PROBATION DEPARTMENT AND DESIGNED TO PROVIDE DEFENDANTS AND PROBATIONERS AN OPPORTUNITY TO DO COMMUNITY SERVICE WORK AS A CONDITION OF PROBATION. SELECTION AND PLACEMENT IN THE PROJECT OCCURS DURING THE PRE-SENTENCE INVESTIGATION AND IS IMPOSED AS A CONDITION OF THE PROBATION ORDER. THE RESEARCH DESIGN AMOUNTS TO A ONE SHOT CASE STUDY. DATA WAS COLLECTED FROM AGENCY FILES AS WELL AS ON THE BASIS OF INTERVIEW SCHEDULES.

MAJOR FINDINGS WERE:

- 1) REFERRAL AGENCIES WERE HIGHLY POSITIVE TOWARD THE COMMUNITY SERVICE WORK PERFORMED BY OFFENDERS;
- 2) A SUBSTANTIAL NUMBER OF OFFENDERS INDICATED THAT TRANSPORTATION WAS A MAJOR PROBLEM IN COMPLETING THE COMMUNITY SERVICE WORK;
- 3) A SIGNIFICANT NUMBER OF OFFENDERS STATED THAT THEY HAD SKILLS THAT WERE NOT BEING USED IN THE COMMUNITY SERVICE PLACEMENT;
- 4) APPROXIMATELY ONE THIRD OF THE TOTAL HOURS OF COMMUNITY SERVICE ASSIGNED TO OFFENDERS HAD BEEN COMPLETED AS OF APRIL, 1977.

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108.

GILBEAU, DONNA.

"LOCAL PROJECT EVALUATION/JUVENILE RESTITUTION PROJECTS: THE RESTITUTION PROJECT," PAPER PRESENTED AT THIRD SYMPOSIUM ON RESTITUTION, DULUTH, MINNESOTA, SEPTEMBER 27-28, 1979.

DESCRIBES THE PLANNING AND IMPLEMENTATION OF A JUVENILE RESTITUTION PROJECT IN PORTLAND, MAINE.

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109.

GOLD, ALAN D.

"RESTITUTION AND COMPENSATION AND FINES," OTTAWA LAW REVIEW, VOL. 7, JULY, 1975, PP. 301-307.

A DISCUSSION OF THE LAW REFORM COMMISSION OF CANADA PROPOSALS ON RESTITUTION AND COMPENSATION AND FINES. THE THRUST OF THE COMMISSION PROPOSALS ABOUT RESTITUTION HAVE AS THEIR PRIMARY AIM PLACING THE RESPONSIBILITY ON THE OFFENDER TO MAKE GOOD THE DAMAGES DONE TO THE VICTIM. THIS IS SEEN AS A BASIC PRINCIPLE IN CRIMINAL LAW. RESTITUTION WOULD BE USED AS A SANCTION INVOLVING THE PAYMENT OF MONEY OR ANYTHING DONE BY THE OFFENDER FOR THE PURPOSE OF MAKING GOOD THE DAMAGE TO THE VICTIM. THE PURPOSE IS TO RESTORE FINANCIAL, PHYSICAL, OR PSYCHOLOGICAL LOSS AND IT COULD INCLUDE APOLOGY, MONETARY PAYMENT, OR A WORK ORDER. THESE TYPES OF SANCTIONS WOULD BE USED AS A CENTRAL CONSIDERATION FOR MOST OFFENSES, EITHER ALONE OR WITH SUPPLEMENTARY SANCTIONS SUCH AS A FINE.

SOME MATTERS OF DETAIL ARE NOT DEALT WITH BY THE COMMISSION. FOR EXAMPLE, THE ROLE ENVISIONED FOR THE VICTIM IN RESTITUTION PROCEEDINGS IS NOT DISCUSSED. ALSO, THERE IS LACK OF CLARITY ABOUT THE NATURE OF DAMAGES FOR WHICH RESTITUTION WOULD BE ORDERED; THE ROLE OF PAIN AND SUFFERING IS NOT DEALT WITH.

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110.

GOLDSTEIN, NAOMI.

"REPARATION BY THE OFFENDER TO THE VICTIM AS A METHOD OF REHABILITATION FOR BOTH," -IN-DRAPKIN, I. AND VIANO, EDS., VICTIMOLOGY: A NEW FOCUS, VOL.2, SOCIETY'S REACTION TO VICTIMIZATION, LEXINGTON: LEXINGTON BOOKS, 1974, PP. 193-205.

THIS PAPER SHOWS THAT THE NETWORK OF PROCESSES BY WHICH THE VICTIM MAY OBTAIN REPARATION FOR AN INJURY SUSTAINED BY A CRIMINAL ACT IS STILL DEFICIENT IN ENSURING THE TOTAL REHABILITATION OF ALL VICTIMS. DESPITE THE INTRODUCTION OF STATE COMPENSATION BOARDS. THE PAPER ALSO ATTEMPTS TO SHOW HOW REPARATION BY THE OFFENDER MIGHT REMOVE SOME OF THESE DEFICIENCIES. THIS METHOD MIGHT ALSO BE BENEFICIAL TO THE OFFENDER IN HIS REHABILITATION PROCESS. REPARATION BY THE OFFENDER NEED NOT BE FINANCIAL AND SHOULD BE CARRIED OUT WHILE THE CRIMINAL REMAINS IN THE COMMUNITY. (NCJRS)

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111.

GONNIGAM, GARY E.

"DEFERRED PROSECUTION, COMPREHENSIVE STUDY, 1974-78," TAZEWELL COUNTY STATE'S ATTORNEY'S OFFICE, TAZEWELL COUNTY, ILLINOIS, UNDATED.

THE PRIMARY AIM OF THIS REPORT IS TO PROVIDE A SUMMARY OF THE PROGRAM RESULTS OVER A FOUR YEAR PERIOD. THE PROGRAM IS DESIGNED TO PROVIDE AN ALTERNATIVE TO FORMAL COURT PROCEEDINGS FOR SELECTED FIRST OFFENDERS AND TO DIVERT THEM INTO AN ORGANIZED COMMUNITY SERVICE PROGRAM OFFERING INTENSIVE SUPERVISION ON THE USE OF RESTITUTION SO AS TO ALLOW THE COURT TO MORE ADEQUATELY DEAL WITH THE SERIOUS AND REPEAT OFFENDER. DATA WAS COLLECTED ON EACH CASE SCREENED FOR ADMISSION TO THE PROJECT AS WELL AS INFORMATION COLLECTED DURING THE ACTUAL TIME THE OFFENDER WAS IN THE PROJECT. FOLLOW UP INFORMATION WAS COLLECTED BUT THE SPECIFIC NATURE OF THE FOLLOW UP PERIOD IS NOT DETAILED.

MAJOR FINDINGS WERE:

1. 440 CASES OF 950 REFERRED TO THE PROGRAM WERE ACCEPTED (46 PERCENT).
2. 45 (10 PERCENT) OF THE 440 CASES WERE REVOKED FROM THE PROGRAM AND RETURNED FOR PROSECUTION.
3. APPROXIMATELY \$11,000 IN "VOLUNTARY SERVICE FEES" WERE COLLECTED DURING "THIS FISCAL YEAR".
4. DURING FOUR YEARS OF THE PROGRAM'S OPERATION, APPROXIMATELY \$47,000 WAS COLLECTED AND RETURNED AS RESTITUTION TO CRIME VICTIMS AND IN ADDITION, AN UNSPECIFIED NUMBER OF HOURS OF COMMUNITY SERVICE WAS PERFORMED.
5. LARGEST PROPORTION OF OFFENDERS PARTICIPATING IN THE PROGRAM WERE BETWEEN 17 AND 20 YEARS OF AGE, WERE MALES, WERE EMPLOYED FULL TIME OR WERE FULL TIME STUDENTS, AND HAD AN EDUCATION OF FROM 9 TO 12 YEARS.
6. THE LARGEST PROPORTION OF CASES HANDLED BY THE PROGRAM WERE MISDEMEANORS (63 PERCENT) AS COMPARED TO FELONIES (27 PERCENT) AND JUVENILES (10 PERCENT).
7. 305 PERSONS SUCCESSFULLY COMPLETED THE PROGRAM AND OF THESE, 16 (FIVE PERCENT) WERE REARRESTED FOR A SUBSEQUENT OFFENSE AND 8 (THREE PERCENT) HAD BEEN CONVICTED.
8. A NET SAVINGS TO THE COUNTY AS A RESULT OF THE PROGRAM IS ESTIMATED TO BE APPROXIMATELY \$206,000.

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112.
GRIFFITHS, ROBIN.
"COMMUNITY SERVICE BY OFFENDERS," NEW LAW JOURNAL, FEBRUARY, 1976, PP. 169-171.

DESCRIBES THE HISTORY AND IMPLEMENTATION OF THE BRITISH COMMUNITY SERVICE PROGRAM. THE RELEVANT LEGISLATION AS CONTAINED IN THE POWERS OF CRIMINAL COURTS ACT OF 1973 IS SUMMARIZED, THE GENERAL PURPOSE AND JUSTIFICATION OF THE LEGISLATION IS DESCRIBED IN RELATION TO RISING PRISON POPULATIONS, THE NEGATIVE EFFECTS OF IMPRISONMENT, AND CHANGING METHODS OF TREATMENT. THE ADMINISTRATION AND IMPLEMENTATION OF THE LEGISLATION IS DESCRIBED IN TERMS OF THE TYPES OF COMMUNITY SERVICE WORK BEING USED AND THE KINDS OF OFFENDERS PARTICIPATING IN THE SCHEME.

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113.
GRIFFITHS, ROBIN.
"COMMUNITY SERVICE BY OFFENDERS--II," NEW LAW JOURNAL, FEBRUARY 19, 1976, PP. 193-195.

DEALS WITH THE SIX EXPERIMENTAL AREAS IN WHICH THE COMMUNITY SERVICE PROGRAM WAS IMPLEMENTED IN GREAT BRITAIN. PARTICULAR FOCUS IS PLACED UPON THE TYPE OF OFFENDERS SELECTED FOR THE PROGRAM IN TERMS OF AGE, SEX, PREVIOUS RECORD, PRESENT OFFENSE. CONCLUDES THAT THERE IS NO SUCH THING AS A TYPICAL RECIPIENT OF A COMMUNITY SERVICE ORDER AND PROVIDES SOME DATA ABOUT THE RELATIVE EXTENT TO WHICH OFFENDERS SELECTED FOR THE PROGRAM COMPLETED IT IN EACH OF THE SIX EXPERIMENTAL AREAS.

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114.
GROVES, PATRICIA HEFFRON.
"A REPORT ON COMMUNITY SERVICE TREATMENT AND WORK PROGRAMS IN BRITISH COLUMBIA,"--IN-COMMUNITY PARTICIPATION IN SENTENCING, LAW REFORM COMMISSION OF CANADA, OTTAWA, CANADA: PRINTING AND PUBLISHING SUPPLY AND SERVICES CANADA, 1976, PP. 119-150.

THIS REPORT EXAMINES THE CURRENT AND PROPOSED USE OF COMMUNITY SERVICE TREATMENT IN BRITISH COLUMBIA, AND DISCUSSES SOME OF THE ISSUES AND PROBLEMS INVOLVED IN THESE NON-CUSTODIAL PENALTIES AND PROGRAMS. THE PRESENT ORGANIZATION AND ADMINISTRATION OF CORRECTIONS IN BRITISH COLUMBIA IS FIRST OUTLINED. IT IS NOTED THAT THE DEVELOPMENT OF WORK SERVICE PROGRAMS IS ONE OF FIVE MAJOR INNOVATIONS PLANNED BY THE DEPARTMENT. THE TYPES OF WORK SERVICE PROPOSED BY THE DEPARTMENT INCLUDE INVOLVEMENT OF PROBATIONERS IN EXISTING COMMUNITY PROJECTS, ARRANGED WORK PROJECTS OF A PUBLIC NATURE, AND SPECIAL SOCIAL SERVICE PROGRAMS FOR OFFENDERS WHO ALREADY POSSESS SPECIFIC SKILLS. SEVERAL REPORTS ON THE ACTUAL USE OF COMMUNITY SERVICE TREATMENT IN BRITISH COLUMBIA ARE THEN PROVIDED, WITH THE COMMENTS OF JUDGES AND PROBATION OFFICERS. FINALLY, AN ANALYSIS OF SOME OF THE PROBLEMS INVOLVED IN THESE TYPES OF PROGRAMS IS PRESENTED. THE APPENDIX PROVIDES A DISCUSSION OF THE USE OF COMMUNITY SERVICE IN INDIAN COMMUNITIES.

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115.
HARDING, JOHN K.
"COMMUNITY SERVICE, A BEGINNING," PROBATION, 19:1, MARCH, 1973, PP. 13-17.
DESCRIBES THE RATIONALE AND PURPOSE OF THE BRITISH COMMUNITY SERVICE PROGRAM. PARTICULAR ATTENTION IS PLACED UPON THE IMPLEMENTATION OF THE SCHEME IN THE NOTTINGHAMSHIRE AREA IN TERMS OF THE TYPES OF TASKS ASSIGNED TO OFFENDERS, THE ROLE OF LOCAL VOLUNTARY ORGANIZATIONS, AND THE REFERRAL PROCESSES FROM THE COURTS. (NCJRS)

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116.
HARDING, JOHN (EDITOR).
"COMMUNITY SERVICE BY OFFENDERS (THE NOTTINGHAMSHIRE EXPERIMENT)", LONDON: NATIONAL ASSOCIATION FOR THE CARE AND RESETTLEMENT OF OFFENDERS, 1974.
REPORTS ON THE PILOT COMMUNITY BASED CORRECTIONS PROGRAM SET UP IN SIX BRITISH PROBATION AREAS AND DESIGNED TO PRESENT THE COURTS WITH AN ALTERNATIVE TO A CUSTODIAL SENTENCE. UNDER THIS PROGRAM, OFFENDERS ARE SENTENCED TO A SPECIFIED NUMBER OF HOURS OF COMMUNITY SERVICE WORK TO BE PERFORMED IN THEIR LEISURE AND/OR AFTER WORK HOURS. OFFENDERS USUALLY SERVE AS VOLUNTEERS IN COMMUNITY AGENCIES. THE ORGANIZATION OF THE PROGRAM IS DESCRIBED INCLUDING COLLECTING SUITABLE TASKS FROM VOLUNTEER ORGANIZATIONS, DISCUSSION AND TRAINING WITH JUDGES, MAGISTRATES, AND COURT CLERKS, AND INFORMING PROBATION OFFICERS ABOUT THE PROGRAM. ALSO DISCUSSED ARE SELECTION OF OFFENDERS FOR THE PROGRAM, THE MATCHING OF OFFENDERS TO AVAILABLE COMMUNITY SERVICE JOBS, THE PATTERN OF WORK AND THE DIFFICULTIES ENCOUNTERED IN STAFFING THE PROJECT. THE RESPONSE TO COMMUNITY SERVICE ON THE PART OF OFFENDERS, PROBATION OFFICERS, AND THE PUBLIC IS ALSO DISCUSSED. FIVE BRIEF CASE STUDIES OF OFFENDERS WHO PARTICIPATED IN THE PROGRAM ARE PRESENTED ALONG WITH THE WRITTEN REACTIONS OF PROGRAM SUPERVISORS AND PARTICIPANTS. A BRIEF BIBLIOGRAPHY IS INCLUDED. THE APPENDIX CONTAINS LISTS OF THE TASKS PERFORMED IN COMMUNITY SERVICE, THE COMMUNITY ORGANIZATIONS PARTICIPATING IN THE PROJECT, AND SOME DATA ON THE PROGRAM ITSELF. (NCJRS)

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117.
HARDING, JOHN.
"COMMUNITY SERVICE RESTITUTION BY OFFENDERS,"--IN-HUDSON, J. AND BURT GALAWAY, EDS., RESTITUTION IN CRIMINAL JUSTICE, LEXINGTON: D. C. HEATH, 1977.
DESCRIBES THE CENTRAL INGREDIENTS AND OPERATION OF THE BRITISH COMMUNITY SERVICE PROGRAM; PROVIDES SOME EVALUATION RESULTS AND SUGGESTS FUTURE DIRECTIONS FOR EXPANSION.

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118.

HARDING, JOHN.

"THE DEVELOPMENT OF COMMUNITY SERVICE: ITS APPLICATION AND RELEVANCE TO THE CRIMINAL JUSTICE SYSTEM," IN NORMAN TUTT, ED., ALTERNATIVE STRATEGIES FOR COPING WITH CRIME, OXFORD AND LONDON: BASIL BLACKWELL PUBLISHERS AND MARTIN ROBERTSON PUBLISHERS, 1978, PP. 164-185.

DESCRIBES THE OPERATION OF THE BRITISH COMMUNITY SERVICE PROGRAM IN THE SIX PILOT AREAS IN WHICH IT WAS INITIALLY ESTABLISHED. STRESSES THE ORGANIZATION OF THE SERVICE, THE RATIONALE AND PURPOSE FOR COMMUNITY SERVICE, AND ANALYSES THE IMPACT OF COMMUNITY SERVICE ON COURTS, PROBATION SERVICES, COMMUNITY AND OFFENDERS. A BRIEF DESCRIPTION IS PROVIDED OF THE COMMUNITY SERVICE VOLUNTEERS (CSV) PROGRAM ESTABLISHED IN 1971 AND USED WITH BORSTAL TRAINEES.

119.

HARDING, JOHN.

"COMMUNITY SERVICE ORDERS: THE BRITISH EXPERIENCE AND ITS IMPLICATIONS FOR THE AMERICAN JUSTICE SYSTEM-SESSION 3," WORKSHOP HELD IN MINNEAPOLIS, MN, MAY 13, 1980.

PROCEEDINGS FROM THE THIRD SESSION OF THE WORKSHOP: EFFECTS OF THE PROGRAM AND CURRENT OPERATIONAL STATUS.

120.

HARLAND, ALAN T.

"COMPENSATING THE VICTIMS OF CRIME," CRIMINAL LAW BULLETIN, 14:3, MAY, 1978, PP. 203-224.

NO PUBLIC OFFICIAL RESKS LOSING ANY VOTES BY TAKING A STRONG POSITION IN FAVOR OF THE VICTIMS OF CRIMINAL OFFENSES. TAKING SUCH A POSITION AND ENGAGING IN REALISTIC EFFORTS TO AID VICTIMS PROVES TO BE DIFFICULT TO RECONCILE. THE AUTHOR EXAMINES THE RATIONALES FOR VICTIM COMPENSATION PROGRAMS AND THE EXPANDED USE OF THE MORE TRADITIONAL REMEDY OF RESTITUTION. USING THE BEST AVAILABLE DATA, THE AUTHOR FINDS THAT ONLY A TINY PERCENTAGE OF VICTIMS WILL BE COMPENSATED UNDER EXISTING COMPENSATION PROGRAMS, WHILE A MORE IMAGINATIVE USE OF RESTITUTION APPEARS TO BE MORE PROMISING. (AUTHOR'S ABSTRACT)

121.

HARLAND, A.

"RESTITUTION TO VICTIMS OF PERSONAL AND HOUSEHOLD CRIMES," WORKING PAPER, CRIMINAL JUSTICE RESEARCH CENTER, ALBANY, NEW YORK, 1978.

AN ANALYSIS OF 1974 VICTIMIZATION SURVEY DATA (THE NATIONAL CRIME SURVEY) OF VICTIMIZATIONS RESULTING FROM LARCENY THAT OCCURRED AWAY FROM THE HOME, PURSE SNATCHING AND POCKET PICKING, VEHICLE THEFT, BURGLARY, AND UNARMED ROBBERY, AND IDENTIFIES IMPLICATIONS OF THE DATA FOR THE USE OF RESTITUTION WITH OFFENDERS. OVER THIRTY-TWO MILLION VICTIMIZATIONS WERE ESTIMATED FROM THESE SIX OFFENSES; 93 PERCENT THE VICTIMS REPORTED THAT SOMETHING WAS STOLEN OR PROPERTY WAS DAMAGED; BECAUSE OF THE TYPES OF CRIMES ANALYZED, LESS THAN ONE PERCENT OF THE VICTIMS REPORTED INJURY. SEVENTY-THREE PERCENT OF THE VICTIMIZATIONS, EXCLUDING INJURIES, RESULTED IN GROSS LOSSES TO THE VICTIMS OF LESS THAN \$100. THE GREATEST NUMBER OF VICTIMS RECEIVED NO RECOVERY OF PROPERTY OR REIMBURSEMENT FOR DAMAGE FROM INSURANCE, POLICE OR OTHER SOURCES; LESS THAN TEN PERCENT RECEIVED TOTAL RECOVERY AND LESS THAN FIVE PERCENT PARTIAL RECOVERY. THE RELATIONSHIP BETWEEN LIKELIHOOD OF RECOVERY AND VALUE OF LOSS WAS DIRECT--THE GREATER THE LOSS, THE GREATER THE LIKELIHOOD OF RECOVERY. WHILE INSURANCE MAY PROVIDE A LARGE AMOUNT OF RECOVERY FOR THOSE WHO RECOVER AT ALL, IT WAS FOUND TO PROVIDE RELIEF FOR RELATIVELY FEW PEOPLE WHO SUFFER THEFT LOSSES. THE LARGE NUMBER OF PERSONS EXPERIENCING LOSS, THE TYPICALLY LOW LOSS PER VICTIMIZATION, THE GENERAL FAILURE TO RECEIVE REIMBURSEMENT FROM INSURANCE COMPANIES OR OTHER SOURCES, AND, WHEN SUCH REIMBURSEMENT IS RECEIVED, THE TENDENCY FOR IT TO BE RECEIVED FOR THE OFFENSES WITH GREATER LOSS, ALL TEND TO SUGGEST THAT RESTITUTION MIGHT BE A USEFUL SERVICE FOR CRIME VICTIMS AND NOT A HEAVY BURDEN FOR OFFENDERS. THE DATA WAS DRAWN FROM A VICTIMIZATION SURVEY IN WHICH, OF COURSE, MANY OF THE OFFENSES ARE NOT CLEARED AND THUS RESTITUTION IS NOT POSSIBLE. HOWEVER, THE POSSIBILITY OF RESTITUTION MIGHT INCREASE CRIME REPORTING AND MIGHT LEAD TO INCREASED SOLVING OF PROPERTY CRIMES; CRIMES IN WHICH INSURANCE RECOVERY IS POSSIBLE TEND TO BE REPORTED TO THE POLICE WITH GREATER FREQUENCY THAN OTHER CRIMES. A CAUTIONARY NOTE IS DEVELOPED FROM THE EXAMINATION OF THE INCOME LEVEL OF JAIL INMATES IN 1972 SUGGESTING THAT MANY MAY BE OF VERY LIMITED MEANS. FINALLY, AN EXAMINATION OF THE INCOME LEVEL OF VICTIMS FROM THE VICTIMIZATION SURVEY SUGGESTS THAT RESTITUTION TO WEALTHY VICTIMS WOULD BE A VERY RARE OCCURANCE--45 PERCENT OF THE VICTIMS INVOLVE FAMILIES WITH INCOMES OF \$10,000 TO \$25,000 AND 43 PERCENT INVOLVED FAMILIES WITH INCOMES OF LESS THAN \$10,000. RESTITUTION IS INTUITIVELY APPEALING AS A SOURCE OF AID TO VICTIMS AND AS A POSSIBLE BENEFICIAL SENTENCING OPTION FOR OFFENDERS; HOWEVER, THESE ARE NOT ALWAYS MUTUALLY OBTAINABLE GOALS. IN CASE OF CONFLICT, A DECISION MUST BE MADE WHETHER THE EMPHASIS IS TO BE ON THE VICTIM OR THE OFFENDER, AND THE EFFECTS OF EITHER CHOICE MUST BE EXAMINED BEFORE A STANCE TOWARDS RESTITUTION CAN BE ADOPTED. RESTITUTION IS A PART OF THE AGELESS CORRECTIONAL DELIMMA OF SEEKING TO OPTIMALLY BALANCE THE INTEREST OF THE INDIVIDUAL OFFENDER AGAINST THOSE OF HIS VICTIM AND OF SOCIETY IN GENERAL.

122.

HARLAND, ALAN T.
"THEORETICAL AND PROGRAMMATIC CONCERNS IN RESTITUTION: AN INTEGRATION,"--IN- GALAWAY, B. AND JOE HUDSON, EDS., OFFENDER RESTITUTION IN THEORY AND PRACTICE, LEXINGTON: D. C. HEATH, 1978.
SUMMARIZES AND DISCUSSES THE MAJOR THEORETICAL AND PROGRAM CONCERNS DEALT WITH AT THE SECOND SYMPOSIUM ON RESTITUTION. DEFINITIONS OF RESTITUTION, PRACTICAL IMPLICATIONS OF THEORY, THE ROLE OF CRIME VICTIMS, AND FUTURE DIRECTIONS.

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123.

HARLAND, ALAN T.
"COURT ORDERED COMMUNITY SERVICE IN CRIMINAL LAW," SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MINNESOTA, MARCH, 1980.
DESPITE AN APPARENTLY GROWING ENTHUSIASM FOR THE USE OF COMMUNITY SERVICE DISPOSITIONS, M. KAY HARRIS HAS RECENTLY NOTED THAT "CASE LAW CONCERNING THE LEGALITY OF REQUIRING AN OFFENDER TO PERFORM SERVICE HAS NOT YET BEEN ESTABLISHED," ALTHOUGH ISOLATED OPINIONS MAY BE FOUND IN WHICH THE APPELATE COURTS HAVE CONSIDERED THE USE OF COMMUNITY SERVICE BY SENTENCING JUDGES, AND ALTHOUGH EXPLICIT STATUTORY AUTHORIZATION IS BECOMING MORE COMMON, CASE LAW AND LEGISLATIVE ACTIVITY IN THE AREA BOTH REMAIN NEGLIGIBLE INDEED IN COMPARISON TO THE EXTENSIVE USE OF THE SANCTION IN NUMEROUS JURISDICTIONS THROUGHOUT THE UNITED STATES. IN THE ABSENCE OF EXPLICIT AUTHORIZATION, FOR EXAMPLE, INDIVIDUAL SENTENCING JUDGES HAVE WIDELY PUBLICIZED THEIR SUPPORT FOR AND USE OF COMMUNITY SERVICE UNDER THEIR BROAD DISCRETIONARY POWERS TO REQUIRE CONDITIONS OF PROBATION OR CONDITIONAL DISCHARGE. IN ADDITION, FORMAL PROGRAMS TO IMPLEMENT AND ADMINISTER COMMUNITY SERVICE PROVISIONS ARE SPREADING RAPIDLY THROUGHOUT THE UNITED STATES, USUALLY UNDER SIMILAR NON-EXPLICIT, DISCRETIONARY STATUTORY AUTHORITY.
THE PURPOSE OF THIS REPORT IS TO EXAMINE SOME OF THE ASSUMPTIONS UNDERLYING THE EXPANSION OF COMMUNITY SERVICE SENTENCING, AND TO PROVIDE LEGISLATORS AND CRIMINAL JUSTICE PRACTITIONERS WITH A REVIEW OF STATUTES, CASE-LAW, AND RELATED DEVELOPMENTS IN THE LAW, AS WELL AS A CRITICAL APPRAISAL OF SOME OF THE "POTENTIAL LEGAL OR CONSTITUTIONAL CONFLICTS" THAT COMMUNITY SERVICE MAY PROVOKE. DISCUSSION IS DIVIDED INTO TWO GENERAL AREAS; THE FIRST INVOLVES CONSIDERATION OF THE BASIC AUTHORITY OF THE COURTS TO IMPOSE COMMUNITY SERVICE, AND THE SECOND AREA EMBRACES SPECIFIC ISSUES IN THE IMPLEMENTATION AND ADMINISTRATION OF COMMUNITY SERVICE PENALTIES.

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124.

HARLAND, ALAN T.
"THE LAW OF CRIMINAL RESTITUTION," WORKING PAPER, CRIMINAL JUSTICE RESEARCH CENTER, ALBANY, NEW YORK, 1980.

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125.

HARLAND, ALAN T.
"RESTITUTION STATUTES AND CASES: SOME SUBSTANTIVE AND PROCEDURAL CONSTRAINTS,"--IN-HUDSON, J. AND B. GALAWAY, EDS., VICTIMS, OFFENDERS, AND ALTERNATIVE SANCTIONS, LEXINGTON: D.C. HEATH/LEXINGTON BOOKS, 1980.
OVERVIEW OF SOME OF THE MAJOR LEGAL ISSUES WHICH HAVE BEEN RAISED REGARDING THE USE OF CRIMINAL RESTITUTION WITHIN THE UNITED STATES. QUESTIONS CONCERNING THE BASIC AUTHORITY TO IMPOSE RESTITUTION, VICTIM ELIGIBILITY, OFFENSE LIMITATIONS, PROPER AMOUNT OF RESTITUTION, IMPOSITION PROCEDURES, AND ENFORCEMENT PROVISIONS ARE EXAMINED ACCORDING TO CURRENT CASE LAW AND STATUTES.

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126.

HARLAND, ALAN T.; M. Q. WARREN; E. J. BROWN.
"A GUIDE TO RESTITUTION PROGRAMMING," ALBANY: CRIMINAL JUSTICE RESEARCH CENTER, JANUARY, 1979.
A GUIDE PREPARED FOR PERSONS CONSIDERING DEVELOPMENT OF MONETARY RESTITUTION OR COMMUNITY SERVICE PROGRAMS. BASED ON THE AUTHOR'S EXPERIENCES OF ATTEMPTING TO EVALUATE SEVEN NEWLY FUNDED PILOT PROJECTS. TOPICS COVERED INCLUDE PROGRAM PURPOSES AND OBJECTIVES, PROGRAM LOCATION IN THE CRIMINAL JUSTICE SYSTEM, SCOPE OF THE RESTITUTION PROCESS: INTAKE PROCEDURES, FORMULATION OF RESTITUTION PLANS, ACCOUNTING AND DISBURSEMENT OF RESTITUTION FUNDS, MONITORING AND ENFORCEMENT, AND PROGRAM EVALUATION. A RECURRENT THEME THROUGH THE MONOGRAPH IS THE POTENTIAL EFFECTS OF DIFFERING PROGRAM PURPOSES ON THE SUBSEQUENT DECISIONS; THE AUTHORS IDENTIFY THREE PROGRAM PURPOSES--TO BENEFIT OFFENDERS, BENEFIT VICTIMS, AND BENEFIT THE CRIMINAL JUSTICE SYSTEM. WHILE THESE THREE PURPOSES MAY BE FOUND IN A GIVEN PROGRAM, THERE ARE SOME INHERENT CONFLICTS AMONG THEM WHICH MAY REQUIRE PRIORITIZING THE GOALS EITHER IMPLICITLY OR EXPLICITLY AS PROGRAM DECISIONS ARE MADE.

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127.

HARRIS, GEORGE H.
"WHY'S AND HOW'S OF STOLEN GOODS RECOVERY--PART II," SECURITY WORLD, 14:5, MAY, 1977, PP. 54-55, 124.
THE AUTHOR INVESTIGATES THE LEGALITY OF PROCEDURES FOR OBTAINING EMPLOYEE ADMISSIONS OF THEFT AND DISCUSSES RESTITUTION BY THE EMPLOYEE AND THE DECISION TO TERMINATE OR RETAIN THE DISHONEST EMPLOYEE. IT IS SUGGESTED THAT WHEN RESTITUTION IS OBTAINED, CARE MUST BE TAKEN TO INSURE THAT ALL AGREEMENTS ARE MADE IN WRITING AND THAT PAYMENT IS RECEIVED ONLY FROM THE EMPLOYEE. IF THE DISHONEST EMPLOYEE IS RETAINED, THE AUTHOR RECOMMENDS THAT BUSINESSES REQUIRE TWO THINGS: RESTITUTION OF THE AMOUNT STOLEN AND THE OPPORTUNITY TO TEST THE EMPLOYEE'S HONESTY AT A LATER DATE THROUGH POLYGRAPH EXAMINATION. SUGGESTIONS FOR HANDLING TERMINATED EMPLOYEES ARE ALSO PROVIDED WITH EMPHASIS ON METHODS OF OBTAINING RESTITUTION. SAMPLE FORMS TO BE USED IN THESE SITUATIONS ARE ALSO INCLUDED. (NCJRS)

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128.

HARRIS, M. KAY, ET AL.

"COMMUNITY SERVICE BY OFFENDERS," WASHINGTON, D. C.: NATIONAL COUNCIL ON CRIME AND DELINQUENCY, 1979.

A DESCRIPTIVE REPORT ON THE USE OF COMMUNITY SERVICE SENTENCES BASED UPON A REVIEW OF THE LITERATURE AND SITE VISITS. COMMUNITY SERVICE IS CONSIDERED AS AN ALTERNATIVE TO INCARCERATION, FINES, AND TO OTHER PENALTIES AND IS ADVOCATED AS A SENTENCING PRACTICE. DESCRIPTIVE MATERIAL IS PRESENTED REGARDING THE PRACTICE OF COMMUNITY SERVICE. THE PROCESS OF STARTING A COMMUNITY SERVICE PROGRAM IS DESCRIBED INCLUDING THE FORMATION OF A CORE GROUP, DEFINING THE PROBLEM, AND LISTING COOPERATION, OBTAINING FUNDING, STAFFING, RECRUITING AND SCREENING WORK SITES. IN ADDITION, SOME DESCRIPTIVE MATERIAL IS PRESENTED REGARDING PROGRAM PROCEDURES AND PROCESSES INCLUDING DETERMINING THE AMOUNT OF COMMUNITY SERVICE, INTAKE, SCREENING, PLACEMENT AND FOLLOW UP PROCESSES. THE ISSUES OF INVOLUNTARY SERVICE, DISCRIMINATION, DISPARITY, AND EXPANSION OF SOCIAL CONTROL ARE DISCUSSED. COMMUNITY SERVICE IS ADVOCATED AS AN ALTERNATIVE TO INCARCERATION.

129.

HAVERS, M.

"REPARATION BY THE OFFENDER," LONDON: SOCIETY OF CONSERVATIVE LAWYERS, 1971.

130.

HEINZ, JOE; BURT GALAWAY; JOE HUDSON.

"RESTITUTION OR PAROLE: A FOLLOW UP STUDY OF ADULT OFFENDERS," SOCIAL SERVICE REVIEW, MARCH, 1976, PP. 148-156.

THIS STUDY AIMED AT PRESENTING THE FINDINGS OF A 16 MONTH FOLLOW UP ON THE FIRST 18 MEN RELEASED AT THE MINNESOTA RESTITUTION CENTER PROGRAM. THIS PROGRAM WAS A RESIDENTIAL COMMUNITY CORRECTIONS FACILITY ESTABLISHED TO DIVERT MEN OUT OF THE STATE PRISON FOUR MONTHS AFTER ADMISSION. A RESTITUTION CONTRACT WAS DEVELOPED BETWEEN THE VICTIM AND THE OFFENDER AS THIS STIPULATED THE AMOUNT OF RESTITUTION TO BE PAID AND THE SCHEDULE OF PAYMENTS. OFFENDERS WERE ON PAROLE STATUS IN THE CENTER.

THE STUDY DESIGN INVOLVED COMPARING 18 MALE PROPERTY OFFENDERS RELEASED ON PAROLE TO THE CENTER TO A GROUP OF MATCHED OFFENDERS WHO WERE RELEASED TO CONVENTIONAL PAROLE SUPERVISION. THE TWO GROUPS WERE INDIVIDUALLY MATCHED ON THE VARIABLES OF AGE OF FIRST OFFENSE, PREVIOUS FELONY CONVICTIONS, AGE AT RELEASE, TYPE OF OFFENSE, AND RACE. OFFICIAL RECORDS WERE USED TO OBTAIN DATA WHEN FOLLOW UP OCCURRED AT 16 MONTHS AFTER THE OFFENDERS' RELEASE FROM THE PRISON PROGRAM. MAJOR FINDINGS WERE THAT THE RESTITUTION CENTER GROUP HAD FEWER CONVICTIONS, WERE EMPLOYED FOR A HIGHER PERCENTAGE OF TIME, AND WERE RATED HIGHER ON THE GLASER SCALE OF PAROLE SUCCESS AT THE END OF THE 16 MONTH FOLLOW UP PERIOD.

131.

HENDRICKSON, BURNELL.

"PROBATION CONDITIONS AND THE EFFECT OF AN ILLEGAL CONDITION OF RESTITUTION," DUKE BAR ASSOCIATION JOURNAL, 7:2, 1939, PP. 145-147.

DESCRIBES A CASE IN WHICH A TWO-YEAR PRISON SENTENCE WAS SUSPENDED AND THE OFFENDER PLACED ON PROBATION AFTER CONVICTION FOR LEAVING THE SCENE OF AN ACCIDENT. IN ADDITION TO THE USUAL CONDITIONS OF PROBATION, THE OFFENDER WAS ORDERED TO PAY \$1,500 IN \$10 WEEKLY INSTALLMENTS TO THE INJURED PERSON. THIS WAS DONE UNTIL A TOTAL OF SLIGHTLY OVER \$1,000 HAD BEEN PAID. AT THAT TIME, A PETITION FOR RELEASE FROM PROBATION WAS DENIED AND SIX YEARS LATER, THE COURT MODIFIED THE TERMS OF THE CONDITION TO BE \$10 A MONTH UNTIL THE REMAINING AMOUNT HAD BEEN PAID. UPON THE OFFENDER'S FAILURE TO COMPLY WITH THE MODIFIED ORDER, THE COURT REVOKED THE PROBATION AND IMPOSED THE ORIGINAL SENTENCE OF IMPRISONMENT. AN APPEAL WAS MADE AND THE COURT HELD THAT THE CONDITION OF RESTITUTION WAS ILLEGAL AND THE OFFENDER WAS DISCHARGED. THE AUTHOR NOTES THAT PAYMENT BY THE OFFENDER OF A SUBSTANTIAL PORTION OF THE RESTITUTION AND THE NINE YEAR GAP BETWEEN RELEASE ON PROBATION AND THE ATTEMPTED REVOCATION WERE IMPORTANT FACTORS IN THE DECISION REACHED.

132.

HINK, HEINZ R.

"THE APPLICATION OF CONSTITUTIONAL STANDARDS OF PROTECTION TO PROBATION," THE UNIVERSITY OF CHICAGO LAW REVIEW, 29:460, 1962, PP. 483-497.

DESCRIBES THE NECESSARY CONSTITUTIONAL STANDARDS OF PROTECTION FOR PROBATIONERS. WITH RESPECT TO RESTITUTION, DISCUSSES THE POWER OF THE SENTENCING JUDGE TO MAKE THE PAYMENT OF FINANCIAL RESTITUTION A CONDITION OF PROBATION. NOTES THAT APPELLATE COURTS WILL LOOK FOR A STANDARD OF FAIRNESS AND REASONABLENESS BUT ALSO NOTES THAT IN GENERAL, SUCH COURTS HAD REFUSED A REVIEW OF CONDITIONS IMPOSED BY THE TRIAL COURTS IN RELATION TO RESTITUTION. THE AUTHOR NOTES THAT THREE PROVISIONS OF THE CONSTITUTION LIMIT THE SUBSTANTIVE CONTENT OF PROBATION PROVISIONS: THE DUE PROCESS CLAUSE IN THE FIFTH AND THE FOURTEENTH AMENDMENTS, THE PROHIBITION OF CRUEL AND UNUSUAL PUNISHMENT IN THE EIGHTH AMENDMENT, AND THE EQUAL PROTECTION CLAUSE IN THE FOURTEENTH AMENDMENT. IT IS NOTED, HOWEVER, THAT THE CASE LAW SHOWS LITTLE EVIDENCE OF THE COURT'S READINESS TO USE THESE CONSTITUTIONAL LIMITATIONS IN PROBATION CASES.

133.

HOBHOUSE, L. T.

"LAW AND JUSTICE,"--IN-HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHER, 1975.

TRACES THE DEVELOPMENT OF CRIMINAL LAW THROUGH A SERIES OF STAGES MOVING FROM PRIVATE VENGEANCE TO VENGEANCE REGULATED BY THE COLLECTIVE ORDER BUT DIRECTED TOWARD WRONGDOER REPARATION OF THE VICTIM, TO THE DEVELOPMENT OF THE CRIMINAL LAW WITH THE INTEREST OF SOCIETY COLLECTIVELY OVERSHADOWING AND SUPPLANTING THE INDIVIDUAL VICTIM.

134.

HOFFORD, MERRY.

"A PRACTICAL PERSPECTIVE ON LOCAL EVALUATIONS," PAPER PRESENTED AT THIRD SYMPOSIUM ON RESTITUTION, DULUTH, MINNESOTA, SEPTEMBER 27-28, 1979. BRIEFLY DESCRIBES THE JUVENILE RESTITUTION PROGRAM ESTABLISHED IN CHARLESTON COUNTY, SOUTH CAROLINA, AND PRESENTS DETAILED INFORMATION ABOUT THE DESIGN, METHODS AND CURRENT STATUS OF THE EVALUATION RESEARCH BEING USED.

135.

HOFRICHTER, RICHARD.

"TECHNIQUES OF VICTIM INVOLVEMENT IN RESTITUTION,"--IN-HUDSON, J. AND B. GALAWAY, EDS., VICTIMS, OFFENDERS, AND ALTERNATIVE SANCTIONS, LEXINGTON: D.C. HEATH/LEXINGTON BOOKS, 1980.

THE PRIMARY OBJECTIVE OF THIS RESEARCH WAS TO IDENTIFY FEATURES IN THE DESIGN AND PRACTICE OF RESTITUTION PROGRAMS WHICH IMPEDE OR FACILITATE MEETING THE NEEDS OF CRIME VICTIMS. THE AIM WAS TO USE THE RESEARCH FINDINGS FOR MAKING POLICY AND PROGRAM RECOMMENDATIONS TO INCREASE THE SERVICES TO CRIME VICTIMS IN OPERATING RESTITUTION PROGRAMS. SPECIFIC QUESTIONS ADDRESSED BY THE RESEARCH WERE: IS THE EXCLUDING OF THE VICTIM AS A CENTRAL PARTICIPANT IN RESTITUTION PROGRAMS INEVITABLE BECAUSE VICTIM OBJECTIVES ARE INCOMPATIBLE WITH RESTITUTION OBJECTIVES; WHAT KINDS OF DESIGN FEATURES AND PRACTICES EXIST IN RESTITUTION PROGRAMS THAT COULD BE DESIGNATED AS VICTIM ORIENTED; WHAT OBSTACLES IMPEDE MERGING VICTIM AND OFFENDER RELATED GOALS IN A SINGLE RESTITUTION PROGRAM?

SITE VISITS WERE MADE TO TEN RESTITUTION PROGRAMS AND TELEPHONE INTERVIEWS COMPLETED WITH AN ADDITIONAL EIGHT RESTITUTION PROGRAMS. THE PROJECTS INCLUDED FOR STUDY VARIED IN RELATION TO MISDEMEANOR/FELONY TYPES OF OFFENSES HANDLED, JUVENILE/ADULT CRIMINAL COURTS, ADMINISTRATIVE AUSPICES.

DATA WAS COLLECTED BY PERSONAL INTERVIEWS ON-SITE AS WELL AS BY TELEPHONE INTERVIEWS. CASE EXAMPLES ARE PRESENTED.

THE MOST GENERAL FINDING OF THE RESEARCH IS THAT IT IS GOOD FOR THE VICTIM, GOOD FOR THE SYSTEM, AND GOOD FOR JUSTICE IF VICTIMS ARE RESTORED TO A PARTICIPATORY ROLE IN THE ADJUDICATION OF CRIMINAL OFFENSES. MORE SPECIFIC FINDINGS ARE:

1. WHERE VICTIMS ARE INVOLVED AS CENTRAL PARTICIPANTS IN THE RESTITUTION PROCESS, THERE IS A GREATER LIKELIHOOD THAT THEY WILL RECEIVE FINANCIAL AND PSYCHOLOGICAL BENEFITS.
2. TO THE EXTENT THAT VICTIMS ARE SEEN AS IMPORTANT ACTORS WHO MUST BE KEPT INFORMED AND AVAILABLE FOR PARTICIPATION RATHER THAN BE PERCEIVED AS INSTRUMENTS OF OTHER OFFICIALS, THEY MAY EXPERIENCE GREATER SATISFACTION AND RECIPROCATE BY COOPERATING MORE FULLY.
3. THERE IS NO REASON UNCOVERED BY THE RESEARCH THAT INVOLVING THE VICTIM WILL LEAD TO AN UNFAIR RESULT FOR OFFENDERS.
4. IF VICTIM INVOLVEMENT IS TO BE A MAJOR COMPONENT OF RESTITUTION PROGRAMS, TWO CONDITIONS MUST BE MET: FORMALLY INSTITUTED PROCEDURES NEED TO BE PUT INTO EFFECT TO PERMIT THE VICTIM TO PLAY A ROLE AT EACH CRITICAL POINT IN A PROGRAM. SECONDLY, VICTIMS NEED TO BE ENCOURAGED TO PARTICIPATE AND BE PROVIDED WITH NEEDED SUPPORT SERVICES.
5. WELL PLANNED, FACE-TO-FACE NEGOTIATIONS BETWEEN VICTIMS AND OFFENDERS APPEARS TO OFFER THE MOST PROMISING FORM OF DIRECT VICTIM PARTICIPATION IN RESTITUTION PROGRAMS. SUCH NEGOTIATIONS PROVIDE AN OPPORTUNITY TO RESOLVE CONFLICTS AND INSURE BENEFIT PAYMENTS THAT LESS DIRECT FORMS OF PARTICIPATION CANNOT ACHIEVE.

136.

HOOD, ROGER.

"CRIMINOLOGY AND PENAL CHANGE: A CASE STUDY OF THE NATURE AND IMPACT OF SOME RECENT ADVICE TO GOVERNMENTS,"--IN-HOOD, R., ED., CRIME, CRIMINOLOGY AND PUBLIC POLICY: ESSAYS IN HONOR OF SIR LEON RADZINOWICZ.

HISTORICAL ANALYSIS OF CRIMINOLOGY AND PENAL CHANGE IN GREAT BRITAIN FROM WORLD WAR II THROUGH THE MID-SEVENTIES. AUTHOR NOTES THE SHIFTING EMPHASIS IN CORRECTIONAL STRATEGY OVER A QUARTER CENTURY'S TIME FROM TREATING IMPRISONED OFFENDERS TO ONE OF RESTRICTING IMPRISONMENT AND RELEASING THOSE IMPRISONED THROUGH PAROLE IN SHORTER PERIODS. THE AUTHOR EXAMINES THE RECOMMENDATIONS OF THE WIDGERY COMMITTEE ON "REPARATION BY THE OFFENDER" AND THE WOOTON COMMITTEE ON "NON-CUSTODIAL AND SEMI-CUSTODIAL PENALTIES," AND SPECIFICALLY THOSE RECOMMENDATIONS CONCERNING SUSPENDED SENTENCES, RESTITUTION, AND COMMUNITY SERVICE ORDERS. THE WORK OF THESE TWO COMMITTEES IS CRITICIZED FOR BASING PROPOSALS ON IMPLICIT IDEOLOGICAL APPEAL RATHER THAN BASING RECOMMENDATIONS UPON KNOWLEDGE OF THE FACTORS FOSTERING OR INHIBITING CRIME AND UPON AN ASSESSMENT OF WHY THE PRESENT METHODS WERE PROVING UNSATISFACTORY. PROPOSALS FOR COMMUNITY SERVICE ORDERS ARE CRITICIZED BECAUSE RECOMMENDATIONS ARE BASED ON A COMMITMENT TO THE EVALUATION OF THE SCHEME THROUGH EXPERIMENTATION AND FOLLOW-UP RATHER THAN ROOTED IN THEORY. THE METHODS OF CHANGE IN THE FIELD OF CORRECTIONS ARE THE AUTHOR'S MAIN FOCUS OF ATTACK.

137.

HOUSER, R.

"PRISON REFORM AND SOCIETY," PRISON SERVICE JOURNAL, 3:9, 1963, PP. 2-18.

AUTHOR SUGGESTS ALTERNATIVES TO PRISON INCLUDING "SELECTIVE SERVICE" IN WHICH MEN WOULD HAVE TO COMPLETE WORK OF SOCIAL VALUE.

138.

HOWARD, C.

"COMPENSATION IN CRIMINAL PROCEEDINGS," THE CRIMINAL LAW REVIEW, APRIL, 1957, PP. 726-795.

A REVIEW OF BRITISH LAW CONCERNING COMPENSATION OR RESTITUTION IN CRIMINAL PROCEEDINGS. REVIEWS THE CASE LAW WITH REGARD TO COMPENSATION FOR PERSONAL INJURY, COMPENSATION FOR LOSS OF OR DAMAGE TO PROPERTY, AND COMPENSATION FOR INNOCENT THIRD PARTIES.

139.

HOWARD LEAGUE FOR PENAL REFORM.

"MAKING AMENDS: CRIMINALS, VICTIMS AND SOCIETY," CHICHESTER, SUSSEX, GREAT BRITAIN: BARRY ROSE LTD., 1977.

A DISCUSSION OF THE MEANS AVAILABLE IN GREAT BRITAIN BY WHICH SOCIETY AND OFFENDERS CAN BE REQUIRED UNDER LAW TO MAKE AMENDS TO VICTIMS OF CRIME. THE COURT CAN APPLY COMPENSATION ORDERS, RESTITUTION ORDERS AND CRIMINAL BANKRUPTCY ORDERS AS DISPOSITIONS WITH OFFENDERS. NATIONAL AND STATE VICTIM COMPENSATION AND SUPPORT SCHEMES ARE REVIEWED. COMMUNITY SERVICE ORDERS ARE ALSO CONSIDERED.

140.

HUDSON, JOE.

"THE EVALUATION OF OUTCOME AND PROCESS: THE CASE EXAMPLE OF THE MINNESOTA RESTITUTION CENTER," PAPER PRESENTED AT THE ANNUAL MEETING OF THE MIDWEST SOCIOLOGICAL ASSOCIATION, APRIL 15, 1977.

THE MINNESOTA RESTITUTION CENTER WAS A COMMUNITY-BASED RESIDENTIAL CORRECTIONS PROGRAM OPERATED BY THE MINNESOTA DEPARTMENT OF CORRECTIONS FOR ADULT MALE FELONS RECEIVED FROM THE STATE PRISON AFTER HAVING COMPLETED FOUR MONTHS OF A PRISON SENTENCE. MAJOR COMPONENTS OF THE PROGRAM ARE DESCRIBED AS THESE INVOLVED A COMMUNITY CORRECTIONS RESIDENTIAL CENTER, A DIVERSION FROM THE PRISON PROGRAM, THE USE OF RESTITUTION AS THE PRIMARY INTERVENTION, AND THE INVOLVEMENT OF OFFENDERS AND VICTIMS IN THE DEVELOPMENT OF A RESTITUTION CONTRACT. THE RESIDENTIAL NATURE OF THE PROGRAM HAD IMPLICATIONS FOR THE DILUTION OF THE RESTITUTION SANCTION RELATIVE TO MORE CONVENTIONAL "TREATMENT" APPROACHES. THE EVALUATION RESEARCH IMPLEMENTED CONCURRENT WITH THE PROGRAM TOOK THE FORM OF A BEFORE-AFTER EXPERIMENTAL DESIGN. CONFLICTS BETWEEN THE RELEASING AUTHORITY AND THE REQUIREMENTS OF THE EVALUATION DESIGN ARE DISCUSSED AND IMPLICATIONS ASSESSED FOR THE OUTCOME FINDINGS. INFORMATION IS PRESENTED ON THE POPULATION AND SAMPLE ASSIGNED TO THE EXPERIMENTAL AND CONTROL GROUPS. ALSO DISCUSSED ARE THE IMPLICATIONS OF THE FINDINGS FOR THE PLANNING AND CONDUCT OF EXPERIMENTAL DESIGNS WITHIN NEWLY IMPLEMENTED SOCIAL AGENCIES, AS WELL AS THE PHENOMENON OF EXPANDING DEGREES OF SOCIAL CONTROL IMPOSED WITHIN EXPLICITLY DEFINED "DIVERSION" PROGRAMS. (AUTHOR'S ABSTRACT)

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141.

HUDSON, JOE.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 1: COURT COMMUNITY SERVICE PROJECT, GAINESVILLE, FLORIDA," SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MINNESOTA, 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:
1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE; CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION. THE COURT COMMUNITY SERVICE PROJECT OPERATES IN THE CRIMINAL DIVISION OF THE ALACHUA COUNTY COURT IN GAINESVILLE, FL. IT IS A NON-RESIDENTIAL PROGRAM LOCATED AT THE PRETRIAL LEVEL AS AN ALTERNATIVE TO OFFENDERS PAYING COURT COSTS. A NOLLO OR GUILTY PLEA IS ENTERED AND SELECTED MISDEMEANANT OFFENDERS ARE GIVEN AN OPPORTUNITY BY THE JUDGE TO COMPLETE A SPECIFIED NUMBER OF HOURS OF COMMUNITY SERVICE WORK AS AN ALTERNATIVE TO COURT COSTS. PRECISE INFORMATION IS NOT AVAILABLE ON THE NUMBERS OF OFFENDERS ADMITTED TO THE PROJECT; BEST ESTIMATES AVAILABLE GIVE CONFLICTING INFORMATION. ON ONE HAND, THE ESTIMATE HAS BEEN MADE THAT DURING THE PROGRAM, JUNE, 1978-MAY 31, 1979, "450 OFFENDERS WERE ADMITTED", WHILE ANOTHER FIGURE GIVEN IS THAT FROM FEBRUARY, 1978 THROUGH FEBRUARY, 1979, "251 OFFENDERS WERE ADMITTED." ADMINISTRATIVE AUSPICES FOR THIS PROJECT IS THE JUNIOR LEAGUE OF GAINESVILLE WHILE FORMALLY SPONSORS THE PROGRAM ON THE BASIS OF A WRITTEN AGREEMENT WITH THE ALACHUA COUNTY COURT. THE TYPES OF OFFENDERS SERVED IN THIS PROJECT ARE FIRST TIME MISDEMEANANT OFFENDERS WHO ARE SELECTED AND OFFERED AN OPPORTUNITY BY THE PRESIDING CRIMINAL COURT JUDGE TO DO COMMUNITY SERVICE AS AN ALTERNATIVE TO PAYING COURT COSTS. ON OCCASION, SELECTED OFFENDERS CONVICTED FOR A SECOND TIME MISDEMEANOR ARE ALSO OFFERED OPPORTUNITIES TO DO COMMUNITY SERVICE WORK.

142.

HUDSON, JOE.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 2: PRISON RESTITUTION COUNSELLING PROGRAM, NORTH CAROLINA DEPARTMENT OF CORRECTIONS."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:
1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE; CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION. THE PRISON RESTITUTION COUNSELLING PROGRAM OPERATES AS A RESIDENTIAL PROJECT WITHIN MINIMUM SECURITY WORK RELEASE FACILITIES OPERATED BY THE DEPARTMENT OF CORRECTIONS AND LOCATED THROUGHOUT THE STATE OF NORTH CAROLINA. THE PROJECT IS LOCATED AT THE POST-COMMITMENT STAGE OF THE CRIMINAL JUSTICE SYSTEM. OFFENDERS IN THE PROJECT ARE ON WORK RELEASE STATUS. FINANCIAL RESTITUTION IS COMPLETED WHILE ON WORK RELEASE STATUS OR ELSE WHILE THE OFFENDER IS ON PAROLE, AFTER HAVING COMPLETED WORK RELEASE. THE DEPARTMENT OF CORRECTIONS IS THE ADMINISTERING AGENCY FOR THE FEDERAL GRANT USED IN SUPPORT OF THE PROJECT. ALL INMATES ADMITTED HAVE HAD COURT RECOMMENDATIONS OR ORDERS FOR RESTITUTION.

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143.

HUDSON, JOE.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 3: PROPERTY OFFENDER'S RESTITUTION PROGRAM, MINNESOTA DEPARTMENT OF CORRECTIONS."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
- 2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
- 3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE; CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.

THE PROPERTY OFFENDERS RESTITUTION PROGRAM IS A NON-RESIDENTIAL PROJECT OPERATED ON A STATEWIDE BASIS FOR SELECTED PAROLEES FROM THE MINNESOTA STATE PRISON AT STILLWATER AND THE STATE REFORMATORY FOR MEN AT ST. CLOUD. INMATES MEETING PROJECT CRITERIA AT THESE TWO INSTITUTIONS ARE ELIGIBLE TO DEVELOP A MUTUAL AGREEMENT PROGRAM CONTRACT FOR EARLY PAROLE RELEASE. ONE COMPONENT OF THIS MUTUAL AGREEMENT PROGRAM CONTRACT INVOLVES AN OBLIGATION TO MAKE RESTITUTION TO CRIME VICTIMS. IN OTHER WORDS, THE RESTITUTION CONTRACT IS INCLUDED AS ONE COMPONENT OF THE INMATE'S MAP AGREEMENT AND BECOMES A CONDITION OF THE PAROLE RELEASE. AS DIFFERENT FROM THE OTHER PROGRAM INGREDIENTS OF THE INMATE'S MAP CONTRACT (EDUCATION, VOCATIONAL TRAINING, COUNSELLING, ETC.) THE RESTITUTION AGREEMENT IS ENTERED INTO WITHIN THE PRISON SETTING AND COMPLETED UPON PAROLE RELEASE. THERE IS, THEREFORE, A CONSIDERABLE TIME INTERVAL BETWEEN THE POINT AT WHICH INMATES CONTRACT FOR RESTITUTION WHILE IN PRISON AND THE POINT OF BEING RELEASED ON PAROLE TO BEGIN MAKING PAYMENTS. THIS TIME INTERVAL IS REFLECTED IN PROGRAM STATISTICS. IN CALENDAR YEAR 1977, FOR EXAMPLE, 74 MEN ENTERED INTO RESTITUTION AGREEMENTS AS A PART OF THE MAP AND ONLY 14 HAD BEEN PAROLED TO BEGIN MAKING PAYMENTS DURING THAT YEAR.

THE PRIMARY INCENTIVE FOR INMATES ENTERING INTO A RESTITUTION AGREEMENT AS PART OF THE MAP IS TO RECEIVE EARLY RELEASE ON PAROLE. AS A RESULT OF THE CHANGE IN THE STRUCTURE AND ORGANIZATION OF THE RESTITUTION UNIT DURING THE SUMMER OF 1979, THE DEVELOPMENT OF RESTITUTION AGREEMENTS AS PART OF A MAP CONTRACT HAVE BECOME OF LESS PRIORITY TO THE WORK OF UNIT STAFF. POLICIES CONCERNING THE REWARD (IN TERMS OF PAROLE DISCHARGE AT RESTITUTION COMPLETION) FOR INMATE PARTICIPATION IN RESTITUTION HAVE NOT BEEN CALRIFIED. INSTITUTIONAL CASEWORKERS ARE RESPONSIBLE FOR REQUESTING PAROLE OFFICERS TO COMPLETE LOSS ASSESSMENT INFORMATION AND CONSEQUENTLY, RELATIVELY FEW RESTITUTION CONTRACTS SEEM TO BE DEVELOPED. NO SUMMARY INFORMATION IS BEING RETAINED AND THEREFORE IT IS NOT POSSIBLE TO ACCURATELY DESCRIBE THE VOLUME OF CASES BEING HANDLED.

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144.

HUDSON, JOE.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 4: VICTIM ASSISTANCE UNIT, KING COUNTY PROSECUTOR'S OFFICE, SEATTLE, WASHINGTON."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
- 2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
- 3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE; CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.

THE VICTIM ASSISTANCE UNIT IS A VICTIM ORIENTED, NON-RESIDENTIAL PROJECT LOCATED IN THE KING COUNTY PROSECUTOR'S OFFICE IN SEATTLE. THE PROJECT SERVES KING COUNTY WHICH, ESSENTIALLY, AMOUNTS TO THE GREATER SEATTLE AREA AT THE LEVEL OF THE PROSECUTOR. ALTHOUGH THE PROJECT OPERATES OUT OF THE DISTRICT ATTORNEY'S OFFICE, RESTITUTION IS IMPOSED AT SENTENCING AS A CONDITION OF PROBATION. THE PURPOSE OF RESTITUTION IS TO PROVIDE REIMBURSEMENT TO CRIME VICTIMS.

UNTIL SEPTEMBER 1, 1979, THE PROJECT WAS STAFFED WITH A PAID DIRECTOR AND SEVERAL VOLUNTEERS. IN SEPTEMBER, A NEW DIRECTOR WAS HIRED, AN ADDITIONAL POSITITON ALLOCATED TO THE UNIT AND AN ASSISTANT DIRECTOR HIRED; TWO VOLUNTEERS BECAME EMPLOYED FOR HALF-TIME WORK EACH. SEVERAL PROGRAM COMPONENTS EXIST IN THE UNIT--VICTIM NOTIFICATION, RESTITUTION AND VICTIM ASSISTANCE.

PRIMARY RESPONSIBILITY OF PROJECT STAFF WITH REGARD TO THE RESTITUTION COMPONENT OF THE PROJECT INVOLVES PROVIDING INFORMATION AND NOTIFICATION SERVICES TO VICTIMS CONCERNING RESTITUTION, INVESTIGATING VICTIM LOSSES SO THAT RESTITUTION CAN BE ORDERED, AND MONITORING ONGOING PAYMENTS AT THE REQUEST OF VICTIMS OR PROBATION OFFICERS. DURING THE CURRENT PROGRAM YEAR, IT IS ESTIMATED THAT APPROXIMATELY 4,000 CASES WILL BE HANDLED BY THE CRIMINAL DIVISION OF THE PROSECUTOR'S OFFICE AND THE VAST MAJORITY OF THESE WILL REQUIRE EITHER RESTITUTION INVESTIGATIONS OR OTHER FORMS OF ASSISTANCE FROM THE VICTIM ASSISTANCE UNIT. QUITE CLEARLY, THIS UNIT HANDLES BOTH RESTITUTION AND NON-RETITUTION VICTIM ASSISTANCE AND VICTIM NOTIFICATION MATTERS. RESTITUTION HAS, HOWEVER, BECOME A MAJOR COMPONENT OF THE UNIT DURING THE LAST SEVERAL YEARS.

THE JURISDICTION OF THE KING COUNTY PROSECUTOR'S OFFICE INSOFAR AS RESTITUTION IS CONCERNED INCLUDES PRIMARILY THE PROSECUTION OF CASES IN THE TWO CRIMINAL COURTS OF THE COUNTY: THE DISTRICT COURT FOR MIS-DEMEANORS AND GROSS MISDEMEANORS, AND THE SUPERIOR COURT FOR FELONIES.

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145.

HUDSON, JOE.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 5: DELEWARE DEPARTMENT OF CORRECTIONS WORK PROGRAM, WILMINGTON, DELAWARE." SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS--DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
- 2.--PRE-PROJECT HISTORY--COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
- 3.--IMPLEMENTATION--COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.

THE WORK PROGRAM OPERATED BY THE BUREAU OF ADULT CORRECTIONS INVOLVES TWO PRIMARY COMPONENTS--COMMUNITY SERVICE AND WORK REFERRAL. THESE COMPONENTS ARE TREATED HERE AS A SINGLE PROJECT. THE COMMUNITY SERVICE COMPONENT AIMS AT OPERATING AS AN ALTERNATIVE TO INCARCERATION FOR MISDEMEANOR OFFENDERS BY PLACING CLIENTS IN NON-PROFIT COMMUNITY OR STATE AGENCIES TO COMPLETE A JUDICIALLY IMPOSED NUMBER OF COMMUNITY SERVICE HOURS. MOST OFFENDERS IN THIS PROGRAM COMPONENT ARE ON FORMAL PROBATION STATUS AND FAILURE TO COMPLETE THE ASSIGNED NUMBER OF HOURS IS LIKELY TO RESULT IN INCARCERATION. FOR EXAMPLE, OF THE 67 COMMUNITY SERVICE CASES CARRIED AT THE END OF MARCH, 1979, 40 (60 PERCENT) WERE UNDER FORMAL PROBATION SUPERVISION. THE WORK REFERRAL COMPONENT OF THE WORK PROGRAM IS DESIGNED TO ENABLE OFFENDERS WHO ARE UNABLE TO PAY OFF FINES OR COURT COSTS TO WORK OFF SUCH COSTS BY WORKING IN NON-PROFIT COMMUNITY AGENCIES. A SUBSTANTIAL PROPORTION OF OFFENDERS IN THIS COMPONENT ARE ALSO ON FORMAL PROBATION STATUS AND ASSIGNED TO DO COMMUNITY SERVICE WORK AS A SENTENCE CONDITION IN LIEU OF PAYING FINES OR COURT COSTS. FOR EXAMPLE, OUT OF 243 CASES CARRIED AT THE END OF MARCH, 1979, 154 (63 PERCENT) WERE ON FORMAL PROBATION STATUS. BOTH OF THESE PROGRAM COMPONENTS ARE NON-RESIDENTIAL AND ADMINISTERED BY THE SAME AGENCY. THE WORK PROGRAM IS OPERATED ON A STATEWIDE BASIS WITH OFFICES IN EACH OF THE THREE COUNTIES--NEW CASTLE (WILMINGTON), KENT, AND SUSSEX COUNTIES. DURING THE PERIOD COVERED BY THIS REPORT, THE KENT AND SUSSEX COUNTY OFFICES WERE STAFFED BY A TOTAL OF THREE PERSONS OUT OF A LEAA GRANT. STATE FUNDS WERE USED FOR THE OPERATION OF THE NEW CASTLE COUNTY OFFICE WHICH WAS STAFFED BY THREE PERSONS. THE SIZE OF THE PROGRAM COMPONENTS IS EVIDENCED BY THE FACT THAT FOR THE 27 MONTH PERIOD FROM JANUARY 1, 1976 THROUGH MARCH 31, 1978, A TOTAL OF 1,668 PERSONS WERE REFERRED TO THE WORK REFERRAL PROGRAM WHILE FOR THE SAME 27 MONTH PERIOD, A TOTAL OF 339 PERSONS WERE REFERRED TO THE COMMUNITY SERVICE PROGRAM.

146.

HUDSON, JOE.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 6: MARIN COUNTY VOLUNTEER WORK PROGRAM, SAN RAFAEL, CALIFORNIA."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS--DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
- 2.--PRE-PROJECT HISTORY--COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
- 3.--IMPLEMENTATION--COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.

THE VOLUNTEER WORK PROGRAM IS A NON-RESIDENTIAL, COURT REFERRAL TYPE OF PROJECT SERVING AS A SENTENCE FOR OFFENDERS WHO MIGHT OTHERWISE HAVE RECEIVED A FINE OR JAIL TERM. THE PROJECT IS ADMINISTRATIVELY LOCATED UNDER THE AUSPICES OF THE COUNTY PROBATION DEPARTMENT AND SERVES LARGELY OFFENDERS PLACED ON SUMMARY OF UNSUPERVISED PROBATION WHO HAVE BEEN REFERRED BY THE MUNICIPAL COURTS, WITH A SMALL NUMBER OF SUPERIOR COURT AND JUVENILE COURT PROBATION REFERRALS. THE PROJECT MADE APPROXIMATELY 1,200 PLACEMENTS TO COMMUNITY AGENCIES DURING THE CURRENT OPERATIONS YEAR AND OFFENDERS WERE RESPONSIBLE FOR COMPLETING APPROXIMATELY 42,000 HOURS OF WORK TO THESE AGENCIES. THE TYPES OF OFFENDERS SERVED ARE LARGELY MISDEMEANOR TYPES, CONVICTED OF SUBSTANCE ABUSE, DRIVING OFFENSES, DRIVING WHILE INTOXICATED, OPEN CONTAINER IN THE CAR (OR NON-SUBSTANCE ABUSE DRIVING OFFENSES--SPEEDING, FAILING TO STOP) AND PROPERTY CRIMES SUCH AS PETTY THEFT, BAD CHECKS, BURGLARY.

147.

HUDSON, JOE.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 8: ALTERNATIVE SERVICE PROGRAM, DODGE-FILMORE-OLMSTED COMMUNITY CORRECTIONS, ROCHESTER, MINNESOTA."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
- 2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
- 3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.

THE ALTERNATIVE SERVICE PROGRAM IS A NON-RESIDENTIAL COMMUNITY SERVICE PROJECT THAT SERVED DODGE AND OLMSTED COUNTIES FROM JANUARY TO MARCH, 1979, AND SINCE THAT TIME, HAS SERVED ONLY OLMSTED COUNTY. THE PROJECT IS HOUSED IN THE OLMSTED COUNTY COURTHOUSE IN ROCHESTER, MINNESOTA, AND OPERATES AS A PROGRAM COMPONENT OF THE JUSTICE SYSTEM VOLUNTEER PROJECT. MS. SHEILA KISCADEN, DIRECTOR OF THE VOLUNTEER PROJECT, IS FORMALLY RESPONSIBLE FOR THE OPERATIONS OF THE ALTERNATIVE SERVICE PROGRAM. CLEARLY, HOWEVER, THE VAST BULK OF THE ONGOING STAFF WORK IS COMPLETED BY A PART TIME POSITION. THE PROJECT ACCEPTS REFERRALS FROM ANY POINT IN THE ADULT OR JUVENILE JUSTICE SYSTEMS; APPROXIMATELY SEVENTY PERCENT OF REFERRALS ARE ON UNSUPERVISED PROBATION STATUS FROM THE COUNTY COURTS (MISDEMEANANTS) AND THIRTY PERCENT ON FORMALLY SUPERVISED PROBATION (DISTRICT OR JUVENILE COURT OR THE PORT PROGRAM). IN CALENDAR YEAR 1978, FOR EXAMPLE, 153 OFFENDERS PARTICIPATED IN THE PROJECT--98 ADULTS AND 55 JUVENILES. MISDEMEANANT DEFENDERS FROM COUNTY COURT MAKE UP THE LARGEST PROPORTION OF ADULT REFERRALS WITH ONLY A HANDFUL OF DISTRICT COURT FELONY CASES REFERRED TO COMPLETE ALTERNATIVE COMMUNITY SERVICE WORK. ADMINISTRATIVE AUSPICES FOR THE PROJECT IS THE THREE COUNTY COMMUNITY CORRECTIONS SYSTEM; IN PRACTICE, THIS MEANS THAT THE DIRECTOR OF COURT SERVICES FOR OLMSTED COUNTY SUPERVISES THE PROJECT DIRECTOR. IN TURN, THE COURT SERVICES DIRECTOR HAS DUAL REPORTABILITY, ON THE ONE HAND TO THE JUDICIARY AND ON THE OTHER, TO THE THREE COUNTY COMMUNITY CORRECTIONS ADVISORY BOARD AND, THROUGH THEM, TO THE THREE COUNTY BOARDS OF COUNTY COMMISSIONERS.

148.

HUDSON, JOE.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 12: ALTERNATIVE COMMUNITY SERVICE PROJECT, BETHESDA, MARYLAND."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
- 2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
- 3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.

THE ALTERNATIVE COMMUNITY SERVICE PROJECT IS A NON-RESIDENTIAL COMMUNITY SERVICE TYPE OF PROGRAM, ADMINISTERED BY THE COUNTY GOVERNMENT IN MONTGOMERY COUNTY, MARYLAND. THE PROJECT OPERATES AT THE PRETRIAL LEVEL AS A DIVERSION FROM FORMAL COURT PROCESSING FOR SELECTED ADULTS CHARGED WITH MISDEMEANOR OFFENSES. IN ADDITION, THE PROJECT ACCEPTS THE REFERRAL OF JUVENILES FROM POLICE, COURT INTAKE, OR THE COURT. APPROXIMATELY 60 PERCENT OF INTAKES INVOLVE ADULT OFFENDERS AND 40 PERCENT JUVENILES. PROJECT STAFF ARE INVOLVED IN INTERVIEWING AND SCREENING REFERRALS FROM STATE'S ATTORNEYS, SETTING THE NUMBER OF COMMUNITY SERVICE HOURS TO BE OBLIGATED, PLACING THE DEFENDANT IN COMMUNITY AGENCIES SO AS TO COMPLETE THE OBLIGATED NUMBER OF SERVICE HOURS, MONITORING, AND REPORTING BACK TO THE COURT. UPON THE SUCCESSFUL COMPLETION OF THE ASSIGNED COMMUNITY SERVICE WORK, DEFENDANTS ARE ELIGIBLE TO HAVE THE COURT RECORD EXPUNGED. AN AVERAGE OF 100 REFERRALS ARE RECEIVED PER MONTH.

149.

HUDSON, JOE.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 13: COMMUNITY OPTIONS COURT REFERRAL PROGRAM, SANTA CRUZ, CALIFORNIA."

SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
- 2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
- 3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.

COMMUNITY OPTIONS IS A PRIVATE, NON-PROFIT ORGANIZATION THAT ADMINISTERS THE COURT REFERRAL PROGRAM. THE PROGRAM IS NON-RESIDENTIAL IN CHARACTER AND OPERATES IN THE COMMUNITIES OF SANTA CRUZ AND WATSONVILLE IN SANTA CRUZ COUNTY, CALIFORNIA. THE PROGRAM IS OPERATED AS A SENTENCE CONDITION AND OFFENDERS ARE REFERRED TO THE PROGRAM TO COMPLETE A SPECIFIED NUMBER OF COMMUNITY SERVICE HOURS. REFERRALS ARE MADE LARGELY FROM MUNICIPAL COURT WITH SMALLER NUMBERS FROM THE SUPERIOR COURT AND JUVENILE COURT. APPROXIMATELY 1,200 REFERRALS ARE HANDLED PER YEAR. THE MAJORITY OF OFFENDERS ARE ON SUMMARY OR UNSUPERVISED PROBATION STATUS AND, FOR THE MOST PART, HAVE CHOSEN TO COMPLETE COMMUNITY SERVICE WORK AS AN ALTERNATIVE TO A FINE OR, IN SOME UNDETERMINED NUMBER OF CASES, A JAIL SENTENCE.

150.

HUDSON, JOE; D. CHALLEEN; J. MCLAGAN.

"SELF-SENTENCING RESTITUTION PROGRAM," LAE JOURNAL OF THE AMERICAN CRIMINAL JUSTICE ASSOCIATION, 41:1, WINTER-SPRING, 1978, PP. 23-26.

INTERMEDIATE TYPES OF SANCTIONS TO PROBATION AND JAIL ARE URGENTLY NEEDED IN CRIMINAL COURTS. RESTITUTION TO CRIME VICTIMS CAN BE USED AS SUCH AN ALTERNATIVE TYPE OF SANCTION AND HAS BEEN RECEIVING CONSIDERATION AT DIFFERENT POINTS IN THE ADULT JUVENILE JUSTICE SYSTEMS. THE WINONA COUNTY SELF-SENTENCING RESTITUTION PROGRAM IS AN ATTEMPT TO INCORPORATE BOTH FINANCIAL AND COMMUNITY SERVICE WORK RESTITUTION WITHIN A MISDEMEANOR COURT. AFTER A PLEA FOR FINDING OF GUILT, OFFENDERS ARE OFFERED AN OPPORTUNITY TO PARTICIPATE IN THIS PROGRAM AND BECOME FORMALLY INVOLVED IN MAKING DETERMINATIONS WITH COURT SERVICES STAFF ABOUT THE FORM, AMOUNT, AND SCHEDULE OF RESTITUTION TO BE MADE. A NUMBER OF ADVANTAGES FOR THE VICTIM, OFFENDER, AND SYSTEM OF JUSTICE ARE SUGGESTED AND PROBLEMS AND DIFFICULTIES IN IMPLEMENTING SUCH A SCHEME ARE IDENTIFIED. (AUTHOR'S ABSTRACT)

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151.

HUDSON, JOE AND STEVEN CHESNEY.

"RESEARCH ON RESTITUTION: A REVIEW AND ASSESSMENT,"-IN-GALAWAY, B. AND JOE HUDSON, EDS., OFFENDER RESTITUTION IN THEORY AND PRACTICE, LEXINGTON: D. C. HEATH, 1978.

DESCRIBES SOME OF THE MAJOR DESCRIPTIVE AND EVALUATIVE RESEARCH CONDUCTED ON RESTITUTION, PRESENTS MAJOR FINDINGS, SUGGESTS PROBLEMS WITH THE RESEARCH, AND PROPOSES DIRECTIONS FOR FURTHER WORK.

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152.

HUDSON, JOE AND B. GALAWAY.

"RESTITUTION AND THE JUSTICE MODEL FOR CORRECTIONS,"-FORTHCOMING IN-FOGEL, D. AND J. HUDSON, EDS., READINGS IN THE JUSTICE MODEL FOR CORRECTIONS, SPRINGFIELD: ANDERSON PUBLISHERS.,

REVIEWS THE HISTORICAL DEVELOPMENT OF RESTITUTION, CONSIDERS MORE RECENT POLICY, LEGAL AND PROGRAM DEVELOPMENTS, AND ASSESSES THE EXTENT TO WHICH RESTITUTIVE SANCTIONS ARE CONSISTENT WITH THE JUSTICE MODEL FOR CORRECTIONS.

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153.

HUDSON, JOE AND BURT GALAWAY.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PRELIMINARY REPORT I: OVERVIEW OF RESTITUTION PROGRAMMING AND PROJECT SELECTION," SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MINNESOTA, UNDATED.

PRELIMINARY REPORT I OF THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS DESCRIBES THE PROCEDURES USED TO IDENTIFY THE UNIVERSE OF PROJECTS CONSIDERED FOR THE STUDY, THE CRITERIA USED TO RECOMMEND A SAMPLE FOR THE STUDY, SPECIFIC RECOMMENDATIONS REGARDING THE SAMPLE, AND PROVIDES SUMMARY INFORMATION FOR ALL PROJECTS INCLUDED IN THE UNIVERSE. THE IDENTIFICATION PROCESS UNCOVERED 82 ADULT-LEVEL PROJECTS WHICH PLACE EXPLICIT EMPHASIS UPON THE USE OF MONETARY RESTITUTION AND/OR COMMUNITY SERVICE AS A PRIMARY FOCUS OF PROGRAM INTERVENTION.

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154.

HUDSON, JOE AND B. GALAWAY.

"UNDOING THE WRONG," SOCIAL WORK, 19:3, MAY, 1974, PP. 313-318.

DESCRIBES A PROGRAM INITIATED AT THE MINNESOTA RESTITUTION CENTER TO DEAL WITH OFFENDERS WHO COMMIT CRIMES AGAINST PROPERTY. THE CENTER IS A COMMUNITY BASED RESIDENTIAL CORRECTIONS FACILITY OPERATED BY THE MINNESOTA DEPARTMENT OF CORRECTIONS. THE PROGRAM RANDOMLY SELECTS ADULT MALE INMATES RECENTLY COMMITTED TO THE STATE PRISON FOR CRIMES AGAINST PROPERTY AND OFFERS THEM AN OPPORTUNITY TO NEGOTIATE A RESTITUTION CONTRACT. RESTITUTION REFERS TO PAYMENTS IN EITHER GOODS, SERVICES, OR MONEY MADE BY OFFENDERS TO THE VICTIMS OF THEIR CRIMES. OUTLINED ARE THE CRITERIA FOR INMATE SELECTION, FORMULATION OF THE CONTRACT, THE PROGRAM AT THE CENTER AND THE BENEFITS. THE AUTHORS CONSIDER THIS AN INNOVATIVE PROGRAM SINCE IT DEVELOPS A CONTRACTUAL RELATIONSHIP BETWEEN THE OFFENDER AND VICTIM, DIVERTS OFFENDERS FROM THE PRISON SETTING, CARRIES OUT RESEARCH, AND IS ACCOUNTABLE TO THE LARGER PUBLIC THROUGH A COMMUNITY ADVISORY BOARD. (NCJRS)

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155.

HUDSON, JOE AND B. GALAWAY

"CRIME VICTIMS AND PUBLIC SOCIAL POLICY," JOURNAL OF SOCIOLOGY AND SOCIAL WELFARE, 3:6, JULY 1976, PP. 629-635.

THE ADMINISTRATION OF CRIMINAL LAW HAS TRADITIONALLY IGNORED THE ROLE OF THE VICTIM AND FOCUSED ON THE CRIMINAL OFFENDER. INCREASINGLY, HOWEVER, SOCIAL POLICY AND PROGRAMS ARE BEGINNING TO TAKE INTO CONSIDERATION THE SITUATION OF THE CRIME VICTIM. PROGRAMS DESIGNED TO FOCUS ON OFFENDER RESTITUTION TO CRIME VICTIMS ARE BEING DEVELOPED AND IMPLEMENTED AT VARIOUS STAGES OF THE CRIMINAL JUSTICE SYSTEM. AT THE SAME TIME, PROGRAMS OF STATE COMPENSATION TO CRIME VICTIMS ARE BEING IMPLEMENTED IN AN INCREASING NUMBER OF JURISDICTIONS. THIS PAPER DEFINES THE CONCEPTS OF RESTITUTION AND COMPENSATION, PROVIDES PROGRAM EXAMPLES, AND IDENTIFIES THE POTENTIAL BENEFITS TO BE RECEIVED BY SUCH PROGRAMS. (AUTHOR'S ABSTRACT)

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HUDSON, JOE AND BURT GALAWAY.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PRELIMINARY REPORT II (REVISED): A REVIEW OF RESTITUTION RESEARCH," SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MINNESOTA, 1980; -ALSO IN-VICTIMS, OFFENDERS, AND ALTERNATIVE SANCTIONS, LEXINGTON: D.C. HEATH/LEXINGTON BOOKS, 1980.

DESPITE THE RECENT POPULARITY OF THE RESTITUTION SANCTION, QUESTIONS STILL ARISE ABOUT HOW RESTITUTION IS BEING USED IN VARIOUS PROGRAM APPLICATIONS, THE EFFECTS OF THIS USE, AND THE WAY SUCH SANCTIONS ARE PERCEIVED BY SIGNIFICANT DECISION-MAKERS. THE PURPOSE OF THIS REPORT IS TO DESCRIBE AND ASSESS RESEARCH THAT HAS DEALT WITH THESE CONCERNS. THE SPECIFIC QUESTIONS ADDRESSED INCLUDE:

- 1. WHAT CATEGORIES OF RESEARCH HAVE BEEN COMPLETED ON THE USE OF RESTITUTIVE SANCTIONS;
- 2. WHAT ARE THE CHARACTERISTICS OF THIS RESEARCH IN RELATION TO STUDY PURPOSES, USE OF THEORY, PROGRAM DESCRIPTION, DATA COLLECTION METHODS, MEASURES AND RESEARCH DESIGN;
- 3. WHAT ARE THE MAJOR FINDINGS FROM THIS BODY OF WORK AND TO WHAT EXTENT DO THESE HAVE IMPLICATIONS FOR POLICY, PROGRAMMING, AND RESEARCH. A LITERATURE SEARCH UNCOVERED FORTY-THREE STUDIES WHICH MET THE CRITERIA OF:

- 1. BEING BASED ON EMPIRICAL DATA;
- 2. HAVING RESTITUTION AS EITHER A DEPENDENT OR INDEPENDENT VARIABLE. THIRTY-ONE OF THE STUDIES ARE EVALUATIONS OF RESTITUTION PROJECTS OR PROGRAMS AND THE REMAINING TWELVE ASSESS OPINIONS OR ATTITUDES ABOUT A RESTITUTION SANCTION.

THE EXTENT TO WHICH GENERALIZATIONS CAN BE MADE FROM THIS BODY OF RESEARCH IS LIMITED DUE TO THE ONE SHOT CASE STUDY DESIGN UTILIZED IN MOST EVALUATIONS AS WELL AS OTHER SHORTCOMINGS. HOWEVER, SOME OF THE TRENDS AND FINDINGS INCLUDE:

- 1. THE STUDIES DEALING WITH COMMUNITY SERVICE PROJECTS SHOW THAT LARGE NUMBERS OF CLIENTS CAN BE HANDLED AT RELATIVELY LOW COSTS, WITH FEW IN-PROGRAM FAILURES, AND WITH RESULTING LARGE AMOUNTS OF SERVICE WORK BEING PERFORMED. QUESTIONS DO ARISE, HOWEVER, ABOUT WHETHER THESE PROGRAMS ARE EXPANDING SOCIAL CONTROL OVER OFFENDERS.
- 2. WHILE RESTITUTION CAN BE USED AS A MEANS OF DIVERTING OFFENDERS FROM INCARCERATION STUDIES THUS FAR HAVE INDICATED A LARGE PROPORTION OF PARTICIPANTS WILL FAIL TO COMPLETE THE PROGRAM.
- 3. STUDIES REVEAL MOST PROPERTY OFFENSES RESULT IN RELATIVELY SMALL LOSSES, RESTITUTION REQUIREMENTS ALSO TEND TO BE SMALL, AND THE AMOUNT ACTUALLY PAID IS SMALLER YET.
- 4. RESTITUTION IS MOST FREQUENTLY ORDERED IN CONJUNCTION WITH A FINE.
- 5. THE NON-EVALUATIVE STUDIES INDICATE FINANCIAL RESTITUTION AND COMMUNITY SERVICE SANCTIONS ARE ENDORSED BY CRIMINAL JUSTICE OFFICIALS AND LAY CITIZENS.
- 6. STATE LEGISLATORS, CORRECTIONAL ADMINISTRATORS, PROBATION AND PAROLE OFFICERS, OFFENDERS AND VICTIMS, GENERALLY RESPOND FAVORABLY TO THE NOTION OF OFFENDER-VICTIM CONTACT WITHIN A STRUCTURED RESTITUTION SCHEME.

HUDSON, JOE; STEVEN CHESNEY; JOHN MCLAGAN.

"RESTITUTION AS PERCEIVED BY STATE LEGISLATORS AND CORRECTIONAL ADMINISTRATORS," ST. PAUL: MINNESOTA DEPARTMENT OF CORRECTIONS, SEPTEMBER, 1977.

THE AIM OF THIS STUDY WAS TO ASSESS THE WAY IN WHICH RESTITUTION IS PERCEIVED BY STATE LEGISLATORS AND STATE CORRECTION ADMINISTRATORS IN THE COUNTRY. A SURVEY WAS COMPLETED OF THE POPULATION OF STATE CORRECTIONAL ADMINISTRATORS AND A SAMPLE OF THE POPULATION OF STATE LEGISLATORS.

MAILED QUESTIONNAIRES WERE SENT TO EVERY DIRECTOR, ADMINISTRATOR, OR COMMISSIONER OF A STATEWIDE ADULT OR JUVENILE CORRECTION AGENCY AS WELL AS SIMILAR OFFICIALS IN THE MAJOR U. S. TERRITORIES AND TRUST POSSESSIONS. FOR THE SAMPLE OF STATE LEGISLATORS, A RANDOM SELECTION OF 25 STATES WAS MADE AND A RANDOM SELECTION OF THREE LEGISLATORS FROM EACH CORRECTIONS OR JUVENILE JUSTICE COMMITTEE WAS SELECTED. A TOTAL OF 82 MAILED QUESTIONNAIRES WERE SENT TO STATE CORRECTIONAL ADMINISTRATORS WITH 73 RETURNED FOR A RESPONSE RATE OF 89 . TWO HUNDRED AND SEVENTY-ONE QUESTIONNAIRES WERE MAILED TO STATE LEGISLATORS AND 105 (39) WERE RETURNED.

MAJOR FINDINGS WERE:

- 1. THERE WAS OVERWHELMING SUPPORT FOR THE IDEA THAT OFFENDERS SHOULD BE HELD RESPONSIBLE FOR COMPENSATING THEIR VICTIMS FOR DAMAGES OR LOSSES CAUSED BY THE OFFENSE.
- 2. MOST ADMINISTRATORS (60) AND LEGISLATORS (72) SAW RESTITUTION AS AT LEAST PARTIALLY A WAY TO COMPENSATE VICTIMS FOR CRIME LOSSES. IN ADDITION, 33 OF THE CORRECTIONS ADMINISTRATORS AND 25 OF THE LEGISLATORS SUPPORTED RESTITUTION BECAUSE OF ITS EFFECT ON OFFENDER REHABILITATION.
- 3. APPROXIMATELY 87 OF BOTH GROUPS APPROVED OF THE USE OF RESTITUTION FOR JUVENILE OFFENDERS; APPROXIMATELY 90 APPROVED OF THE USE OF RESTITUTION FOR ADULT MISDEMEANANTS; APPROXIMATELY 80 OF BOTH GROUPS APPROVED OF THE USE OF RESTITUTION FOR ADULT FELONS; APPROXIMATELY 95 OF BOTH GROUPS BELIEVED THAT RESTITUTION WAS APPROPRIATE FOR PROPERTY OFFENSE CASES AND APPROXIMATELY 71 OF BOTH GROUPS FAVORED THE USE OF RESTITUTION IN AT LEAST SOME PERSONAL OFFENSES.
- 4. CORRECTIONAL ADMINISTRATORS WERE MORE LIKELY TO RECOMMEND RESTITUTION FOR THE FULL RANGE OF DISPOSITIONS (FROM DIVERSION TO PAROLE) WHILE MOST LEGISLATORS SAW RESTITUTION AS APPROPRIATE ONLY AS A CONDITION OF PROBATION, AS PART OF AN INSTITUTIONAL PROGRAM, OR AS A CONDITION OF PAROLE.
- 5. APPROXIMATELY 59 OF ADMINISTRATORS APPROVED OF VICTIM-OFFENDER INTERACTION IN A RESTITUTION PROGRAM WHILE APPROXIMATELY 41 OF STATE LEGISLATORS APPROVED OF THIS PRACTICE.
- 6. EIGHTY-EIGHT PERCENT OF STATE CORRECTIONAL ADMINISTRATORS AND 91 OF LEGISLATORS EXPRESSED THE BELIEF THAT THERE WAS A NEED FOR NEW LEGISLATION IN THEIR JURISDICTION TO ENCOURAGE THE USE OF RESTITUTION.

158.

HUDSON, JOE; STEVEN CHESNEY; JOHN MCLAGAN.

"PAROLE AND PROBATION STAFF PERCEPTIONS OF RESTITUTION," ST. PAUL:

MINNESOTA DEPARTMENT OF CORRECTIONS, SEPTEMBER, 1977.

THE AIM OF THIS STUDY WAS TO ASSESS THE EXTENT TO WHICH PAROLE AND PROBATION OFFICERS IN MINNESOTA DEFINE DIFFERENT ASPECTS OF RESTITUTION AS PROBLEMATIC. THE STUDY INVOLVED THE USE OF A MAILED QUESTIONNAIRE ADMINISTERED TO THE POPULATION OF PAROLE AND PROBATION OFFICERS AND SUPERVISORS IN MINNESOTA. A TOTAL OF 263 SUBJECTS WERE SENT QUESTIONNAIRES.

A TOTAL OF 197 QUESTIONNAIRES WERE RETURNED FOR A RESPONSE RATE OF 75 . APPROXIMATELY HALF OF THE RESPONDENTS WERE PROBATION OFFICERS, 6 PAROLE OFFICERS, 43 HAVING BOTH PROBATION AND PAROLE RESPONSIBILITIES. THIRTY-SEVEN PERCENT OF THE RESPONDENTS HANDLED JUVENILE CLIENTS, 34 ADULT CLIENTS, AND 29 HANDLED BOTH JUVENILE AND ADULT CLIENTS. MAJOR FINDINGS WERE:

1. APPROXIMATELY 91 OF THE RESPONDENTS INDICATED A BELIEF THAT RESTITUTION SHOULD BE EXTENSIVELY USED WITHIN THE CRIMINAL JUSTICE SYSTEM AND JUVENILE JUSTICE SYSTEM.
2. ONLY 19 OF RESPONDENTS NOTED THAT RESTITUTION SHOULD BE LIMITED TO ONLY PROPERTY OFFENDERS; ONLY TEN PERCENT WOULD LIMIT IT TO CASE RESTITUTION.
3. FORTY-SIX PERCENT OF THE RESPONDENTS AGREED THAT IT IS DESIRABLE TO INVOLVE THE VICTIM WITH THE OFFENDER PERSONALLY IN THE MAKING OF RESTITUTION.
4. MAJOR PROBLEMS WITH THE USE OF RESTITUTION WERE:
 - A. COURTS FAILING TO SPECIFY THE AMOUNT OF RESTITUTION TO BE MADE;
 - B. THE TIME CONSUMING ASPECTS OF RESTITUTION;
 - C. THE LACK OF SUITABLE TASKS FOR COMMUNITY SERVICE RESTITUTION;
 - D. OFFENDERS LACKING THE EARNING ABILITY TO MAKE FINANCIAL RESTITUTION;
 - E. VICTIMS REPORTING LOSSES DISHONESTLY.

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159.

HUDSON, J. AND BURT GALAWAY.

"INTRODUCTION,"-IN-HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHER, 1975.

PROVIDES AN OVERVIEW OF VICTIMOLOGY, WITH PARTICULAR ATTENTION PAID TO SYSTEMS OF REPARATION; TRACES THE HISTORY OF RESTITUTION AND IDENTIFIES CENTRAL ISSUES.

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160.

HUDSON, JOE AND BURT GALAWAY.

"INTRODUCTION,"-IN-HUDSON, JOE AND BURT GALAWAY, EDS., RESTITUTION IN CRIMINAL JUSTICE, LEXINGTON: D. C. HEATH, 1977.

INTRODUCES THE CENTRAL CONCERNS ADDRESSED AT THE FIRST RESTITUTION SYMPOSIUM HELD IN MINNEAPOLIS, MINNESOTA, ON NOVEMBER 10-11, 1975.

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161.

HUDSON, JOE AND BURT GALAWAY.

"INTRODUCTION,"-IN-GALAWAY, B. AND JOE HUDSON, EDS., OFFENDER RESTITUTION IN THEORY AND ACTION, LEXINGTON: D. C. HEATH, 1978.

INTRODUCES THE MAJOR CONCERNS ADDRESSED AT THE SECOND NATIONAL SYMPOSIUM ON RESTITUTION: DEFINITIONAL PROBLEMS, RECENT DEVELOPMENTS IN LEGISLATION, PROGRAM AND RESEARCH.

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162.

HUDSON, JOE; B. GALAWAY; S. CHESNEY.

"WHEN CRIMINALS REPAY THEIR VICTIMS: A SURVEY OF RESTITUTION PROGRAMS," JUDICATURE 60:7, FEBRUARY, 1977, PP. 313-321.

THIS ARTICLE IDENTIFIES AND DISCUSSES SEVERAL MAJOR QUESTIONS OF USING RESTITUTION AS THESE WERE OBTAINED FROM A SURVEY OF NINETEEN RESTITUTION PROGRAMS IN THE UNITED STATES AND CANADA. THE NATURE OF THE RESTITUTION SANCTION AND THE AMOUNT OF RESTITUTION THAT SHOULD BE ORDERED ARE DISCUSSED. OTHER TOPICS ADDRESSED ARE THE ROLE OF THE VICTIM IN THE RESTITUTION SCHEME, THE RELATIONSHIP OF RESTITUTION TO OTHER CRIMINAL JUSTICE SANCTIONS, AND RESTITUTION AS A CONDITION OF PROBATION. THE THEME OF THE ARTICLE IS THE AUTHORS' BELIEF THAT FURTHER STUDIES SHOULD BE MADE OF THE MOST APPROPRIATE METHOD OF INSTITUTING RESTITUTION, THE CLASSES OF OFFENDERS FROM WHOM TO REQUIRE IT, AND ITS EFFECTS ON VICTIMS AND OFFENDERS, IN ORDER TO MAKE THIS MECHANISM A MORE VIABLE PART OF THE CRIMINAL JUSTICE SYSTEM. (NCJRS)

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163.

HUNT, STEPHEN M.

"EVALUATING A RESTITUTION PROJECT: A CASE STUDY OF A SECOND YEAR PRE-LIMINARY IMPACT EVALUATION," PAPER PRESENTED AT THE THIRD NATIONAL RESTITUTION SYMPOSIUM, DULUTH, MINNESOTA, SEPTEMBER, 1979. (ALSO REPORTED AS: "OFFENDERS WHO PAY THEIR WAY: THE PRELIMINARY IMPACT EVALUATION REPORT ON THE ORLEANS PARISH CRIMINAL SHERIFF'S RESTITUTION SHELTER-DIAGNOSTIC UNIT", THE MAYOR'S CRIMINAL JUSTICE COORDINATING COUNCIL, CITY OF NEW ORLEANS, JUNE, 1979).

THE ORLEANS PARISH RESTITUTION SHELTER IS LOCATED IN THE COMMUNITY CORRECTIONAL CENTER, A 448 BED MEDIUM SECURITY PRISON IN NEW ORLEANS. THE PROGRAM IS COMPOSED OF TWO COMPONENTS: THE DIAGNOSTIC UNIT RECEIVES REFERRALS FROM THE DISTRICTS COURTS, PROSECUTORS, STATE PRISON, AND OTHER SOURCES AND COMPLETES A SCREENING PROCESS, PRIMARILY AROUND SECURITY RISKS. THE SHELTER THEN PROVIDES TESTING AND PLACING THE OFFENDER IN AN INDIVIDUALIZED LEARNING PROGRAM. THE TYPE AND AMOUNT OF RESTITUTION TO BE MADE BY THE OFFENDER IS DETERMINED IN A CONTRACT SIGNED BY THE OFFENDER AND THE SHERIFF. THE OFFENDER IS PLACED IN A JOB AND WORKS TO ACCUMULATE SAVINGS THROUGH WHICH RESTITUTION IS DEDUCTED UPON RELEASE. ROOM AND BOARD PAYMENTS ARE MADE THROUGH THE FACILITY.

THE RESEARCH DESIGN WAS A SINGLE GROUP, AFTER-ONLY TYPE. DATA WAS COLLECTED FROM OFFICIAL FILES AND IS PRESENTED IN FREQUENCY DISTRIBUTIONS.

AMONG THE MAJOR FINDINGS ARE THE FOLLOWING:

1. BETWEEN JUNE 30, 1977, AND DECEMBER 31, 1978, 414 REFERRALS WERE MADE TO THE SHELTER. ONE HUNDRED AND SEVENTY-FOUR REFERRALS WERE ACCEPTED INTO THE SHELTER. NINETY-FIVE SUCCESSFULLY COMPLETED THE PROGRAM EARLY, 50 WERE UNSUCCESSFULLY TERMINATED, 16 WERE STILL PARTICIPATING IN THE PROGRAM ON DECEMBER 31, 1978.
2. ANALYSIS OF THE DIFFERENCES BETWEEN SUCCESSFUL AND UNSUCCESSFUL PARTICIPANTS INDICATED THAT SUCCESSFUL COMPLETIONS WERE OLDER, HAD BEEN REFERRED FROM WITHIN THE PRISON, AS COMPARED TO THE COURT; HAD BEEN CHARGED WITH LESS SERIOUS OFFENSES.
3. PROGRAM PARTICIPANTS OWNED A TOTAL OF \$130,220.87 IN SALARIES FROM EMPLOYMENT. ONE HUNDRED AND FIVE OFFENDERS PAID AN AVERAGE OF \$110.55 TO VICTIMS FOR A TOTAL OF \$11,608.38 IN RESTITUTION PAYMENTS. FOUR TYPES OF VICTIM RESTITUTION WERE USED: 51 OFFENDERS PAID TO THE ELDERLY VICTIM RELIEF FUND WHICH COMPENSATED ELDERLY VICTIMS WITH DIRECT PAYMENT. TWENTY-EIGHT OFFENDERS WERE ORDERED TO PAY VICTIMS AND 22 OF THESE PAID AN AVERAGE OF \$281.93. NINETEEN OFFENDERS PAID RESTITUTION TO THEIR WIFE AND FAMILY FOR CRIMINAL NEGLECT OFFENSES.
4. A TOTAL OF \$26,741.50 WAS REPAID TO THE CRIMINAL JUSTICE SYSTEM FOR OPERATING EXPENSES AND ROOM AND BOARD.
5. OF THE TOTAL DISBURSEMENT OF EARNINGS, VICTIMS RECEIVED 11, THE CRIMINAL JUSTICE SYSTEM RECEIVED 25, AND OFFENDERS RETAINED 64.
6. FIFTY-THREE INDIVIDUALS CONTRIBUTED COMMUNITY SERVICE RESTITUTION FOR A TOTAL OF 7,506 HOURS. IN ADDITION, ALL PARTICIPANTS WERE REQUIRED TO ATTEND EDUCATIONAL CLASSES.
7. THE COST PER ACCEPTED REFERRAL FOR THE DIAGNOSTIC UNIT WAS \$341.33. THE COST PER SUCCESSFUL COMPLETION OF THE SHELTER PROGRAM WAS \$1,677.93. THE COMBINED COSTS FOR SUCCESSFUL COMPLETION FOR BOTH THE DIAGNOSTIC UNIT AND SHELTER PROGRAM WAS \$2,303.10. COST PER DAY FOR EACH SUCCESSFUL COMPLETION OF THE DIAGNOSTIC UNIT AND SHELTER PROGRAM WAS \$22.23.

164.

JACOB, BRUCE R.

"REPARATION OR RESTITUTION BY THE CRIMINAL OFFENDER TO HIS VICTIM: APPLICABILITY OF AN ANCIENT CONCEPT IN THE MODERN CORRECTIONAL PROCESS," THE JOURNAL OF CRIMINAL LAW, CRIMINOLOGY AND POLICE SCIENCE, 61:2, JUNE, 1970, PP. 152-167.

THIS ARTICLE REVIEWS THE HISTORICAL BACKGROUND OF THE CONCEPT OF REPARATION OR RESTITUTION AND THEN DISCUSSES BOTH CONCEPTS IN THE MODERN CRIMINAL PROCESS. OTHER ITEMS DISCUSSED INCLUDE REPARATION OR RESTITUTION AS A MEANS OF REHABILITATING THE OFFENDER AND REPARATION AS A PHILOSOPHICAL ASPECT OF PENOLOGY. EXISTING VICTIM COMPENSATION PLANS ARE EXAMINED WITH A DISCUSSION OF ARGUMENTS FOR INCLUDING REPARATION IN VICTIM INDEMNIFICATION SCHEMES. THIS ARTICLE ALSO CONSIDERS POSSIBLE WAYS TO INCREASE THE EARNINGS OF CONVICTED OFFENDERS SO AS TO MAKE PRACTICABLE THE INCORPORATION OF THE CONCEPT OF REPARATION IN EXISTING VICTIM INDEMNIFICATION PLANS OR IN FUTURE LEGISLATION TO PROVIDE FINANCIAL ASSISTANCE TO VICTIMS OF CRIME. (NCJRS)

165.

JACOB, BRUCE.

"THE CONCEPT OF RESTITUTION: AN HISTORICAL OVERVIEW,"-IN-HUDSON, J. AND BURT GALAWAY, EDS., RESTITUTION IN CRIMINAL JUSTICE, LEXINGTON: D. C. HEATH, 1977.

TRACES THE HISTORICAL DEVELOPMENT OF RESTITUTION FROM PRELITERATE CULTURES THROUGH TO RECENT THEORETICAL AND PROGRAM DEVELOPMENTS.

166.

JACOBSEN, WILLIAM F.

"USE OF RESTITUTION IN THE CRIMINAL PROCESS: PEOPLE V. MILLER," UCLA LAW REVIEW, 16:2, 1968-69, PP. 456-475.

A DISCUSSION OF TWO LEGAL ISSUES IN THE USE OF "CORRECTIONAL RESTITUTION" AS AUTHORIZED BY CALIFORNIA LAW. THE AUTHOR BELIEVES THAT THE PRIMARY RATIONALE FOR CORRECTIONAL RESTITUTION IS THE PROBATIONER'S PROGRESS TOWARDS REHABILITATION. THE TWO ISSUES DEALT WITH ARE THE DISCRETION OF THE COURTS IN ORDERING RESTITUTION FOR ACTS OTHER THAN THE ONE FOR WHICH THE OFFENDER WAS CONVICTED AND THE PROBATIONER'S RIGHT TO A HEARING IF RESTITUTION IS INCREASED. THE CONCLUSION IS THAT RESTITUTION AS A CONDITION OF PROBATION IS PROPER IF IT REQUIRED THE PAYMENT OF FIXED LIABILITIES:

1. INCURRED AS THE PROXIMATE RESULT OF THE CRIMINAL ACT FOR WHICH THE PROBATIONER WAS CONVICTED, OR
2. INCURRED AS THE RESULT OF CONDUCT WHICH IS SUBSTANTIALLY RELATED IN KIND, INCLUDING THE STATE OF MIND OF THE ACTOR, TO BE BREACH FOR WHICH THE INDIVIDUAL WAS ORIGINALLY CONVICTED.

CONTINUED

1 OF 2

167.

JEFFERY, CLARENCE RAY.
"THE DEVELOPMENT OF CRIME IN EARLY ENGLISH SOCIETY," JOURNAL OF CRIMINOLOGY, CRIMINAL LAW AND POLICE SCIENCE, VOL. 47, 1957, PP. 647-666.
TRACES THE DEVELOPMENT OF CRIME AND CRIMINAL LAW IN ENGLAND FROM 400 A.D. UNTIL 1200 A.D. THE AIM OF THE ARTICLE IS TO ANALYZE THE LEGAL CHANGES OCCURRING IN ENGLAND DURING THIS TIME IN TERMS OF CHANGING SOCIAL CONDITIONS. IT IS NOTED THAT THE PATTERN OF SOCIAL CHANGE IN ENGLAND FROM 400 - 1200 A.D. WAS A CHANGE FROM TRIBALISM TO FEUDALISM TO NATIONALISM. THE LAND-TIE REPLACED THE BLOOD-TIE AS THE BASIS FOR SOCIAL ORDER. A NEW SOCIAL STRUCTURE EMERGED IN ENGLAND AND AS A RESULT A NEW LEGAL SYSTEM CAME INTO EXISTANCE. DURING THE TRIBAL PERIOD THE LEGAL SYSTEM WAS IN THE HANDS OF THE TRIBAL GROUP AND JUSTICE WAS BASED ON THE BLOOD-FEUD. AS TRIBALISM GAVE WAY TO FEUDALISM, THE FEUD WAS REPLACED BY A SYSTEM OF COMPENSATIONS. JUSTICE PASSED INTO THE HANDS OF LANDLORDS. STATE LAW AND CRIME CAME INTO EXISTANCE DURING THE TIME OF HENRY II AS A RESULT OF THE SEPARATION OF STATE AND CHURCH AND AS A RESULT OF THE EMERGENCE OF A CENTRAL AUTHORITY WHICH REPLACED THE AUTHORITY OF THE FEUDAL LORDS. HENRY REPLACED FEUDAL JUSTICE WITH STATE JUSTICE BY MEANS OF A SYSTEM OF ROYAL COURTS. COMMON LAW EMERGED AS THE LAW OF THE CROWN AVAILABLE TO ALL MEN. THE STATE BECAME THE OFFENDED SOCIAL UNIT, AND THE STATE WAS THE PROPER PROSECUTOR IN EVERY CASE OF CRIME. JUSTICE BECAME THE SOLE PREROGATIVE OF THE STATE.

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168.

JONES, A. E.
"COSTS, COMPENSATION AND RESTITUTION," MAGISTRATE, 23:2, 1967, PP. 26-27.
A BRIEF ACCOUNT OF THE ENGLISH COURT'S POWERS IN REGARD TO COSTS, COMPENSATION, AND RESTITUTION.

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169.

JONES, RAY.
"COMMUNITY SERVICE ORDERS AND SSDS," SOCIAL WORK TODAY, 7:2, 1976, PP. 43-44.
DESCRIBES THE BRITISH COMMUNITY SERVICE PROGRAM AND ASSESSES THE RELATIONSHIP OF THIS PROGRAM TO SOCIAL SERVICE DEPARTMENTS. IN PARTICULAR, THE AUTHOR RAISES QUESTIONS ABOUT SITUATIONS IN WHICH SOCIAL SERVICE DEPARTMENTS ARE ASKED TO PARTICIPATE IN COMMUNITY SERVICE SCHEMES BY PROVIDING PROGRAMS OF WORK FOR COMMUNITY SERVICE OFFENDERS. THE AUTHOR SUGGESTS THAT THE SOCIAL WORKER SUPERVISING THE COMMUNITY SERVICE PROGRAM MAY FIND HIMSELF BECOMING RESPONSIBLE FOR OFFERING CASE-WORK ASSISTANCE TO THE OFFENDER AND THIS SUPERVISION WOULD BE MORE APPROPRIATELY OFFERED BY A PROBATION OFFICER.

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170.

KATENDE, JOHN W.
"WHY WERE PUNISHMENTS IN PRE-EUROPEAN EAST AFRICA MAINLY COMPENSATIVE RATHER THAN PUNITIVE?" DAR SES SALAAM, UNIVERSITY LAW JOURNAL, VOL. 2, 1967, PP. 122-133.

THE AIM OF THIS ARTICLE IS TO EXAMINE HOW THE AFRICAN SYSTEM OF PUNISHMENT CAME TO BE WHAT IT IS. SPECIFICALLY, THE AUTHOR CONSIDERS WHY PUNISHMENT IN EAST AFRICA WAS ONCE CONCERNED WITH COMPENSATION RATHER THAN PENAL SANCTIONS, AND WHY THE REVERSE IS TRUE TODAY. THE AUTHOR NOTES THAT AFRICAN COUNTRIES DEVELOPED A "RECONCILIATION" SYSTEM OF JUSTICE BECAUSE THEY FEARED WHAT THEIR OPPONENTS MIGHT DO TO THEM IF NO SATISFACTORY CONCLUSION WAS REACHED. MOST PEOPLE PRACTICED WITCHCRAFT AND CONSEQUENTLY, ONE HAD TO BE EXTREMELY CAREFUL HOW ONE TREATED A PERSON BECAUSE THAT PERSON OR A FRIEND OF THAT PERSON MIGHT BE A WITCH DOCTOR. IN SUCH A SOCIETY, WHERE EVERYBODY SUSPECTED EVERYONE ELSE OF BEING A WITCH AND WHERE EVERYBODY KNEW THE MISERY A WITCH DOCTOR COULD CAUSE, IT WAS A NECESSITY THAT AS FAR AS POSSIBLE, PERSONS SHOULD BE ON GOOD TERMS WITH ONE ANOTHER. CONSEQUENTLY, IF A CONFLICT AROSE WHICH WAS LIKELY TO THREATEN THESE GOOD TERMS, RECONCILIATION BETWEEN THE OFFENDER AND THE OFFENDED WAS THE ONLY SANCTION. PUNITIVE SANCTIONS COULD ONLY UPSET PEACEFUL COEXISTENCE AND BRING HATRED BETWEEN THE FAMILIES. FROM THIS SHEER PRACTICAL NECESSITY OF REDUCING RISKS DEVELOPED THE AFRICAN SYSTEM OF PUNISHMENT BY COMPENSATION. A DISPUTE SETTLEMENT SYSTEM WAS COMMONLY USED IN WHICH SIX OR SEVEN NEIGHBORS AND RELATIVES ACTED AS INFORMAL COURTS. CONTRASTS ARE MADE WITH THE EUROPEAN SYSTEM OF PUNISHMENTS. FINALLY, THE AUTHOR RAISES THE QUESTION AS TO WHY THE ENGLISH SYSTEM OF PUNISHMENT IS BEING READILY ACCEPTED IN SUCH A SHORT PERIOD BY EAST AFRICAN COMMUNITIES IN PLACE OF THE INDIGENOUS SYSTEM OF RECONCILIATION AND COMPENSATION. IT IS CONCLUDED THAT THE BIGGEST INFLUENCING FACTORS HAVE BEEN EDUCATION AND THE COMING OF RELIGIONS FROM THE EAST AND THE WEST. THESE TWO FACTORS HAVE MADE PEOPLE REALIZE THE FOLLY OF BELIEVING IN WITCHCRAFT AND ITS EXAGGERATED POWERS. THE FEAR WHICH ORIGINALLY CREATED THE RECONCILIATION-COMPENSATION SYSTEM HAS GONE BUT ITS FEATURES OF RECONCILIATION, RESTITUTION AND COMPENSATION ARE STILL PART OF THE EAST AFRICAN JUDICIAL SYSTEM ALTHOUGH IN A VERY MINIMAL ROLE.

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171.

KAUFMAN, CLEMENTINE L.
"COMMUNITY SERVICE VOLUNTEERS: A BRITISH APPROACH TO DELINQUENCY PREVENTION," FEDERAL PROBATION, VOL. 37, DECEMBER, 1973, PP. 35-41.
DESCRIBES THE BRITISH COMMUNITY SERVICE VOLUNTEER PROGRAM AIMED AT USING ALL KINDS OF YOUNG PEOPLE IN PROVIDING SERVICES TO THE COMMUNITY AS VOLUNTEERS. IT IS IMPORTANT TO NOTE THAT THIS PROGRAM IS DISTINCT FROM THE BRITISH COMMUNITY SERVICES PROGRAM WHICH IS TO BE USED AS AN ALTERNATIVE TO INCARCERATION FOR YOUNG OFFENDERS. THE COMMUNITY SERVICE VOLUNTEER PROGRAM RESEMBLES THE VISTA PROGRAM IN AMERICA. THE AIM IS TO INVOLVE YOUNG PEOPLE IN PROVIDING SERVICE TO OTHERS. VOLUNTEERS SERVE FROM FOUR TO TWELVE MONTHS IN A WIDE VARIETY OF SOCIAL AGENCIES. THE PROGRAM HAS BEEN EXPERIMENTING WITH WAYS TO INVOLVE INSTITUTIONALIZED OFFENDERS AS VOLUNTEERS. PROGRAM STATISTICS UP TO JULY, 1972, AT THE END OF TEN MONTHS OF PROGRAM OPERATION, ARE PROVIDED AND CASE EXAMPLES GIVEN.

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172.

KAUFMAN, W.
"RETRIBUTION AND THE ETHICS OF PUNISHMENT,"--IN-BARNETT, R. E. AND J. HAGEL, EDS., ASSESSING THE CRIMINAL: RESTITUTION, RETRIBUTION, AND THE LEGAL PROCESS, CAMBRIDGE: BALLINGER, 1977.

THIS ARTICLE DISCUSSES THE CONCEPT OF PUNISHMENT FROM A HISTORICAL PERSPECTIVE AND ARGUES AGAINST THE VIEW THAT ONLY RETRIBUTION MAKES PUNISHMENT MORAL. TEN FUNCTIONS OF PUNISHMENT ARE DISTINGUISHED: (1) DETERRENCE BY ENGENDERING FEAR OF PUNISHMENT; (2) DETERRENCE BY INCULCATING A MORAL SENSE OF THE GRAVITY OF A CRIME; (3) DETERRENCE BY INFORMING PEOPLE OF WHAT IS FORBIDDEN; (4) MINIMIZING OF THE DAMAGE OF A CRIME BY PREVENTING PRIVATE VENGEANCE, AND BY (5) ASSURING THAT THE BREAKING OF A LAW DOES NOT BECOME AN INVITATION TO OTHERS TO EMULATE THE LAWBREAKER, AND BY (6) PROVIDING A SAFETY VALVE FOR THE UNLAWFUL DESIRES OF PEOPLE EXCITED BY THE COMMISSION OF A CRIME; (7) REFORMATION OF THE OFFENDER; (8) RESTITUTION FOR THE VICTIM; (9) EXPIATION OF A MORAL WRONG; AND (10) RETRIBUTION. THE NOTION OF RETRIBUTION IS OPEN TO SEVERAL CRITICISM: THE NOTION OF DESERT IS QUESTIONABLE; RETRIBUTION IS PAST-ORIENTED, BUT IT CANNOT UNDO ANY DAMAGE THAT HAS BEEN DONE; AND THE INTUITIVE CERTAINTY THAT AN OFFENDER MUST BE PUNISHED CAN BE EXPLAINED PSYCHOLOGICALLY. AN EVALUATION OF THE HISTORY OF THE STUDY OF ETHICS SHOWS THE FALLICIES OF ABSOLUTIST THINKING. WHEN APPLIED TO THE ETHICS OF PUNISHMENT, TWO CRITICISMS EMERGE. THE FIRST IS THAT THOSE WHO DEFEND RETRIBUTION AS THE ETHICAL FUNCTION OF PUNISHMENT ARE GENERALLY ABSOLUTISTS WHO CONSIDER IT INTUITIVELY OBVIOUS THAT CERTAIN CRIMES CALL FOR CERTAIN PUNISHMENTS AND IGNORE HISTORY, WHICH SHOWS THAT MANY OTHER THINKERS HAVE BEEN EQUALLY CERTAIN THAT PARTICULAR CRIMES DESERVED VERY DIFFERENT PUNISHMENTS. THE SECOND IS THAT NOT ALL ABSOLUTISTS HAVE BEEN RETRIBUTIVISTS, AND IN FACT, RETRIBUTION OCCUPIES A MINOR PLACE IN THE HISTORY OF ETHICS. THE HISTORY OF THE CONCEPT OF RETRIBUTION IS TRACED FROM THE CODE OF HAMMURABI THROUGH LIBERAL PROTESTANTISM. IMPORTANT POINTS IN OBJECTION TO RETRIBUTIVE THEORY ARE DISCUSSED: (1) THE DECLINE OF FAITH IN RETRIBUTION CAN BE ATTRIBUTED LARGELY TO THE ECLIPSE OF CHRISTIANITY, THE SPREAD OF HUMANITARIANISM, AND THE EMERGENCE OF DEPTH PSYCHOLOGY (THE BELIEF THAT CRIMINALS ARE NOT PROFOUNDLY DIFFERENT FROM OTHERS); (2) PUNISHMENTS CAN NEVER BE DESERVED, THAT IS, A PUNISHMENT CAN NEVER BE WHOLLY PROPORTIONATE; (3) EVEN IF A PUNISHMENT COULD BE PROPORTIONATE, IT WOULD NOT NECESSARILY FOLLOW THAT IT OUGHT TO BE IMPOSED; AND (4) PUNISHMENT HAS MANY OTHER FUNCTIONS, AND THUS SHOULD NOT BE DISPENSED WITH ENTIRELY. THE AUTHOR CONCLUDES WITH A RECOMMENDATION FOR THE EXPLORATION OF ALTERNATIVES TO OUR PRESENT PENAL SYSTEM. (NCJRS)

173.

KELDGORD, ROBERT.
"COMMUNITY RESTITUTION COMES TO ARIZONA,"--IN-GALAWAY, B. AND JOE HUDSON, EDS., OFFENDER RESTITUTION IN THEORY AND PRACTICE, LEXINGTON: D. C. HEATH, 1978.

THE COMMUNITY RESTITUTION IN SERVICE PROGRAM (CRISP) IS DESCRIBED AS IT OPERATES IN PIMA COUNTY, ARIZONA. EVALUATION RESULTS ARE PRESENTED. ...

174.

KEVE, PAUL W.

"THE THERAPEUTIC USES OF RESTITUTION,"--IN-GALAWAY, B. AND JOE HUDSON, EDS., OFFENDER RESTITUTION IN THEORY AND ACTION, LEXINGTON: D. C. HEATH, 1978.
AN ASSESSMENT OF THE EXTENT TO WHICH RESTITUTION CAN BE USED AS A REHABILITATIVE DEVICE; SPECIFIC ELEMENTS OF A REHABILITATIVE RESTITUTION SCHEME ARE IDENTIFIED AND DISCUSSED.

175.

KEVE, PAUL AND A. EGLASH.

"PAYMENTS ON 'A DEBT TO SOCIETY'," NPPA NEWS, 36:4, SEPTEMBER, 1957, PP. 1-2.
BRIEFLY DESCRIBES THE CONCEPT OF CREATIVE RESTITUTION AND PRESENTS CASE EXAMPLES OF HOW THE CONCEPT HAS BEEN USED WITH LAW VIOLATORS.

176.

KIGIN, ROBERT AND STEVE NOVACK.

"A RURAL RESTITUTION PROGRAM FOR JUVENILE OFFENDERS AND VICTIMS,"--IN-HUDSON, J. AND B. GALAWAY, EDS., VICTIMS, OFFENDERS, AND ALTERNATIVE SANCTIONS, LEXINGTON: D.C. HEATH/LEXINGTON BOOKS, 1980.

THE TRI-COUNTY JUVENILE RESTITUTION PROGRAM OPERATES IN A THREE COUNTY AREA IN RURAL MINNESOTA. BOTH JUVENILE MALES AND FEMALES ARE REFERRED TO THE PROGRAM BY A COURT SERVICE STAFF. FORMAL PLACEMENTS ARE MADE AT THE DISCRETION OF THE JUVENILE COURT. PROJECT ACTIVITIES INVOLVE INVESTIGATING DAMAGES DONE AND LOSSES AND MEDIATING A RESTITUTION CONFERENCE. THESE RESTITUTION CONFERENCES ARE AIMED AT GETTING THE RELEVANT PARTIES INVOLVED (OFFENDERS, PARENTS, VICTIMS, RESTITUTION OFFICER) AND ARRIVING AT AN AGREEMENT ABOUT THE AMOUNT OF FINANCIAL LOSS TO BE MADE AS RESTITUTION. IN THOSE CASES WHERE THE JUDGE RECOMMENDS COMMUNITY SERVICE RESTITUTION, A MATRIX IS USED TO SET THE MINIMUM AND MAXIMUM NUMBER OF WORK HOURS TO BE COMPLETED. THE EVALUATION COMPLETED ON THIS PROGRAM AMOUNTS TO A ONE SHOT CASE STUDY. DATA HAS BEEN COLLECTED ON PROGRAM INPUTS, EFFORTS, AND OUTPUTS. DATA COLLECTION IS NOT SPECIFIED AND DATA IS PRESENTED IN THE FORM OF PERCENTAGES.

MAJOR FINDINGS ARE:

1. THREE HUNDRED AND FIFTY-THREE OFFENDERS ENTERED THE PROGRAM DURING THE FIRST EIGHTEEN MONTHS OF PROGRAM OPERATION; THE MEAN AGE WAS 15.6 YEARS, 85 WERE MALES, 99 WERE WHITE, 84 HAD NO PRIOR JUVENILE COURT INVOLVEMENT.
2. A SIX MONTH FOLLOW UP AFTER PROGRAM TERMINATION REVEALED THAT 88 OF CLIENTS HAD NO FURTHER POLICE CONTACTS, 44 WERE CONTINUED ON PROBATION, 9 WERE INSTITUTIONALIZED.
3. OF THE 315 VICTIMS PARTICIPATING IN THE PROGRAM, 30 MET FACE-TO-FACE WITH OFFENDERS IN A RESTITUTION CONFERENCE, 60 WERE CONSULTED OR CONTACTED BY THE RESTITUTION OFFICER, 10 HAD NO PARTICIPATION.
4. TWENTY-TWO PERCENT OF THE OFFENDERS MADE FINANCIAL RESTITUTION, TWO PERCENT DID VOLUNTEER WORK DIRECTLY FOR THE VICTIM, 50 DID COMMUNITY SERVICE, 26 COMPLETED A COMBINATION OF RESTITUTION TYPES. MEAN AMOUNT OF FINANCIAL RESTITUTION MADE WAS \$163, AND THE MEAN AMOUNT OF PERSONAL SERVICE WAS 15 HOURS, MEAN AMOUNT OF COMMUNITY SERVICE WAS 22 HOURS. AVERAGE NUMBER OF DAYS A CLIENT PARTICIPATED WAS FIFTY.

177.

KIRKALOV, A. D.

"COMMUNITY SERVICE ORDER PROGRAM: THE BRITISH COLUMBIA EXPERIENCE, VOL. 1, BACKGROUND AND DESCRIPTION OF INITIAL CASES," VICTORIA, B. C., 1977.

THE PROGRAM, IN WHICH THE COURT ISSUES AN ORDER FOR THE OFFENDER (JUVENILE OR ADULT) TO PERFORM A SET NUMBER OF HOURS OF SERVICE AS AN ALTERNATIVE TO A SHORT PRISON TERM, IS DESCRIBED. THIS CANADIAN COMMUNITY SERVICE ORDER PROGRAM IS BASED ON A SIMILAR PROGRAM, THE BRITISH COMMUNITY WORK SERVICE PROGRAM, WHICH HAS BEEN OPERATING SUCCESSFULLY SINCE 1972; THE BRITISH COLUMBIA PROGRAM WAS SET UP IN 1975 AND BY THE END OF MAY 1976 HAD ADMITTED 1,459 OFFENDERS. THE LENGTH OF THE SERVICE ORDER IS A MAXIMUM OF 200 HOURS WITHIN A 6-MONTH PERIOD FOR ADULTS, AND 100 HOURS IN A 3-MONTH PERIOD FOR JUVENILES. AFTER THE FIRST YEAR OF OPERATION TWO MAJOR RECOMMENDATIONS WERE MADE. THE FIRST, ALREADY IMPLEMENTED, WAS TO FORMALLY EXPAND THE PROGRAM FROM VANCOUVER TO THE ENTIRE PROVINCE. THE SECOND, NOT YET IMPLEMENTED, HAS BEEN TO CHANGE FEDERAL AND PROVINCIAL LEGISLATION TO ENABLE COMMUNITY SERVICE TO EXIST AS A SEPARATE DISPOSITION UNDER THE CRIMINAL CODE AND THE JUVENILE DELINQUENTS ACTS. THIS REPORT INCLUDES A STATISTICAL DESCRIPTION OF THE FIRST 1,459 ADMISSIONS. A SECOND VOLUME, TO BE ISSUED LATER, WILL SUMMARIZE THE 3,000 CASES ADMITTED JUNE 1976 TO JUNE 1977. GENERALLY, JUVENILE CASES ACCOUNT FOR 55.7 PERCENT; 88 PERCENT ARE MALE. NATIVE INDIANS ACCOUNT FOR 9.0 PERCENT. THE MOST COMMON OFFENSES ARE "THEFT UNDER \$200" AND "BREAK AND ENTER." ABOUT ONE-THIRD ARE ADMITTED BY PROBATION OFFICER INQUIRY, THE OTHERS BY A COURT STANDARD PROBATION ORDER. ALMOST ALL THE PARTICIPANTS ARE ASSIGNED WORK FOR THE COMMUNITY RATHER THAN FOR THE VICTIM. HALF OF THE ORDERS ARE FOR WORK IN A COMMUNITY OR SERVICE AGENCY, 36.1 PERCENT ARE FOR COMMUNITY RECREATION FACILITIES AND PARK DEVELOPMENT, 4 PERCENT WORK FOR THE VICTIM ON JOBS NOT RELATED TO THE OFFENSE, 1.4 PERCENT REPAIR DAMAGE RELATED TO THE OFFENSE. COMMUNITY VOLUNTEER GROUPS SUPERVISE 66 PERCENT OF THE WORK ORDERS. ALMOST ALL (93.3 PERCENT) OF THE WORK ORDERS ARE COMPLETED. THE PROGRAM HAS RECEIVED POSITIVE COMMENTS FROM COURT AND PROBATION OFFICIALS. THE REPORT ALSO ANALYZES PROGRAM PARTICIPANTS ACCORDING TO REGION OF THE PROVINCE; THE VANCOUVER ISLAND REGION ACCOUNTS FOR 46 PERCENT. IT IS NOTED THAT THE PROGRAM IS TOO NEW FOR THE EFFECTIVENESS TO BE MEASURED. (NCJRS)

178.

KITTEL, NORMAN.

"EVALUATION OF THE TRI-COUNTY (STEARNS, BENTON AND SHERBURNE) JUVENILE RESTITUTION PROGRAM," UNPUBLISHED EVALUATION REPORT COMPLETED ON THE TRI-COUNTY JUVENILE RESTITUTION PROGRAM, ST. CLOUD, MN, UNDATED.

THE EVALUATION OF THIS PROJECT INCLUDES A PROGRAM DESCRIPTION, ANALYSIS OF PROGRAM STATISTICS FROM THE PROGRAM'S BEGINNING ON JANUARY 1, 1978 THROUGH DECEMBER 31, 1979, AND AN ASSESSMENT OF GOAL ATTAINMENT IN THE PROGRAM'S FIRST TWO YEARS OF OPERATION. RESULTS OF ROUTINE PRE-AND POST-PROGRAM OFFENDER AND VICTIM SURVEYS ARE PRESENTED. A COST BENEFIT ANALYSIS IS INCLUDED AND RECOMMENDATIONS FOR PROGRAM IMPROVEMENT.

179.

LEIN, JOHN F.

"REVITALIZING RESTITUTION: FLOGGING A HORSE THAT MAY HAVE BEEN KILLED FOR JUST CAUSE," CRIMINAL LAW QUARTERLY, 20:3, 1978, PP. 383-408.

A CRITICAL ASSESSMENT OF PROPOSALS FOR THE EXPANDED USE OF RESTITUTION AND COMPENSATION IN THE CRIMINAL JUSTICE SYSTEM. THE AUTHOR REVIEWS EXISTING STATUTORY PROVISIONS FOR RESTITUTION IN THE CANADIAN CRIMINAL CODE AND NOTES THE PROBLEMS INVOLVED WITH VICTIMS RECEIVING RESTITUTION FROM OFFENDERS PLACED ON PROBATION. CRITICISMS ARE OFFERED OF THE PROPOSALS MADE BY THE LAW REFORM COMMISSION OF CANADA AS THESE INVOLVED DEALING WITH THE ISSUE OF RESTITUTION AS A MATTER OF COURSE IN CRIMINAL CASES. IT IS NOTED THAT A VARIETY OF PROBLEMS ARE LIKELY TO RESULT FROM SUCH A PROCEDURES AS THESE WOULD INVOLVE:

1. THE VICTIM MUST STILL GO TO CIVIL COURT IF HE IS TO EFFECT HIS CLAIM TO UNLIQUIDATED DAMAGES;
2. NO EXAMINATION FOR DISCOVERY IS OFTEN HELD IN CRIMINAL CASES;
3. THE OFFENDER IS EFFECTIVELY DENIED HIS RIGHT TO A CIVIL TRIAL BY JURY WITH RESPECT TO THE ISSUE OF LIQUIDATED DAMAGES;
4. THE OFFENDER IS THREATENED WITH JAIL IN LIEU OF NON-PAYMENT OF WHAT IS ESSENTIALLY A CIVIL DEBT;
5. IF THE OFFENDER ACCEPTS A PLEA BARGAINED ARRANGEMENT, THE VICTIMS WILL BE DENIED THE POSSIBILITY OF RECEIVING RESTITUTION FOR THE PLEA BARGAINED CHARGES.

ADDITIONAL PROBLEMS WITH MAKING RESTITUTION A CENTRAL ISSUE IN THE CRIMINAL JUSTICE PROCESS ARE IDENTIFIED AS THESE INVOLVE THE FOLLOWING:

1. HOW AMENABLE WILL THE CRIMINAL COURTS BE TO CONSIDERING RESTITUTION IF THEY SEE THEMSELVES AS ACTING AS A COLLECTION AGENCY?
2. HOW COMPETENT ARE THE CRIMINAL COURTS IN ARRIVING AT RESTITUTION ASSESSMENTS?
3. TO THE EXTENT THAT WILLINGNESS TO MAKE RESTITUTION WILL RESULT IN A MEASURE OF LENIENCY, WILL THERE BE INSTANCES WHERE THE PRACTICE SMELLS OF TRADING DOLLARS FOR LENIENCY OR EVEN LIBERTY?
4. IS THE CURRENT POPULARITY FOR RESTITUTION PROGRAMS WHICH IS GROUNDED IN THEIR REHABILITATIVE CLAIMS WARRANTED?
5. WHO WILL BENEFIT FROM RESTITUTION?
6. WHAT ARE THE IMPLICATIONS OF PLEA BARGAINING WITH RESPECT TO GIVING PRIMACY TO RESTITUTION IN SENTENCING?
7. WILL MAKING RESTITUTION A CENTRAL CONSIDERATION IN SENTENCING AND DISPOSITIONS ENCOURAGE THE ABUSE OF THE CRIMINAL PROCESS TO AID DEBT COLLECTIONS?

THE AUTHOR CONCLUDES THAT THE CONCERN OF THE LAW REFORM COMMISSION WITH THE PLIGHT OF CRIME VICTIMS IS LAUDABLE; HOWEVER THERE ARE A NUMBER OF ISSUES WHICH NEED TO BE CONSIDERED BEFORE FOLLOWING THE COMMISSION RECOMMENDATION ON THE WIDESPREAD USE OF RESTITUTION.

180.
KOEDEL, JOANNE.

"SACRAMENTO COUNTY PROBATION ALTERNATIVE SENTENCING PROCEDURES," FINAL FIRST YEAR EVALUATION REPORT, SACRAMENTO AREA CRIMINAL JUSTICE AND DELINQUENCY PREVENTION PLANNING DISTRICT, JUNE 19, 1978.

THE ALTERNATIVE SENTENCING PROCEDURES PROJECT IS OPERATED BY THE VOLUNTEER BUREAU OF SACRAMENTO. STAFF ARE RESPONSIBLE FOR SCREENING AND PLACING COURT REFERRALS IN VOLUNTEER COMMUNITY SERVICE AGENCIES. CLIENTS ARE REFERRED FROM THE COURTS AS AN ALTERNATIVE TO OTHER SENTENCES. CLIENTS ARE SCREENED, PLACED IN A COMMUNITY AGENCY, AND MONITORING CONTACTS ARE MADE. AT THE COMPLETION OF THE ORDERED COMMUNITY SERVICE, THE OFFENDER IS REFERRED BACK TO COURT AND DISCHARGED.

THE RESEARCH DESIGN IS AN AFTER-ONLY, NON-EXPERIMENTAL DESIGN. DATA WAS COLLECTED FROM THREE SOURCES: PROJECT STAFF COMPLETED INFORMATION ABOUT THE OFFENDER AND THE PLACEMENT AT ADMISSION; DATA WAS COLLECTED FROM COURT RECORDS; FINANCIAL DATA WAS COLLECTED. MAJOR FINDINGS OF THE PROJECT WERE:

1. DURING THE FIRST YEAR OF FUNDING, 832 OFFENDERS WERE SENTENCED TO COMMUNITY SERVICE WORK; OVER 70 PERCENT OF THESE CASES CAME FROM THE MUNICIPAL COURTS.
2. APPROXIMATELY 18 PERCENT OF REFERRALS DID NOT SUCCESSFULLY COMPLETE THE PROJECT; MOST COMMONLY, PROGRAM FAILURES HAD HIGHER NUMBERS OF PREVIOUS ARRESTS AND CONVICTIONS THAN THOSE WHO SUCCESSFULLY COMPLETED THE PROGRAM.
3. OFFENDERS WHO COMPLETED THE PROJECT WERE MORE LIKELY TO BE MALE WITH LESS THAN A HIGH SCHOOL EDUCATION, BETWEEN THE AGES OF 26 TO 30 YEARS, UNMARRIED AND ON WELFARE.
4. APPROXIMATELY 43 PERCENT OF REFERRALS HAD BEEN CONVICTED OF DRIVING CHARGES, 7 PERCENT OF THEFT, 2 PERCENT OF BURGLARY.
5. IT IS ESTIMATED THAT IT COST APPROXIMATELY \$77 TO REFER, SCREEN AND REPLACE EACH PARTICIPANT DURING EACH YEAR OF PROGRAM OPERATION.

181.
KOLE, JANET.

"ARBITRATION AS AN ALTERNATIVE TO THE CRIMINAL WARRANT," JUDICATURE, 56:7, FEBRUARY, 1973, PP. 295-297.

REPORTS THE 4-A PROGRAM OF THE AMERICAN ARBITRATION ASSOCIATION OPERATING IN PHILADELPHIA AND HARTFORD. EFFORTS ARE MADE TO SOLVE INTRAFAMILY AND NEIGHBORHOOD DISPUTES THROUGH ARBITRATION RATHER THAN COURT PROCEEDINGS WHEN THE VICTIM HAS SWORN A CRIMINAL WARRANT. THE LESS FORMAL HANDLING IS THOUGHT TO REDUCE ANIMOSITY, ENCOURAGES REBUILDING OF FRIENDLY RELATIONSHIPS, AND PROVIDES FOR A SATISFACTORY METHOD OF RESOLVING WRONGS.

182.

KORN, RICHARD.

"RETRIBUTION AS A FORM OF RELIEF FOR THE VICTIM," CATALYST, VOL. 5, SUMMER, 1970, PP. 59-63.

IN DEFENSE OF PUNISHMENT OF CRIMINALS IT IS ARGUED THAT PUNISHMENT SATISFIES THE NEED OF THOSE ANGERED AND INJURED FOR RETRIBUTION. BUT EXCESSIVE AND CRUEL PUNISHMENT PREVENTS CONTRITION AND REFORM IN THE OFFENDER. IT IS HELD THAT IF PUNISHMENT IS SEEN THIS WAY, THE TRADITIONAL CONFLICT BETWEEN PUNISHMENT AND TREATMENT RESOLVES ITSELF; EFFECTIVE REHABILITATION BECOMES THE ONLY MEANS FOR ACCOMPLISHING THE ORIGINAL GOALS OF PUNISHMENT, WHILE THE INFLECTING OF SUFFERING VIOLATES AND FORECLOSES THESE GOALS. CONTRITION AND GUILT ARE SELF-ADMINISTERING--THEY ARE CONSEQUENCES OF THE FUNDAMENTALLY SOCIAL CHARACTER OF HUMAN NATURE. CORRECTIONS SHOULD OFFER THE CRIMINAL THE INCENTIVE TO REJOIN HUMAN SOCIETY BY PROVIDING HIM WITH THE TOOLS, THE SOCIAL SKILLS AND THE OPPORTUNITY TO MAKE RESTITUTION IN AN ATMOSPHERE OF HUMAN FELLOWSHIP RATHER THAN ENMITY. (CRIMINAL JUSTICE ABSTRACTS)

183.

KORN, RICHARD.

"OF CRIME, CRIMINAL JUSTICE AND CORRECTIONS," UNIVERSITY OF SAN FRANCISCO LAW REVIEW, VOL. 6, OCTOBER, 1971, PP. 27-75.

A CRITICAL VIEW OF CRIME, JUSTICE AND CORRECTIONS IN CONTEMPORARY AMERICAN SOCIETY. IN PLACE OF THE SYSTEM OF PUNISHMENT, THE AUTHOR ARGUES FOR A SYSTEM OF RESTITUTION AIMED AT RECONCILING THE OFFENDER WITH THE COMMUNITY. FROM THIS VIEW, THE CRIMINAL OFFENSE IS SEEN AS A JOINT RESPONSIBILITY AND A SYMPTOM THAT SOMETHING IS WRONG AND ACTION NEEDS TO BE TAKEN TO CORRECT IT. RESTITUTION AND MUTUAL SERVICE ARE SEEN AS INSTRUMENTS OF RECONCILIATION. THE AUTHOR SUGGESTS THAT THE NEW CONTEXT OF CORRECTIONAL EFFORTS SHOULD INVOLVE COMMUNITY BASED PROGRAMS THAT ARE INFORMAL AND PERSONAL RATHER THAN FORMAL AND PROFESSIONAL, EVOCATIVE, ENABLING AND CREATIVE RATHER THAN REPRESSIVE OR THERAPEUTIC, AND MUTUALLY CONTRACTUAL RATHER THAN UNILATERALLY OBLIGATORY. MOST GENERALLY, THE CHANGE CALLED FOR BY THE AUTHOR IS THE TRANSFORMATION OF THE CRIMINAL JUSTICE SYSTEM BASED ON RETALIATION AND DISABLEMENT TO A SYSTEM BASED ON RECONCILIATION THROUGH MUTUAL RESTITUTION.

184.

KURLYCHEK, ROBERT T.

"TOWARD HOLDING THE CRIMINALLY NON-RESPONSIBLE DEFENDANT MORE RESPONSIBLE: SOME THERAPEUTIC CONCERNS," CORRECTIVE AND SOCIAL PSYCHIATRY, 24:4, OCTOBER 1978, PP. 144-145.

SUGGESTS THAT HOLDING MENTALLY ILL OFFENDERS ACCOUNTABLE WILL BE THERAPEUTIC. RESTITUTION IS SUGGESTED AS A MECHANISM BY WHICH THESE PERSONS SHOULD BE HELD ACCOUNTABLE FOR THEIR BEHAVIOR.

185.

LAMBORN, LEROY L.

"TOWARD A VICTIM ORIENTATION IN CRIMINAL THEORY,"--IN HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.

CONSIDERS THE PLACE OF THE VICTIM IN CRIMINAL THEORY WITH PARTICULAR ATTENTION GIVEN TO THE PROBLEMS OF DEFINING THE VICTIM, MEASURING VICTIMIZATION, THE RELATIONSHIP BETWEEN THE VICTIM AND OFFENDER, VICTIM VULNERABILITY, VICTIM CULPABILITY, AND THE VARIED EXTENT AND NATURE OF VICTIM INJURIES. THE ARTICLE PRESENTS A STATEMENT ABOUT MANY OF THE PROBLEMS TO BE ENCOUNTERED IN ANY EFFORT AT USING RESTITUTION.

186.

LANDIS, JUDSON R.; J. D. MERCER; C. E. WOLFF.
"SUCCESS AND FAILURE OF ADULT PROBATIONERS IN CALIFORNIA," JOURNAL OF RESEARCH IN CRIME AND DELINQUENCY, 6:1, 1969, PP. 34-40.

THIS PAPER REPORTS THE FINDINGS OF A STUDY THAT RELATED A SERIES OF BACKGROUND AND TREATMENT VARIABLES TO THE LIKELIHOOD OF SUCCESS OR FAILURE ON PROBATION FOR 791 CALIFORNIA ADULT OFFENDERS. THIRTEEN VARIABLES ON WHICH THE 415 PROBATION SUCCESSSES AND THE 376 FAILURES DIFFERED SIGNIFICANTLY WERE DIVIDED INTO THREE CATEGORIES: SOCIAL BACKGROUND, ANTI-SOCIAL BEHAVIOR, AND CONDITIONS OF PROBATION. THE GREATEST DIFFERENCES BETWEEN THE TWO GROUPS WERE IN THE ANTI-SOCIAL BEHAVIOR CATEGORY. PROBATIONERS WITH A PAST HISTORY OF DISCIPLINARY PROBLEMS IN THE MILITARY, A JUVENILE RECORD OR AN ADULT RECORD WERE MUCH MORE LIKELY TO FAIL ON PROBATION. FINALLY, CERTAIN CONDITIONS OF PROBATION, ESPECIALLY THE ORDERING OF RESTITUTION, WERE MORE PREVALENT IN THE CASE HISTORIES OF THE FAILURES THAN OF THE SUCCESSES. (AUTHOR'S ABSTRACT)

187.

LASTER, RICHARD E.
"CRIMINAL RESTITUTION: AN ANALYSIS OF ITS PRESENT USEFULNESS," -IN-HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.

PROVIDES AN OVERVIEW OF SOME OF THE MAJOR WAYS IN WHICH RESTITUTION IS BEING USED PRIOR TO POLICE INTERVENTION AS WELL AS AT THE LEVEL OF POLICE AND THE COURTS. BOTH THE ADVANTAGES AND DISADVANTAGES OF STRUCTURING RESTITUTION AT THE DIFFERENT LEVELS OF THE CRIMINAL JUSTICE SYSTEM ARE DISCUSSED AND A SUGGESTION MADE FOR CHANGING COURT PROCEDURES SO AS TO FACILITATE THE GREATER USE OF RESTITUTION IN ADULT CRIMINAL CASES.

188.

LASTER, RICHARD E.
"CRIMINAL RESTITUTION: A SURVEY OF ITS PAST HISTORY," -IN-HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.
TRACES THE HISTORICAL ROOTS OF CRIMINAL RESTITUTION TO THE ANCIENT DEVICE OF COMPOSITION AND UP TO THE HISTORICAL PERIOD WHEN THE KING OR STATE ASSUMED RESPONSIBILITY AS THE PAYMENT RECIPIENT.

189.

LAW REFORM COMMISSION OF CANADA.
"COMMUNITY PARTICIPATION IN SENTENCING," OTTAWA, CANADA: PRINTING AND PUBLISHING SUPPLY AND SERVICES CANADA, 1976.

THIS VOLUME INCLUDES FOUR RESEARCH PAPERS AND TWO WORKING PAPERS DEALING WITH SUCH COMMUNITY INVOLVEMENT ISSUES AS VICTIM COMPENSATION, PROBATION, COMMUNITY SERVICE ORDERS, AND FINES. THE SENTENCING OPTIONS AVAILABLE IN THE COURTS HAVE NOW EXPANDED TO INCLUDE A NUMBER OF ALTERNATIVES WHICH CALL FOR SOME PARTICIPATION OF THE COMMUNITY IN THE OFFENDER'S REHABILITATION. THIS BOOK, PRODUCED BY THE LAW REFORM COMMISSION OF CANADA, CONTAINS A NUMBER OF PAPERS WHICH EXAMINE THE VARIOUS OPTIONS AVAILABLE AND THE CURRENT AND PROPOSED USES OF EACH OF THESE OPTIONS. (NCJRS)

190.

LAW REFORM COMMISSION OF CANADA.
"RESTITUTION AND COMPENSATION," -IN-COMMUNITY PARTICIPATION IN SENTENCING, LAW REFORM COMMISSION OF CANADA, OTTAWA, CANADA: PRINTING AND PUBLISHING SUPPLY AND SERVICES CANADA, 1976; ALSO IN, RESTITUTION AND COMPENSATION-FINES, LAW REFORM COMMISSION OF CANADA, OTTAWA: INFORMATION AND VICTIM COMPENSATION

PROPOSALS FOR THE INCREASED USE OF RESTITUTION AND VICTIM COMPENSATION ARE PRESENTED IN THIS WORKING PAPER BY THE LAW REFORM COMMISSION OF CANADA.

ONLY DURING THE LAST DECADE HAVE COMPENSATION SCHEMES BEEN DEVELOPED FOR A SMALL NUMBER OF OFFENSES. RESTITUTION HAS ALSO BEEN AVAILABLE ONLY TO A LIMITED EXTENT, WHETHER THROUGH THE CRIMINAL PROCESS OR CIVIL ACTION. THIS WORKING PAPER HAS AS ITS PRIMARY AIM TO MAKE RESTITUTION -- THE RESPONSIBILITY OF THE OFFENDER TO THE VICTIM TO MAKE GOOD THE HARM DONE -- A BASIC PRINCIPLE IN CRIMINAL LAW, AND TO SUPPLEMENT IT BY A SCHEME FOR COMPENSATION -- ASSISTANCE BY THE STATE WHERE THE OFFENDER IS NOT DETECTED OR WHERE HE IS UNABLE TO ASSUME RESPONSIBILITY FOR RESTITUTION. FURTHER, THE COMMISSION PROPOSES THAT THE COSTS OF COMPENSATION WOULD BE PAID FROM FINES OR FORFEITURES IMPOSED IN THE CRIMINAL COURTS. THE PROPOSED EXTENT AND LIMITATIONS OF BOTH RESTITUTION AND COMPENSATION ARE OUTLINED IN THIS PAPER. (NCJRS)

191.

LEX.
"RESTITUTION OR COMPENSATION AND THE CRIMINAL LAW," LAW MAGAZINE AND REVIEW, 34, 1909, PP. 286-288.

EFFORTS ARE BEING MADE TO INTRODUCE RESTITUTION (COMPENSATION) INTO THE CRIMINAL LAW. THE CRUCIAL QUESTION IS: WHEN THE WRONG IS A CRIME, SHOULD THE STATE UNDERTAKE ON ITS OWN AND AT ITS OWN COST TO OBTAIN RESTITUTION FOR THE INJURED PARTY, OR LEAVE THE VICTIM TO PURSUE HIS REMEDIES IN THE SAME MANNER AS IF THE WRONG WHICH HE HAS SUFFERED WERE NOT A CRIME? THE SECOND QUESTION THEN IS: WHERE THE WRONG IS A CRIME, SHOULD THE STATE ENFORCE PAYMENT OF RESTITUTION TO THE VICTIM BY MEANS WHICH ARE NOT OPEN TO AN INJURED PERSON WHO HAS RECOVERED DAMAGES IN A CIVIL ACTION? THE AUTHOR SUGGESTS THAT RESTITUTION SHOULD REMAIN AS A CIVIL LAW REMEDY AND SHOULD NOT BE INCLUDED AS A PART OF THE CRIMINAL LAW PROCEEDINGS.

192.

LINDEN, ALLEN M.

"RESTITUTION, COMPENSATION FOR VICTIMS OF CRIME AND CANADIAN CRIMINAL LAW," -IN-COMMUNITY PARTICIPATION IN SENTENCING, LAW REFORM COMMISSION OF CANADA, OTTAWA, CANADA; PRINTING AND PUBLISHING SUPPLY AND SERVICES CANADA, 1976, PP. 3-49.

THIS PAPER EXAMINES THE AVAILABLE VICTIM COMPENSATION SCHEMES IN CANADA, RELATES THEM TO THE USE OF RESTITUTION BY CANADIAN CRIMINAL COURTS, AND PROPOSES REFORMS TO INTEGRATE THESE VARIOUS MEASURES. AMONG THE REMEDIES PRESENTLY AVAILABLE TO CRIME VICTIMS IN CANADA ARE CIVIL ACTIONS IN TORT AGAINST CRIMINALS, RESTITUTION, SOCIAL WELFARE PROGRAMS, PRIVATE INSURANCE, AND CHARITY. THE AUTHOR NOTES THAT EVEN WITH THESE AVAILABLE PROGRAMS, IF FULL COMPENSATION FOR VICTIMS OF CRIME WAS DESIRED, THESE PROGRAMS ARE DEFICIENT. REASONS ADVANCED IN FAVOR OF STATE COMPENSATION SCHEMES ARE REVIEWED, AND EXISTING CANADIAN COMPENSATION PLANS ARE EXAMINED. THE AUTHOR NOTES THAT THESE SCHEMES ARE RATHER BROAD AND FREQUENTLY QUITE GENEROUS IN THEIR PROVISIONS. THE AUTHOR FINDS THAT THE MAJOR SHORTCOMINGS OF THE EXISTING CANADIAN PLANS IS THEIR INSISTENCE ON VIVA VOCE HEARINGS, THEIR LIMITATIONS ON THE WAYS IN WHICH DAMAGES ARE ASSESSED, AND THE LACK OF PUBLICITY ABOUT THESE PLANS, RESULTING IN UNDERUTILIZATION OF COMPENSATION BY CRIME VICTIMS. SEVERAL ISSUES INVOLVED IN THE USE OF COMPENSATION AND RESTITUTION ARE DISCUSSED, AND THE AUTHOR CONCLUDES THAT THE USE OF RESTITUTION SHOULD BE EXPANDED. (NCJRS)

193.

LITTELL, ROBERT.

"LET REPARATION FIT THE CRIME," READER'S DIGEST, VOL. 71, AUGUST, 1957, PP. 127-130.

BRIEF ACCOUNT OF JUDGE KARL HOLZSHUH, "THE CHOCOLATE JUDGE, AND HIS SENTENCING PRACTICES. THIS WEST GERMAN JUDGE WAS A PIONEER IN REQUIRING CREATIVE RESTITUTION AND COMMUNITY SERVICE FROM JUVENILE OFFENDERS TO ATONE FOR WRONGDOING WHILE, AT THE SAME TIME, BUILDING SELF-RESPECT.

194.

LOWE, U. L.

"OBSERVATIONS ON CORRECTIONAL PROGRAMS AND POLICIES IN SELECTED EUROPEAN COUNTRIES, WASHINGTON, D. C.; U.S. GENERAL ACCOUNTING OFFICE, 1978.

THE PURPOSE OF THIS 5-NATION TOUR OF EUROPEAN COUNTRIES WAS TO IDENTIFY CERTAIN POLICIES AND PROGRAMS USED IN THESE COUNTRIES TO DEVELOP ALTERNATIVES TO IMPRISONMENT, MINIMIZE THE ADVERSE EFFECTS OF IMPRISONMENT, IMPROVE OFFENDER EMPLOYABILITY, AND ADDRESS VARIOUS ISSUES OF INTEREST TO THE UNITED STATES. ENGLAND'S COMMUNITY SERVICE ORDER PROGRAM IS AN ALTERNATIVE TO INCARCERATION AND IS DISCUSSED AT LENGTH. AIMED AT REDUCING PRISON OVERCROWDING WHILE INVOLVING OFFENDERS IN TASKS WHICH HELP CREATE A POSITIVE SELF-IMAGE, INDIVIDUALS SEVENTEEN YEARS OF AGE OR OLDER, WHO HAVE COMMITTED CRIMES NORMALLY PUNISHED BY IMPRISONMENT RECEIVE COMMUNITY SERVICE ORDERS. MOST HAVE COMMITTED PROPERTY OFFENSES, WHILE OTHERS HAVE BEEN CONVICTED OF SERIOUS TRAFFIC VIOLATIONS, ASSAULT, ARSON, AND WEAPONS CHARGES. BY ALLOWING OFFENDERS TO REMAIN IN THE COMMUNITY, CONTINUE REGULAR EMPLOYMENT, AND COMPLETE NON-PAID ORDER ASSIGNMENTS, THE STATE AVOIDS THE COST OF IMPRISONMENT AS WELL AS THE POSSIBLE EXPENSE OF SUPPORTING DEPENDANTS AND PROVIDING SOURCES OF LABOR TO VOLUNTARY SOCIAL SERVICE AGENCIES. A LISTING OF SUITABLE COMMUNITY-BASED WORK ASSIGNMENTS AND SUCCESS AND RECIDIVISM DATA ARE INCLUDED. (NCJRS)

195.

LOWENBERG, DAVID.

"PIMA COUNTY ATTORNEY'S ADULT DIVERSION PROJECT, SECOND ANNUAL REPORT," TUCSON, ARIZONA, 1975.

THE ADULT DIVERSION PROJECT OPERATED BY THE PIMA COUNTY ATTORNEY'S OFFICE REQUIRES THAT A LARGE PROPORTION OF DEFENDANTS MAKE FINANCIAL RESTITUTION AND COMMUNITY SERVICE RESTITUTION FOR CRIME VICTIMS. THE PROGRAM OPERATES AT THE PRETRIAL, POST ARRAIGNMENT LEVEL AND INVOLVES PRIMARILY PROPERTY OFFENDERS. DIRECT VICTIM-DEFENDANT MEETINGS ARE STRUCTURED FOR THE PURPOSE OF NEGOTIATING THE AMOUNT OF RESTITUTION TO BE MADE.

THE RESEARCH DESIGN EMPLOYED HERE WAS AN AFTER-ONLY, NON EXPERIMENTAL DESIGN. DATA WAS COLLECTED AS A ROUTINE PART OF PROJECT OPERATIONS. MAJOR FINDINGS WERE:

1. DURING 1976, 157 OF 331 CASES (47) WERE ACCEPTED INTO THE PROJECT.
2. APPROXIMATELY 86 OF ALL DEFENDANTS ADMITTED TO THE PROJECT SUCCESSFULLY COMPLETE THEIR CONTRACT.
3. NON-VIOLENT, NON-DRUG OFFENSES AMOUNTED TO 72 OF OFFENSES AND 19 WERE MISDEMEANOR OFFENSES INVOLVING MARIJUANA.
4. EIGHTY-NINE PERCENT OF DEFENDANTS ADMITTED TO THE PROGRAM HAD NO ADULT RECORD.
5. VICTIMS WERE COMPOSED OF LARGELY BUSINESSES (60), PRIVATE CITIZENS (25), PUBLIC AGENCIES (7), VICTIMLESS OFFENSES (8).
6. THE MEAN RESTITUTION PAYMENT IN FELONY CASES WAS \$385.

196.

LUNDBERG, JOHN K.

"CRIMINAL LAW-DEFENDANT'S RIGHTS ABRIDGED WHEN PROBATION DECREE CONTAINS CONDITION OF "DAMAGES" TYPE RESTITUTION," VOL. 30, FEBRUARY, 1958, PP. 215-216.

AUTHOR REVIEWS CASE OF PEOPLE V. BECKER IN WHICH A DRIVER WAS CONVICTED OF UNLAWFULLY LEAVING THE SCENE OF AN ACCIDENT, AND WAS PLACED ON PROBATION UNDER A DECREE WHICH REQUIRED HE MAKE RESTITUTION OF \$1,244.48 TO PEDESTRIANS INJURED IN THE ACCIDENT. UPON APPEAL IT WAS HELD THAT THE CASE BE REMANDED FOR CORRECTION OF PROBATION DECREE BECAUSE, UNDER MICHIGAN LAW, INJURIES FOR WHICH RESTITUTION IS GRANTED MUST BE CAUSED BY THE ACTS FOR WHICH THE DEFENDANT IS CONVICTED. AUTHOR FURTHER EXAMINES THE CASE AS AN EXAMPLE OF HOW DAMAGES TYPE RESTITUTION MAY ABRIDGE DEFENDANT'S RIGHTS AGAINST THE PARTY COMPENSATED. WHEN RESTITUTION IS ORDERED THROUGH CRIMINAL PROCEEDINGS THE VICTIM WILL LIKELY FOREGO CIVIL ACTION AGAINST THE DEFENDANT BUT IN THE PROCESS THE DEFENDANT HAS BEEN DEPRIVED OF NORMAL CIVIL DEFENSES OF CONTRIBUTORY NEGLIGENCE, ASSUMPTION OF RISK, AND LEGAL CAUSE.

197.

MARCUS, MARVIN; ROBERT J. TRUDEL; ROBERT J. WHEATON.

"VICTIM COMPENSATION AND OFFENDER RESTITUTION: A SELECTED BIBLIOGRAPHY," WASHINGTON, D.C.; NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE, 1975.

198.

MATHIESON, DAVID.

"COMMUNITY SERVICE - IMPACT FOR CHANGE," JUSTICE OF THE PEACE, 141:50, DECEMBER, 1977, PP. 730-731.

IN ITS FIRST FIVE YEARS AS A SENTENCING OPTION, THE COMMUNITY SERVICE ORDER DEVELOPED RAPIDLY IN BRITISH SOCIETY. THE COMMUNITY SERVICE ORDER HAS FILLED THE VACUM WHICH THE COURTS AND GENERAL PUBLIC BELIEVED EXISTED BETWEEN A CUSTODIAL SENTENCE AND A PROBATION ORDER. THE CONCEPT OF REPARATION, WHICH IS SO CENTRAL TO BOTH THE PHILOSOPHY AND PRACTICE OF COMMUNITY SERVICE, COULD BE THE BASIS OF NEW DEVELOPMENTS IN PENAL REFORM OVER THE NEXT DECADE. THE MAIN CRITICISM OF COMMUNITY SERVICE AT THIS STAGE IS THAT WHILE IT SHOULD BE PUNITIVE AND THERAPUTIC BOTH, PRACTICE HAS TURNED IT INCREASINGLY INTO AN ALMOST EXCLUSIVELY PUNITIVE MEASURE. PERHAPS THE MOST REMARKABLE ACHIEVEMENT OF COMMUNITY SERVICE IS THAT IT HAS CONFOUNDED THE LONGSTANDING NEGATIVE STEREOTYPE OF OFFENDERS; NOT ONLY CAN OFFENDERS DETRACT FROM THE COMMUNITY BUT THEY CAN ALSO CONTRIBUTE SOMETHING BACK IF GIVEN THE RIGHT OPPORTUNITY.

199.

MACAULEY, STEWART AND ELAINE WALSTER.

"LEGAL STRUCTURES AND RESTORING EQUITY,"-IN-HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.

DEALS WITH THE QUESTION OF VOLUNTARY RESTITUTION AND OUTLINES THE SOCIAL PSYCHOLOGICAL FACTORS WHICH TEND TO ENCOURAGE AND DISCOURAGE THE WRONGDOER FROM COMPLETING RESTITUTION. WHILE SELF CONCEPT, DISTRESS AND THE FEAR OF RETALIATION MAY MOTIVATE THE OFFENDER TO MAKE RESTITUTION, A VARIETY OF RATIONALIZATIONS MAY ALSO BE USED AS ALTERNATIVES TO MAKING RESTITUTION. THE EXTENT TO WHICH EITHER SET OF ALTERNATIVES IS SUPPORTED BY CONTEMPORARY LEGAL PRACTICES IS EXAMINED AND THE CONCLUSION REACHED THAT ONLY LIMITED SUPPORT IS TO BE FOUND FOR MAKING VOLUNTARY RESTITUTION.

200.

MACLEOD, J. K.

"RESTITUTION UNDER THE THEFT ACT OF 1968," CRIMINAL LAW REVIEW, NOVEMBER, 1968, PP. 577-590.

RESTITUTION UNDER THE THEFT ACT OF 1968 IS EXAMINED IN CASES INVOLVING THEFT BY X FROM OWNER (O) AND SALE TO BONA FIDE PURCHASER (+). THE ACT'S PROVISIONS FOR REVESTMENT OF PROPERTY UPON CONVICTION ARE DISCUSSED ALONG WITH POSSIBLE ISSUES WHICH WERE NOT PROVIDED FOR. THE STRENGTH OF POWERS PROVIDED TO THE COURT UNDER THE THEFT ACT IS CONSIDERED IN RELATION TO CIVIL LAW.

201.

MACNAMARA, D.E. AND J.J. SULLIVAN.

"MAKING THE CRIME VICTIM WHOLE: COMPOSITION, RESTITUTION, COMPENSATION,"-IN-THORNBERRY, T. P. AND E. SAGARIN, EDS., IMAGES OF CRIME: OFFENDERS AND VICTIMS, NEW YORK: PRAEGER, 1974.

A HISTORICAL REVIEW OF THE THREE TRADITIONAL MEANS OF VICTIM COMPENSATION--COMPOSITION, OFFENDER RESTITUTION, AND STATE COMPENSATION--WITH A SUMMARY OF VICTIM COMPENSATION LAWS ENACTED IN THE SEVERAL COUNTRIES. THE AUTHOR NOTES SEVERAL PROBLEMS WITH OFFENDER RESTITUTION, INCLUDING OFFENDER INABILITY TO PAY, THE LOW APPREHENSION RATE OF OFFENDERS, THE LOW PRISON EARNINGS OF OFFENDERS, AND THE HIGH COSTS OF ADMINISTERING SUCH PROGRAMS IN COMPARISON TO THE AMOUNT OF INCOME ACTUALLY COLLECTED FROM OFFENDERS. THE VICTIM COMPENSATION LAWS OF NEW ZEALAND, ENGLAND, NEW YORK, CALIFORNIA, HAWAII, MASSACHUSETTS, MARYLAND, NEVADA, AND NEW JERSEY ARE STUDIED. SIMILAR PROVISIONS OF THESE LAWS ARE LISTED, AND THE MAJOR PROBLEMS ENCOUNTERED IN THE ADMINISTRATION AND IMPLEMENTATION OF VICTIM COMPENSATION STATUTES ARE SUMMARIZED. SEVERAL CASE HISTORIES ILLUSTRATING THE DIFFICULTIES IN ADMINISTERING VICTIM COMPENSATION LEGISLATION ARE PROVIDED. (NCJRS)

202.

MACRI, ANTHONY.

"OFF DAYS SENTENCING PROGRAM,"-IN-GALAWAY, B. AND JOE HUDSON, EDS., OFFENDER RESTITUTION IN THEORY AND PRACTICE, LEXINGTON: D. C. HEATH, 1978. THE OFF DAYS SENTENCING PROGRAM IN DADE COUNTY, FLORIDA, IS DESCRIBED; ADULT MISDEMEANANT OFFENDERS ARE SENTENCED TO COMMUNITY SERVICE WORK.

203.

MALONEY, DENNIS.

"PERSPECTIVES ON STATE AND LOCAL IMPLEMENTATION," PAPER PRESENTED AT THIRD SYMPOSIUM ON RESTITUTION, DULUTH, MINNESOTA, SEPTEMBER 27-28, 1979. DESCRIBES THE ORGANIZATION AND IMPLEMENTATION OF A STATEWIDE JUVENILE RESTITUTION EFFORT IN WISCONSIN; ALSO DESCRIBES THE EVALUATION RESEARCH BEING CONDUCTED ON THIS PROJECT AND SIGNIFICANT ISSUES IMPACTING ON IT.

204.

MARTIN, TERI K.

"RESTITUTION REVISITED: AN OLD DOG LEARNING NEW TRICKS," CHAMPAIGN: NATIONAL CLEARING HOUSE FOR CRIMINAL JUSTICE PLANNING AND ARCHITECTURE, MAY, 1977. RESTITUTION IS CONSIDERED FROM ITS HISTORICAL BACKGROUND THRU ITS CURRENT USAGE IN THE CRIMINAL JUSTICE SYSTEM. THE AUTHOR DISTINGUISHES BETWEEN OFFENDER RESTITUTION AND VICTIM COMPENSATION PROGRAMS. THE VARIETY OF RESTITUTION FORMATS ARE CONSIDERED INCLUDING THE VICTIM'S ROLE IN THE RESTITUTION PROCESS. THE RESURGENCE OF INTEREST IN RESTITUTION IS LINKED TO THREE FACTORS: GROWING CONCERN FOR EQUITABLE PUNISHMENT OF OFFENDERS, CONCERN FOR COST-EFFECTIVE SANCTIONS, AND A NEED FOR IMPROVED PERCEPTIONS OF OFFENDERS AND THE CRIMINAL JUSTICE SYSTEM ON THE PART OF THE GENERAL COMMUNITY. FINALLY, THE PROGRAMS INCLUDED IN THE NATIONAL EVALUATION OF ADULT RESTITUTION ARE DESCRIBED ALONG WITH THE GOALS OF THE RESEARCH EFFORT.

205.

MATHEWS, KENNETH E., AND ARLENE M. GEIST.

"SEATTLE COMMUNITY ACCOUNTABILITY PROGRAM CRIME IMPACT AND TWELVE MONTH RECIDIVISM ANALYSIS," SEATTLE LAW AND JUSTICE PLANNING OFFICE, JUNE, 1976.

THE SEATTLE COMMUNITY ACCOUNTABILITY PROGRAM WAS ESTABLISHED TO REDUCE JUVENILE CRIME IN SELECTED TARGET AREAS OF THE CITY. IN CONJUNCTION WITH COMMUNITY ACCOUNTABILITY BOARDS, THE PROGRAM WAS DESIGNED TO ACHIEVE THIS GOAL THROUGH BOTH DIRECT AND INDIRECT EFFECTS UPON JUVENILE OFFENDERS. THE DIRECT EFFECT OF PREVENTING AN OFFENDER FROM COMMITTING ADDITIONAL CRIMES WAS PRESUMED TO OCCUR WHEN INDIVIDUAL YOUTH WERE OBLIGED TO PERFORM EITHER FINANCIAL OR COMMUNITY SERVICE RESTITUTION FOR THEIR OFFENSES. THE INDIRECT EFFECT OF PREVENTING OTHERS FROM COMMITTING CRIMES WAS PRESUMED TO OCCUR BY LOCATING ACCOUNTABILITY BOARDS WITHIN THE PROGRAM'S CENSUS TRACK AREAS. THE ACCOUNTABILITY BOARDS WERE TO DEAL WITH ALL OF THE JUVENILE OFFENDERS RESIDING WITHIN DESIGNATED AREAS OF THE CITY, REGARDLESS OF WHERE THE ACTUAL OFFENSE MAY HAVE OCCURRED. IT WAS ASSUMED THAT KNOWLEDGE OF SUCH A PROGRAM WOULD BECOME KNOWN TO THE YOUTHS IN THE PROGRAM AREAS AND SERVE AS A DETERRENT.

THERE WERE THREE CENTRAL QUESTIONS ADDRESSED BY THE STUDY:

1. HAVE REPORTED RESIDENTIAL BURGLARY, LARCENY AND AUTO THEFTS DECREASED WITHIN THE PROGRAM AREAS AS COMPARED TO THE REST OF THE CITY?
2. HAVE TOTAL JUVENILE CONTACTS DECREASED WITHIN THE PROGRAM AREAS AS COMPARED TO THE REST OF THE CITY?
3. HAS JUVENILE INVOLVEMENT IN THE PROGRAM RESULTED IN LOWERED RECIDIVISM AND HOW DOES SUCH CHANGE RELATE TO DIFFERENT PROGRAM SERVICES AND COMPONENTS?

TWO MAJOR RESEARCH PROCEDURES WERE USED: IN RELATION TO THE FIRST AND SECOND OBJECTIVES OF THE STUDY, A NON-EQUIVALENT CONTROL GROUP DESIGN WAS USED WITH THE INDIVIDUAL PROGRAM AREA DESIGNATED AS THE EXPERIMENTAL GROUP AND THE REST OF THE CITY OF SEATTLE AS THE CONTROL GROUP. PRE-MEASURES WERE TAKEN FOR THE PERIOD, SEPTEMBER 1, 1972 THROUGH AUGUST 31, 1973. COMPARISONS WERE THEN MADE FOR THE MOST RECENT TWELVE MONTH PERIOD OF PROGRAM OPERATIONS (MAY 1975 THROUGH APRIL 1976). THE THIRD RESEARCH OBJECTIVE WAS ASSESSED ON THE BASIS OF USING ACTUARIAL PREDICTIONS OF RECIDIVISM IN ORDER TO CREATE A STATISTICAL CONTROL GROUP TO BE USED AS A COMPARISON WITH THE EXPERIMENTAL GROUP. DATA WAS COLLECTED FROM PROGRAM RECORDS AND OFFICIAL POLICE RECORDS. DATA ANALYSIS INVOLVED FREQUENCY DISTRIBUTIONS AND CHISQUARE ANALYSIS.

MAJOR FINDINGS WERE AS FOLLOWS:

1. THE COMBINED RATE FOR REPORTED BURGLARY, AUTO THEFT AND LARCENY INCREASED 7.2 IN THE TOTAL PROGRAM AREAS COMPARED WITH A 13.4 INCREASE IN THE CITY OF SEATTLE MINUS THE TARGET AREAS. THIS DIFFERENCES WERE FOUND BETWEEN THE PROGRAM AND NON-PROGRAM AREAS IN REPORTED BURGLARY OR AUTO THEFT. HOWEVER, THE INCREASE OF 9.2 IN LARCENY IN THE PROGRAM AREA WAS SIGNIFICANTLY DIFFERENT AT THE .05 LEVEL FROM THE 19.3 INCREASE IN THE NON-PROGRAM AREAS.
2. THE TOTAL NUMBER OF JUVENILES CONTACTED FOR CRIMES WITHIN TWO OF THE THREE PROGRAM AREAS WERE DOWN SIGNIFICANTLY. IN THE THIRD PROGRAM AREA OF THE CITY, JUVENILE CONTACTS SHOWED A NON-SIGNIFICANT INCREASE, AS COMPARED TO THE REST OF THE CITY.
3. PROGRAM CLIENT RECIDIVISM RATES WERE SIGNIFICANTLY LOWER THAN COMPARISONS WITH ACTUARIAL RECIDIVISM RATES.

206.

MCANANY, PATRICK D.

"RESTITUTION AS IDEA AND PRACTICE: THE RETRIBUTIVE PROCESS,"--IN-GALAWAY, B. AND JOE HUDSON, EDS., OFFENDER RESTITUTION IN THEORY AND ACTION, LEXINGTON: D. C. HEATH, 1978.

THE CENTRAL QUESTION ADDRESSED IS WHETHER RESTITUTION CAN FIT WITHIN A RETRIBUTIVE FRAMEWORK OF SENTENCING. WHILE THE TWO DO FIT, THERE ARE ELEMENTS OF BOTH CONCEPTION AND PRACTICE THAT MILITATE AGAINST AN EASY FIT.

207.

MCCALDON, R. J.

"REFLECTIONS ON SENTENCING," CANADIAN JOURNAL OF CRIMINOLOGY AND CORRECTIONS, 16:3, 1974, PP. 291-297.

IN CANADA THE SENTENCING OF CRIMINALS IS SINGULARLY UNIMAGINATIVE, HAVING ONLY THREE DISPOSITIONS: FINE, PROBATION, OR INCARCERATION. FORMAL PSYCHOTHERAPY OR COUNSELING IS IMPRACTICAL IN MANY CASES. THE UNPROVEN HYPOTHESIS THAT SOME THERAPEUTIC RELATIONSHIP OR FORM OF INTERPERSONAL TREATMENT WILL CURE AN INDIVIDUAL'S PROPENSITY TO CRIME IS WISHFUL THINKING. RESTITUTION SHOULD BE THE MAJOR THERAPEUTIC PROGRAM IN CRIMINAL JUSTICE. IN SWEDEN OFFENDERS ARE OFTEN SENTENCED TO PAY ONE-THIRD OF THEIR WAGES TO THE STATE FOR A SPECIFIED PERIOD OF TIME. IN ENGLAND YOUNG OFFENDERS RECENTLY HAVE BEEN SENTENCED TO PERFORM SOME PUBLIC SERVICE (E.G., SWEEPING THE STREETS). SUCH APPROACHES ARE MUCH BETTER THAN RETRIBUTIVE BRUTALITY. COMPENSATING SOCIETY FOR THE HARM AN OFFENDER HAS CAUSED WITHOUT SUBJECTING HIM TO INCARCERATION IS MORE PRODUCTIVE. INCARCERATION SHOULD BE RESERVED FOR UNSTABLE, UNWILLING, AND DANGEROUS PEOPLE; MODERN PSYCHIATRY CAN IDENTIFY THE MOST DANGEROUS OFFENDERS. (SOCIAL WORK ABSTRACTS)

208.

MCCARTY, FRANCIS.

"HOW ONE JUDGE USES ALTERNATIVE SENTENCING," JUDICATURE, 60:7, FEBRUARY, 1977, PP. 316-317.

AN EXAMPLE OF HOW ONE JUDGE USES BOTH MONETARY AND SERVICE RESTITUTION AS A CONDITION OF PROBATION WITH OFFENDERS.

209.

MCDONALD, WILLIAM F.

"EXPANDING THE VICTIM'S ROLE IN THE DISPOSITION DECISION: REFORM IN SEARCH OF A RATIONALE,"--IN-GALAWAY, B. AND JOE HUDSON, EDS., OFFENDER RESTITUTION IN THEORY AND ACTION, LEXINGTON: D. C. HEATH, 1978.

THE ISSUE OF VICTIM INVOLVEMENT IS ASSESSED IN RELATION TO SENTENCING AND DISPUTE SETTLEMENT PROCEDURES, AS WELL AS WITHIN FORMAL CRIMINAL JUSTICE DISPOSITIONAL PROCESSES.

210.

MCKNIGHT, DOROTHY.

"A STUDY OF SELECTED ATTRIBUTES AND RECIDIVISM OF OFFENDER-VICTIM RESTITUTION (VORP)," SUBMITTED AS PARTIAL FULFILLMENT FOR THE DEGREE OF MASTER OF SOCIAL WORK, FACULTY OF SOCIAL WORK, WILFRID LAURIER UNIVERSITY, WATERLOO, ONTARIO, 1980.

THE VICTIM-OFFENDER RECONCILIATION PROJECT (KITCHENER, ONTARIO) IS A RESTITUTION PROJECT WHICH BRINGS VICTIMS AND OFFENDERS TOGETHER TO REACH A MUTUAL AGREEMENT CONCERNING RESTITUTION. THIS IS AN EXAMINATION OF THE RECIDIVISM OF OFFENDERS INVOLVED IN THE PILOT STAGE OF VORP.

VARIABLES ARE IDENTIFIED WHICH ARE COMMON TO THOSE OFFENDERS WITH AN ABSENCE OF FURTHER CONVICTIONS (THE MEASUREMENT OF RECIDIVISM). THE TIME PERIOD OF THE RESEARCH IS FROM THE OFFENDER'S REFERRAL TO VORP (1975 TO JUNE 1976) TO DECEMBER 1979. THE POPULATION IS COMPRISED OF THIRTY-NINE ADULT OFFENDERS AND FOURTEEN JUVENILE OFFENDERS. SIXTY-ONE OFFENDERS WERE REFERRED TO THE PROJECT DURING THE PERIOD UNDER STUDY. REFERRALS CAME FROM LOCAL COURTS OR PROBATION OFFICERS. INFORMATION WAS ACQUIRED FROM RECORDS FROM THE MINISTRY OF CORRECTIONAL SERVICES AND PROBATION AND PAROLE SERVICES.

211.

MCKNIGHT (EDMUNDS), DOROTHY J.

"THE VICTIM OFFENDER RECONCILIATION PROJECT," UNPUBLISHED, UNDATED. DESCRIPTION OF THE VICTIM OFFENDER RECONCILIATION PROJECT (VORP) LOCATED IN KITCHENER, ONTARIO, CANADA. BOTH ADULT AND JUVENILE OFFENDERS WERE REFERRED TO THE PROJECT BY EITHER THE COURT OR THE PROBATION OFFICE. PROJECT STAFF WOULD ACT AS A THIRD PARTY AND MEDIATE COMMUNITY SERVICE AND/OR RESTITUTION AGREEMENTS BETWEEN OFFENDERS AND VICTIMS. STAFF WOULD ALSO PROMOTE RECONCILIATION BETWEEN THE PARTIES. THE ARTICLE PRESENTS BOTH THE EXPERIENCES ENCOUNTERED AND DATA COLLECTED OVER THE PILOT STAGE OF THE PROJECT (FALL, 1975-JUNE, 1976). DISCUSSION TOPICS INCLUDE VICTIM - OFFENDER MEETINGS, OFFENDER MOTIVATION AND PROBLEM AREAS IN THE RECONCILIATION PROCESS.

212.

MCLEAN, IAN.

"COMPENSATION AND RESTITUTION ORDERS," CRIMINAL LAW REVIEW, JANUARY, 1973, PP. 3-6.

HISTORICAL ANALYSIS OF THE AVENUES OPEN UNDER LAW TO THE COURTS OF BRITAIN FOR REQUIRING RESTITUTION FROM OFFENDERS. CHANGES IN THE LAW ARE CONSIDERED WITH THE ENACTMENT OF THE CRIMINAL JUSTICE ACT 1972. UNDER THE ACT A RESTITUTION ORDER IS NOT LIMITED TO PARTICULAR CATEGORIES OF OFFENSE; NOR DEPENDENT UPON APPLICATION OF THE PERSON AGGRIEVED; NOR IS THE RESTITUTION LIMITED TO MAKING GOOD LOSS OF PROPERTY ALONE BUT EXTENDS TO RESTITUTION FOR PERSONAL INJURY, AND DAMAGE TO PROPERTY EVEN WHERE THE PROPERTY ITSELF HAS BEEN RECOVERED. UNDER THE ACT RESTITUTION IS NOW PAYABLE NOT ONLY IN RESPECT OF THE CHARGE BEFORE THE COURT, BUT IN RESPECT OF OFFENSES WHICH THE OFFENDER HAS TAKEN INTO CONSIDERATION ON SENTENCE. THE ACT ALSO PROVIDES SAFEGUARDS IN THE CASE OF BOTH CIVIL AND CRIMINAL PROCEEDINGS AGAINST AN OFFENDER.

213.

MIDWEST RESEARCH INSTITUTE. "RESTITUTION CRITERIA," KANSAS CITY, MISSOURI, DECEMBER, 1978. "RESTITUTION CRITERIA," KANSAS CITY, MISSOURI, PAPER DEVELOPED FOR LEAA, DECEMBER, 1978.

CRITERIA DEVELOPED TO GUIDE LEAA FUNDING DECISIONS REGARDING RESTITUTION PROJECTS: TOPICS COVERED INCLUDE PROGRAM DEFINITION, OFFENDER STATUS, OFFENDER SCREENING, OFFENDER RIGHTS, VICTIM INVOLVEMENT, AND INSURANCE. SPECIFIC DEFINITIONS AND MEASUREMENTS ARE RECOMMENDED IN EACH AREA.

214.

MILLER, CARL A.

PRESENTED AT THIRD SYMPOSIUM ON RESTITUTION, DULUTH, MINNESOTA, SEPTEMBER 27-28, 1979.

DESCRIBES THE JUVENILE RESTITUTION PROJECT RECENTLY ESTABLISHED IN THE FOURTH JUDICIAL DISTRICT IN IDAHO.

215.

MILLER, FRANKLIN G.

"RESTITUTION AND PUNISHMENT: A REPLY TO BARNETT," ETHICS, 88:4, JULY, 1978, PP. 358-360.

THE AUTHOR COMMENTS ON AN ARTICLE BY R. E. BARNETT, "RESTITUTION: A NEW PARADIGM OF CRIMINAL JUSTICE," ETHICS 1977, 87/4 (279-301). THE AUTHOR CONTENDS THAT BARNETT'S ARGUMENT AGAINST PUNISHMENT IS DEFICIENT BECAUSE IT FAILS TO CONSIDER COMPLEX THEORIES OF PUNISHMENT AND BECAUSE IT NEGLECTS AN IMPORTANT ASPECT OF PUNISHMENT THAT BEARS UPON ITS JUSTIFICATION. THE ACT OF PUNISHMENT CONSTITUTES SYMBOLIC CONDEMNATION OF THE OFFENDER FOR HIS OFFENSE. ALSO, THE IDEA OF CRIME AS AN OFFENSE AGAINST SOCIETY HAS NO PLACE IN BARNETT'S THEORY; CRUELTY TO ANIMALS, HARM TO PUBLIC INSTITUTIONS, ATTEMPTS, RECKLESS DRIVING AND DRIVING UNDER THE INFLUENCE OF ALCOHOL INDICATE THE PRACTICAL DIFFICULTIES OF BARNETT'S THEORY OF RESTITUTION. (ABSTRACT'S ON CRIMINOLOGY AND PENOLOGY)

216.

MILLER, GRANT H.

"NO. III: THE CONNECTICUT CRIMINAL PROCESS," NEW FOUNDATIONS-OCCASIONAL PAPERS ON CORRECTIONAL TOPICS, HARTFORD: CONNECTICUT DEPARTMENT OF CORRECTIONS, NOVEMBER, 1977.

THE MANY OPTIONS WHICH EXIST IN OUR PRESENT SYSTEM OF CRIMINAL SENTENCING ARE EXAMINED BY APPLYING THEM TO THREE HYPOTHETICAL CASES, EACH OF WHICH CONSIDERS A DISTINCTLY DIFFERENT KIND OF DEFENDANT. THE THIRD CASE INVOLVES A WHITE COLLAR CRIME; THE PROCESSING OF THE CASE IS FOLLOWED FROM THE CHARGE THRU SENTENCING (RESTITUTION, PROBATION, AND A FINE) AND EVENTUAL DISCHARGE.

217.

MINISTRY OF THE ATTORNEY GENERAL (BRITISH COLUMBIA, CANADA).
"THE COMMUNITY SERVICE ORDER PROGRAM: THE BRITISH COLUMBIA EXPERIENCE,"
VOL. 1, VICTORIA: MINISTRY OF THE ATTORNEY GENERAL, PROVINCE OF BRITISH
COLUMBIA, JULY, 1977.

THE MAJOR PURPOSE OF THIS STUDY IS TO PROVIDE A DESCRIPTION OF THE
FIRST 1,459 ADMISSIONS TO THE COMMUNITY SERVICE SCHEME IN BRITISH
COLUMBIA. THESE ADMISSIONS INCLUDE ALL COMPLETED CASES UP TO THE END
OF MAY, 1976.

THE PROGRAM IS BASED ON THE BRITISH COMMUNITY SERVICE SCHEME. THE
MAJOR DIFFERENCES ARE THAT THE BRITISH COLUMBIA PROGRAM INVOLVES BOTH
ADULTS AND JUVENILES, SERVICES CAN BE MADE DIRECTLY TO THE VICTIM, AND
THE LENGTH OF SERVICE ORDERED IS SET AT A MAXIMUM OF 200 HOURS TO BE
COMPLETED IN SIX MONTHS BY ADULTS AND 100 HOURS TO BE COMPLETED IN 3
MONTHS BY JUVENILES.

DATA WAS ROUTINELY COLLECTED ON ALL CASES ADMITTED AND TERMINATED FROM
THE PROGRAM THROUGH STANDARD DATA COLLECTION INSTRUMENTS.

AMONG THE MAJOR FINDINGS WERE:

1. JUVENILES ACCOUNTED FOR APPROXIMATELY 56 OF THE PARTICIPANTS;
APPROXIMATELY 83 PERCENT OF THE PARTICIPANTS WERE IN THE AGE GROUP,
14-21 YEARS; APPROXIMATELY 88 PERCENT WERE MALE; NATIVE INDIANS ACCOUNT-
ED FOR 9 PERCENT OF ALL PARTICIPANTS.
2. APPROXIMATELY 95 PERCENT OF PARTICIPANTS WERE ASSIGNED TO WORK FOR
THE COMMUNITY RATHER THAN FOR THE VICTIM.
3. MOST OF THE PARTICIPANTS (84 PERCENT) WERE ASSIGNED ORDERS OF 50
HOURS OR LESS WITH THE MEAN ORDER SET AT 31.7 HOURS.
4. 93 PERCENT OF THE WORK ORDERS WERE COMPLETED; OF THE 7 PERCENT NOT
COMPLETED, HALF WERE INCOMPLETE THROUGH NO FAULT OF THE OFFENDER.

218.

MINNESOTA DEPARTMENT OF CORRECTIONS,
"INTERIM EVALUATION RESULTS: MINNESOTA RESTITUTION CENTER," ST. PAUL;
MINNESOTA DEPARTMENT OF CORRECTIONS, MAY, 1976.

THE SECOND RESEARCH REPORT ISSUED ON THE RESTITUTION CENTER PROGRAM BY
THE DEPARTMENT OF CORRECTIONS. AN AFTER-ONLY FIELD EXPERIMENT WAS
IMPLEMENTED CONCURRENT WITH THE PROGRAM. OFFENDERS ADMITTED TO THE
STATE PRISON WHO MET SPECIFIED CRITERIA WERE RANDOMLY ASSIGNED TO
EITHER THE CONTROL (PRISON) OR EXPERIMENTAL (RESTITUTION CENTER)
GROUPS. BETWEEN MAY, 1972, AND MARCH, 1974, 144 MEN MET THE PROGRAM
CRITERIA AND 69 WERE RANDOMLY ASSIGNED TO THE CONTROL GROUP AND REMAIN-
ED IN PRISON TO COMPLETE THAT PROGRAM PRIOR TO RELEASE ON EITHER PAROLE
OR FLAT DISCHARGE AND A TOTAL OF 75 MEN WERE RANDOMLY ASSIGNED TO THE
EXPERIMENTAL GROUP. OF THE EXPERIMENTALS, FOUR DECLINED THE OPPOR-
TUNITY TO DEVELOP RESTITUTION AGREEMENTS AND NINE WERE DENIED RELEASE
TO THE CENTER BY THE PAROLING AUTHORITY. SIXTY-TWO MEMBERS OF THE
EXPERIMENTAL GROUP WERE ACTUALLY ADMITTED TO THE CENTER.

THE LARGEST PROPORTION OF FINANCIAL RESTITUTION OBLIGATIONS HELD BY THE
EXPERIMENTAL GROUP MEMBERS ADMITTED TO THE PROGRAM TOTALED \$200 OR LESS;
THE TOTAL OBLIGATED AMOUNT OF MONETARY RESTITUTION WAS \$16,934.99,
AND OF THIS AMOUNT, \$9,459.10 WAS PAID AS OF AUGUST 1, 1975, WHILE 1,084
HOURS OF COMMUNITY SERVICE RESTITUTION WAS OBLIGATED DURING THIS TIME
AND 372.2 HOURS COMPLETED AS OF AUGUST 1, 1975.

A LARGER PROPORTION OF CONTROL GROUP MEMBERS AS COMPARED TO EXPERI-
MENTALS HAD RECEIVED PAROLED DISCHARGE AND NEW COURT COMMITMENTS
EIGHTEEN MONTHS FOLLOWING PRISON ADMISSION WHILE A LARGER PROPORTION OF
EXPERIMENTALS HAD BEEN RETURNED TO PRISON ON TECHNICAL PAROLE VIOLA-
TIONS. BECAUSE THE MEMBERS OF THE TWO GROUPS HAD VARIABLE AT-RISK
PERIODS OF TIME IN THE COMMUNITY, THE DIFFERENCES NOTED MAY BE A
FUNCTIONAL TIME IN THE COMMUNITY.
EXPERIMENTALS AS COMPARED TO CONTROLS SERVED SIGNIFICANTLY SHORTER
PERIODS OF TIME IN PRISON AND SIGNIFICANTLY LONGER PERIODS ON PAROLE AS
OF AUGUST 1, 1975. FOR THE EXPERIMENTALS AND CONTROLS DISCHARGED FROM
PAROLE AS OF AUGUST 1, 1975, THE EXPERIMENTAL GROUP MEMBERS HAD SERVED
SIGNIFICANTLY LONGER OVERALL (PRISON AND PAROLE) TIME PERIODS UNDER
SUPERVISION THAN HAD THE CONTROLS.

219.

MINNESOTA DEPARTMENT OF CORRECTIONS.
"MINNESOTA RESTITUTION CENTER," MINNEAPOLIS; MINNESOTA DEPARTMENT OF
CORRECTIONS, 1976.

THE MINNESOTA RESTITUTION CENTER, A COMMUNITY-BASED CORRECTIONAL PROGRAM OPERATED BY THE MINNESOTA DEPARTMENT OF CORRECTIONS, IS DESCRIBED. THE PROGRAM IS OFFERED TO SELECTED PROPERTY OFFENDERS WHO HAVE BEEN SENTENCED TO THE MINNESOTA STATE PRISON OR THE STATE REFORMATORY FOR MEN. THE PROGRAM'S FOCUS IS ON OFFENDERS MAKING RESTITUTION TO THE VICTIMS OF THEIR CRIMES. WHILE SOMEWHAT SIMILAR TO "VICTIM COMPENSATION" LAWS, THE CONCEPT OF RESTITUTION CLEARLY CALLS FOR THE INDIVIDUAL OFFENDER, AS OPPOSED TO THE STATE, MAKING RESTITUTION TO THE VICTIM. THE MINNESOTA CENTER IS ONE OF THE FIRST ATTEMPTS AT SYSTEMATICALLY APPLYING THE IDEA OF RESTITUTION TO A COMMUNITY-BASED CORRECTIONAL PROGRAM. IT RECEIVED ITS FIRST CLIENT IN SEPTEMBER 1972. PROGRAM OBJECTIVES ARE TO (1) PROVIDE MEANS BY WHICH OFFENDERS MAY COMPENSATE VICTIMS FOR MATERIAL LOSS, (2) PROVIDE INTENSIVE PERSONAL PAROLE SUPERVISION, (3) PROVIDE OFFENDERS WITH INFORMATION ABOUT THEIR BEHAVIOR AND HELP THEM RESOLVE PERSONAL PROBLEMS THROUGH INDIVIDUAL AND GROUP COUNSELING, (4) PROVIDE VICTIMS WITH RESTITUTION, (5) DISSEMINATE INFORMATION REGARDING THE RESTITUTION CONCEPT AND THE CENTER TO OTHER CRIMINAL JUSTICE AGENCIES THROUGHOUT THE U.S. AND CANADA, AND (6) UNDERTAKE VALID RESEARCH AND EVALUATION OF THE CONCEPT OF RESTITUTION. AN OVERVIEW OF THE CENTER IS PRESENTED WITH SECTIONS DEVOTED TO ITS ORGANIZATIONAL STRUCTURE, CLIENT SELECTION AND SCREENING PROCESS, PROGRAM STRUCTURE, STAFF COMPOSITION, GROUP PROGRAMS, AND RESEARCH AND EVALUATION OBJECTIVES. A SELECTED BIBLIOGRAPHY IS INCLUDED. (NCJRS)

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220.

MINNESOTA DEPARTMENT OF CORRECTIONS.
"MINNESOTA RESTITUTION UNIT," ST. PAUL; MINNESOTA DEPARTMENT OF CORRECTIONS,
1978.

WITH THE CLOSING OF THE MINNESOTA RESTITUTION CENTER IN 1976 DUE TO LACK OF RESIDENTS, THE FOCUS ON RESTITUTION WITHIN THE MINNESOTA DEPARTMENT OF CORRECTIONS CHANGED. THE NUMBER OF RESTITUTION PROGRAM STAFF WAS REDUCED AND THE RESPONSIBILITY CHANGED FROM DEVELOPING RESTITUTION AGREEMENTS AND SUPERVISING OFFENDERS ON PAROLE TO DEVELOPING RESTITUTION AGREEMENTS WITH RESPONSIBILITY FOR PAROLE SUPERVISION LEFT TO THE ASSIGNED PAROLE OFFICER. THE OFFENDER POPULATION ELIGIBLE FOR THE RESTITUTION PROGRAM EXPANDED FROM PROPERTY OFFENDERS IN A 7-COUNTY METROPOLITAN AREA TO PROPERTY OFFENDERS IN STATE PRISONS OR REFORMATORIES ANYWHERE IN MINNESOTA. THE VICTIM-OFFENDER INVOLVEMENT IN REACHING RESTITUTION AGREEMENTS WAS DROPPED, AND INMATES WHO DEVELOPED AGREEMENTS IN COOPERATION WITH PROGRAM STAFF NOW ARE RELEASED ON CONVENTIONAL PAROLE. IN ADDITION TO THESE PROGRAM CHANGES, THE CORRECTIONS DEPARTMENT FORMED A RESTITUTION UNIT TO DEVELOP AND MAINTAIN A CLEARINGHOUSE OF RESTITUTION LITERATURE, TO UNDERTAKE RESTITUTION RESEARCH, AND TO TRAIN AND LEND TECHNICAL ASSISTANCE TO LOCAL UNITS OF GOVERNMENT INTERESTED IN RESTITUTION PROGRAMS STATEWIDE. THE MINNESOTA CORRECTIONS BOARD ADOPTED A MATRIX SYSTEM DESIGNED TO ELIMINATE INCONSISTENCIES IN PAROLING DECISIONS AND THE CORRECTIONS DEPARTMENT BEGAN A PILOT PROGRAM TO ASSIST MINIMUM SECURITY PRISONERS WITH THE PROCESS OF COMMUNITY REINTEGRATION AND TO ENABLE OFFENDERS TO PAY RESTITUTION DEBTS BY EMPLOYING THEM AS CONSERVATION WORKERS ON STATE-CONTROLLED PROJECTS. (NCJRS)

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221.

MORASH, MERRY.
"CHARACTERISTICS OF COMMUNITY ORGANIZATIONS THAT DEVELOP POSITIVE TIES WITH JUVENILE MISDEMEANANTS: IMPLICATIONS FOR IMPLEMENTING AND REPLICATING THE COMMUNITY ARBITRATION PROGRAM," PAPER PREPARED AS PART OF THE EVALUATION OF C.A.P., ANNE ARUNDEL COUNTY, MARYLAND, JUNE, 1977.

THIS RESEARCH WAS CONDUCTED AS PART OF THE EVALUATION OF THE COMMUNITY ARBITRATION PROGRAM, IN ANNE ARUNDEL COUNTY, MARYLAND. THROUGH THE COMMUNITY ARBITRATION PROGRAM JUVENILE OFFENDERS WERE DIVERTED FROM COURT TO COMMUNITY AGENCIES FOR COUNSELING AND/OR TO COMMUNITY ORGANIZATIONS TO COMPLETE SERVICE RESTITUTION REQUIREMENTS. THE QUALITATIVE AND EXPLORATORY STUDY CONSIDERED HERE WAS INTENDED TO PROVIDE EVIDENCE FOR THE ARBITRATION STAFF AND FOR INDIVIDUALS WHO WERE INTERESTED IN REPLICATING THE MODEL USED BY THE ARBITRATION PROGRAM. SIX AGENCIES OFFERING COUNSELING SERVICES AND SIX PROVIDING WORK PLACEMENTS FOR YOUTH WERE INCLUDED IN THE STUDY. THE TWELVE ORGANIZATIONS WERE SELECTED FROM A POPULATION OF ALL ORGANIZATIONS TO WHICH ARBITRATION STAFF REFER. THE SPECIFIC PROGRAMS CHOSEN FOR STUDY WERE SELECTED AFTER STAFF COMPLETED A PROCESS OF RANKING THE BEST AND WORST ORGANIZATIONS IN THE COUNSELING CATEGORY AND THE WORK-SITE CATEGORY. AFTER AN AVERAGE RANKING WAS CALCULATED THE THREE BEST COUNSELING AGENCIES, THE THREE WORST COUNSELING AGENCIES, THE THREE BEST WORK-SITES, AND THE THREE WORST WORK-SITES WERE SELECTED. STAFF MEMBERS FROM THE TWELVE ORGANIZATIONS WERE INTERVIEWED BY MEANS OF A SERIES OF MULTIPLE CHOICE AND OPEN ENDED QUESTIONS ABOUT THE GOALS AND FUNCTIONS OF THEIR ORGANIZATIONS IN WORKING WITH YOUTHS, THE TYPE OF RELATIONSHIP THAT WAS FORMED BETWEEN ADULTS AND YOUTHS, THE LEVEL OF THE ORGANIZATIONS RESOURCES, THE DEGREE TO WHICH THE ORGANIZATIONS PROVIDED DIFFERENT TYPES OF YOUTHS ACCESS TO THEIR PROGRAMS, AND INCENTIVES AND DISINCENTIVES FOR ORGANIZATIONS TO BECOME INVOLVED WITH LAWBREAKING YOUTHS. DATA ANALYSIS CONSISTED OF A SEARCH FOR PATTERNS OF ANSWERS THAT COULD BE RELATED TO THE ORGANIZATIONS RANK OF HIGH OR LOW. THE FINDINGS OF THE STUDY INDICATED THERE WOULD BE LIMITATIONS IN REPLICATING THE COMMUNITY ARBITRATION PROGRAM. ALTHOUGH RESOURCES IN THE FORM OF ORGANIZATIONS WILLING TO WORK WITH OFFENDERS ARE NECESSARY FOR THE SUCCESS OF SUCH A PROGRAM THE STUDY SUGGESTED WORK SITES MOST CONDUCIVE TO YOUTH-ORGANIZATION TIES HAD THE MOST STRINGENT SCREENING STANDARDS, AND THE BEST COUNSELING AGENCIES WERE THOSE MOST OFTEN OPPOSED BY THE OTHER COMMUNITY GROUPS. HOWEVER, THE CHARACTERISTICS FOUND ASSOCIATED WITH GOOD WORK SITES ARE NOT RARE: SOME PROFESSIONAL STAFF; FEW CLIENTS REFERRED BY THE COURTS; A PRIORITY PLACED ON JOB-RELATED RATHER THAN CORRECTIONAL OBJECTIVES; A GOAL OF PROVIDING SERVICE TO SOME DISADVANTAGED POPULATION; AND, A VOLUNTEER PROGRAM THAT IS UNRELATED TO THE JUSTICE SYSTEM.

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222.

MORRISH, PETER.
"COMMUNITY SERVICE ORDERS," JUSTICE OF THE PEACE, 139:19, MAY, 1975, PP.
269-272.

A SUMMARY OF THE RELEVANT LAW PERTAINING TO COMMUNITY SERVICE ORDERS AS THE SENTENCING OPTION WAS EXPANDED TO BE AVAILABLE TO ALL AREAS OF ENGLAND AND WALES AS OF APRIL 1, 1975. TOPICS INCLUDE: OBJECTS OF COMMUNITY SERVICE; THE COMMUNITY SERVICE ORDER; CONDITIONS PRECEDENT TO MAKING THE ORDER; ASSESSMENT OF OFFENDER FOR COMMUNITY SERVICE; PROCEDURE UPON MAKING THE ORDER; BREACH OF REQUIREMENTS; AMMENDMENT OR REVOCATION OF A COMMUNITY SERVICE ORDER; TYPES OF TASKS SELECTED; TYPE OF OFFENDER.

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223.
MOWATT, ROBERT M.
"THE MINNESOTA RESTITUTION CENTER: PAYING OFF THE RIPPED OFF,"--IN-HUDSON,
JOE, ED., RESTITUTION IN CRIMINAL JUSTICE, ST. PAUL: MINNESOTA DEPARTMENT
OF CORRECTIONS, UNDATED.
DESCRIBES THE OPERATIONS OF THE RESTITUTION CENTER PROGRAM AND PROVIDES
EMPIRICAL DATA FOR A 36 MONTH PERIOD (AUGUST, 1972 - JULY 31, 1975).

224.
MOWRER, O. HOBART.
"LOSS AND RECOVERY OF COMMUNITY,"--IN-HUDSON, J. AND B. GALAWAY, EDS., CON-
SIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.
TRACES THE CENTRAL INGREDIENTS OF THE "INTEGRITY THERAPY" APPROACH TO
CHANGING BEHAVIOR. PSYCHOPATHOLOGY IS SEEN AS A RESULT OF ONE'S OWN
SOCIALY IRRESPONSIBLE BEHAVIOR WHICH HAS BEEN KEPT HIDDEN FROM OTHERS.
THE EMPHASIS IS PLACED UPON WRONG BEHAVIOR AND THE ROLE OF IGNORANCE AS
COMPARED TO TRADITIONAL APPROACHES WHICH STRESS THE PLACE OF WRONG
EMOTIONS OR FEELINGS AND THE ROLE OF ILLNESS. THE HELPING PERSON IS
SEEN AS A TEACHER MORE THAN A TREATOR. THE CENTRAL CONDITIONS FOR
CHANGE IN BEHAVIOR ARE VIEWED AS SELF DISCLOSURE AND RESTITUTION.

225.
MOWRER, O. HOBART.
"APPLICATIONS AND LIMITATIONS OF RESTITUTION,"--IN-GALAWAY, B. AND JOE HUDSON,
EDS., OFFENDER RESTITUTION IN THEORY AND ACTION, LEXINGTON: D. C. HEATH,
1978.
THE CONCEPT OF RESTITUTION IS ASSESSED FROM THE PERSPECTIVE OF DEALING
WITH CHILDREN.

226.
MURZYNOWSKI, A.
"REPARATION AS AN ELEMENT OF THE NEW PENAL POLICY," PANSTWO PRAWO, 25:5,
1970, PP. 711-726.
MORE DIVERSIFIED FORMS OF PUNISHMENT SHOULD GREATLY CONTRIBUTE TO
REDUCING THE NUMBER OF PRISON SENTENCES - HITHERTO USED TOO OFTEN,
CHIEFLY BECAUSE OF THE LACK OF SATISFACTORY ALTERNATIVE PENALTIES.
REPARATIONS TO BE MADE BY THE ACCUSED FOR THE DAMAGE CAUSED MAY REDUCE
THE FREQUENCY OF PRISON SENTENCES. REPARATION CAN BE MADE IN THREE
PRINCIPAL FORMS: (1) RESTORATION OF, OR COMPENSATION FOR THE DAMAGE
DONE; (2) REDRESSING THE WRONG CAUSED; (3) FINANCIAL AND/OR PERSONAL
SERVICES FOR PUBLIC BENEFIT, AS AN INDIRECT FORM OF COMPENSATION FOR
THE HARM DONE. PENAL POLICY SHOULD EVOLVE TOWARDS A GRADUAL ELIMINA-
TION OF PRISON SENTENCES IN FAVOR OF THE ACCUSED'S BEING CHARGED WITH
THE DUTY TO COMPENSATE FOR THE EFFECTS OF HIS OFFENSE BY VARIOUS FORMS
OF SERVICE - FINANCIAL AND NON-FINANCIAL - ON BEHALF OF THE INJURED
PARTY OR A PUBLIC FUND. TO THIS END, PENAL AND CIVIL CONSEQUENCES OF
AN OFFENSE SHOULD BE JOINTLY ADJUDGED, IN ONE CRIMINAL SUIT, USE BEING
EXTENSIVELY MADE OF THE CIVIL BY-CLAIM. AS A RESULT ANY DIVERGENCE
BETWEEN THE JUDGEMENTS OF CIVIL AND CRIMINAL COURTS MIGHT BE ELIMINAT-
ED. AT PRESENT A LOT CAN BE DONE ALONG THESE LINES BY THE PUBLIC
PROSECUTOR MORE FREQUENTLY MAKING A CIVIL CLAIM ON BEHALF OF THE IN-
JURED, OR BY PRACTICALLY HELPING THE INJURED WITH HIS CIVIL BY-CLAIM
WITHIN CRIMINAL PROCEEDINGS. (EXCERPTA CRIMINOLOGICA)

227.

NADER, LAURA AND ELAINE COMBS-SCHILLING.
"RESTITUTION IN CROSS-CULTURAL PERSPECTIVE,"--IN-HUDSON, J. AND BURT GALAWAY,
EDS., RESTITUTION IN CRIMINAL JUSTICE, LEXINGTON: D. C. HEATH, 1977.
ILLUSTRATES HOW RESTITUTION WORKS IN NON-WESTERN SOCIETIES, THE AIMS
AND PURPOSES OF IT, AND ITS VARIATIONS.

228.

NATIONAL CENTER FOR STATE COURTS.
"RECOMMENDATIONS FOR IMPROVING THE USE OF RESTITUTION AS A DISPOSITIONAL
ALTERNATIVE AS ADMINISTERED BY THE CONNECTICUT ADULT PROBATION DIVISION,"
WASHINGTON, D.C.: AMERICAN UNIVERSITY SCHOOL OF LAW, 1975.
THE BACKGROUND OF THE USE OF RESTITUTION AS A DISPOSITIONAL ALTERNATIVE
IS BRIEFLY DISCUSSED, PARTICULARLY AS IT HAS BEEN USED IN CONNECTICUT
(PRIMARILY IN FRAUD CASES). ITS AIMS, BENEFITS IN TERMS OF VICTIM
COMPENSATION AND REDUCTION IN INSTITUTIONAL AND COURT BURDENS, AND
REHABILITATIVE VALUE ARE CONSIDERED. THE MAJOR FACTORS WHICH MUST BE
TAKEN INTO ACCOUNT IN A SUCCESSFUL RESTITUTION PROGRAM -- PROVISION OF
ADEQUATE INFORMATION TO THE COURT TO DETERMINE THE APPROPRIATENESS OF
RESTITUTION IN AN INDIVIDUAL CASE; LIMITATION OF RESTITUTION TO
APPROPRIATE CATEGORIES OF CASES; AND WORKABLE ADMINISTRATIVE AND
ENFORCEMENT PROCEDURES -- ARE DISCUSSED. THE EXISTING RESTITUTION
PROGRAM IS EVALUATED IN TERMS OF THESE THREE FACTORS. VARIOUS OPTIONS
AVAILABLE TO THE COURT IN ORDERING RESTITUTION AND THE IMPLICATIONS OF
EACH ARE ANALYZED. SPECIFIC OPERATIONAL PROCEDURES WHICH SHOULD BE
ADOPTED BY THE COURTS AND BY THE ADULT PROBATION DIVISION ARE OUTLINED,
CONSIDERING SUCH ELEMENTS AS AMOUNT OF RESTITUTION, DETERMINATION OF
ABILITY TO PAY, AND MECHANISMS FOR COLLECTION. THREE ALTERNATIVES FOR
ADMINISTRATION OF THE PROGRAM ARE SUGGESTED, AND A RECOMMENDED PILOT
STUDY IS DESCRIBED. A SAMPLE CASE PROCESSING FORM IS APPENDED.

229.

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE.
"RESTITUTION: A SELECTED BIBLIOGRAPHY," ROCKVILLE: NATIONAL CRIMINAL JUSTICE
REFERENCE SERVICE, 1979.

230.

NELSON, TED.
"POSTINCARCERATION RESTITUTION,"--IN-GALAWAY, B. AND JOE HUDSON, EDS.,
OFFENDER RESTITUTION IN THEORY AND PRACTICE, LEXINGTON: D. C. HEATH, 1978.
DESCRIBES THE OREGON RESTITUTION PROGRAM; A RESIDENTIAL PROJECT
OPERATED AT THE WORK RELEASE LEVEL.

231.
NEWTON, ANNE.
"ALTERNATIVES TO IMPRISONMENT-DAY FINES, COMMUNITY SERVICE ORDERS, AND RESTITUTION," CRIME AND DELINQUENCY LITERATURE, 8:1, MARCH, 1976, PP. 109-125.

THIS PAPER DEFINES AND ANALYZES VARIOUS ALTERNATIVES TO IMPRISONMENT, AND PRESENTS INFORMATION ON THEIR UTILIZATION, EFFECTIVENESS, AND ADMINISTRATION. EXAMPLES OF SUCH PUNISHMENTS AS FINES, COMMUNITY SERVICE ORDERS, AND RESTITUTION ARE DRAWN FROM THE UNITED STATES, SWEDEN, WEST GERMANY, AND GREAT BRITAIN. METHODS OF APPLYING THESE PUNISHMENTS ARE NOTED, AND THE AUTHOR CONCLUDES THAT SUCH NONCUSTODIAL SANCTIONS ARE NEEDED FOR THE GREAT MAJORITY OF OFFENDERS -- THE NON-DANGEROUS. (NCJRS)

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232.
NEWTON, ANNE.
"AID TO THE VICTIM, PART 1-COMPENSATION AND RESTITUTION," CRIME AND DELINQUENCY LITERATURE, 8:3, SEPTEMBER, 1976, PP. 368-390.

THE FIRST OF A TWO-PART SERIES ON VICTIM AND SERVICES, THIS PAPER DISCUSSES THE TWO MAJOR TYPES OF FINANCIAL AID PROVIDED TO INNOCENT CRIME VICTIMS - COMPENSATION PAID BY THE STATE AND RESTITUTION PAID BY THE OFFENDER. A BRIEF OVERVIEW OF COMPENSATION SCHEMES IN ELEVEN AMERICAN STATES, INCLUDING HIGHLIGHTS OF THE NEW YORK PROGRAM, IS FOLLOWED BY AN EXAMINATION OF THE ELEMENTS OF A MODEL COMPENSATION PROGRAM. A DISCUSSION OF OFFENDER RESTITUTION IN THE UNITED STATES FOCUSES ON THE MINNESOTA RESTITUTION CENTER, WHICH USES RESTITUTION AS A CONDITION OF PROBATION; THE GEORGIA RESTITUTION PROGRAM, WHICH FUNCTIONS AS A DIVERSIONARY ALTERNATIVE FOR PROBATIONERS AND PAROLEES; AND THE IOWA RESTITUTION IN PROBATION EXPERIMENT, WHICH UTILIZES RESTITUTION AS A CONDITION OF PROBATION OR DEFERRED SENTENCES. (NCJRS)

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233.
NEWTON, ANNE.
"SENTENCING TO COMMUNITY SERVICE AND RESTITUTION," CRIMINAL JUSTICE ABSTRACTS, 11:3, SEPTEMBER, 1979, PP. 435-468.

THIS ARTICLE PROVIDES AN UPDATE ON RESTITUTION AND COMMUNITY SERVICE SANCTIONS FROM AN EARLIER ARTICLE BY THE AUTHOR: "ALTERNATIVES TO IMPRISONMENT-DAY FINES, COMMUNITY SERVICE ORDERS, AND RESTITUTION," CRIME AND DELINQUENCY LITERATURE, 8:1, 1976, PP. 109-125. IN THIS ARTICLE THE AUTHOR SUMMARIZES RECENT LEGISLATION AND PRESENTS A NUMBER OF PROGRAM EXAMPLES IN THE AREA OF BOTH COMMUNITY SERVICE AND RESTITUTION. PROGRAMMATIC ISSUES AND COST EFFECTIVENESS ARE BRIEFLY DISCUSSED.

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234.
NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES.
"RESTITUTION CENTER CONCEPT AS A PART OF THE CRIMINAL JUSTICE SYSTEM," WASHINGTON, 1977.

THE FEASIBILITY OF ESTABLISHING RESTITUTION CENTERS AS AN ALTERNATIVE MEANS OF DEALING WITH PROPERTY OFFENSES IN NEW YORK STATE IS CONSIDERED. RESTITUTION CENTERS ARE HALFWAY HOUSES FOR OFFENDERS AND HAVE BEEN IMPLEMENTED IN GEORGIA AND MINNESOTA AS AN ALTERNATIVE TO INCARCERATION AND/OR PROBATION FOR SUCH OFFENSES AS BURGLARY, UNAUTHORIZED USE OF A MOTOR VEHICLE, FORGERY, AND FRAUD. A FORMAL CONTRACT IS DRAWN UP BETWEEN THE OFFENDER AND THE VICTIM; THE CONTRACT DETAILS A SATISFACTORY RESTITUTION SETTLEMENT WHICH THE OFFENDER AGREES TO PAY THE VICTIM. THE OFFENDER ALSO AGREES TO FIND EMPLOYMENT IN ORDER TO FULFILL THE CONTRACT AND TO SUPPORT HIM OR HERSELF AND DEPENDENTS. CASE HISTORIES OF RESTITUTION CENTERS IN GEORGIA AND MINNESOTA ARE PRESENTED, AS ARE STATISTICS OF NEW YORK'S NON-VIOLENT OFFENDERS WHO WOULD BE CANDIDATES FOR RESTITUTION CENTER REFERRAL. IT IS ESTIMATED THAT THE INTRODUCTION OF RESTITUTION FACILITIES COULD REDUCE THE STATE'S INMATE POPULATION BY 14 PERCENT. CORRECTIONS COSTS IN NEW YORK AND POSSIBLE SAVINGS FROM A RESTITUTION PROGRAM ARE CONSIDERED, AND THE COST EFFECTIVENESS OF A RESTITUTION PROGRAM IS PROJECTED. IT IS ESTIMATED THAT A RESTITUTION PROGRAM COULD SAVE THE STATE \$3,865 PER INDIVIDUAL OFFENDER PER YEAR. RECOMMENDATIONS FOR ESTABLISHING A RESTITUTION PROGRAM IN NEW YORK COVER PLANNING, PROGRAM PHILOSOPHY AND INTENT, TARGET POPULATION, CLIENT SELECTION, COST EFFECTIVENESS, RESEARCH DESIGN COMMUNITY INVOLVEMENT, AND FLEXIBILITY. CORRESPONDENCE IS APPENDED. (NCJRS)

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235.
NIEMIEARA, EDWARD J.
"STATE OF NEW JERSEY JUVENILE RESTITUTION PROGRAM," PAPER PRESENTED AT THIRD SYMPOSIUM ON RESTITUTION, DULUTH, MINNESOTA, SEPTEMBER 27-28, 1979.
DESCRIBES THE HISTORY AND CURRENT IMPLEMENTATION STATUS OF THE NEW JERSEY JUVENILE RESTITUTION PROGRAM; THIS PROJECT IS FUNDED BY THE OFFICE OF JUVENILE JUSTICE.

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236.

NORTH CAROLINA GOVERNOR'S LAW AND ORDER COMMISSION.
"PROBATION COLLECTION AGENT PROJECT--CUMBERLAND AND MECKLENBURG COUNTIES,
NORTH CAROLINA," NORTH CAROLINA GOVERNOR'S LAW AND ORDER COMMISSION,
NOVEMBER, 1976.

THE PURPOSE OF THIS STUDY WAS TO EVALUATE AN EXPERIMENTAL PROBATION
COLLECTION PROGRAM LOCATED IN TWO COUNTIES OF NORTH CAROLINA. THE
EXPERIMENTAL PROGRAM WAS DESIGNED TO RELIEVE PROBATION OFFICERS OF ALL
RESPONSIBILITIES FOR KEEPING AN ACCOUNTING RECORD OF COURT ORDERED
RESTITUTION OBLIGATIONS. A COLLECTION AGENT WAS EMPLOYED TO HAVE
RESPONSIBILITIES FOR KEEPING RECORDS AND COLLECTING COURT ORDERED
FINANCIAL OBLIGATIONS. THE ASSUMPTION WAS MADE THAT RELIEVING PROBA-
TION OFFICERS OF RESTITUTION COLLECTION RESPONSIBILITIES WOULD LEAD TO
AN INCREASE IN THE AMOUNT OF REHABILITATIVE CASEWORK WITH THE CLIENT AND
ENHANCE THE POSITIVE RELATIONSHIP THAT SHOULD EXIST BETWEEN THE CASE-
WORKER AND THE CLIENT.

AN AFTER-ONLY NON-EXPERIMENTAL DESIGN WAS USED. DATA WAS COLLECTED ON
A PILOT GROUP CONSISTING OF THE CASELOADS OF COLLECTION AGENTS AND THE
CASELOADS OF ALL PROBATION OFFICERS WITH WHOM THEY WORKED. DATA WAS
ALSO COLLECTED ON A COMPARISON GROUP CONSISTING OF A SAMPLE OF CASES
BELONGING TO PROBATION OFFICERS NOT INVOLVED WITH THE COLLECTION AGENT
PROGRAM. THE COMPARISON GROUP WAS RANDOMLY SELECTED AND IS REPORTED AS
REPRESENTING ANYWHERE FROM 10 TO 25 PERCENT OF THE PROBATION OFFICER
CASELOAD WITHOUT COLLECTION AGENTS IN EACH COUNTY.

DATA WAS COLLECTED FROM PROBATION OFFICER REPORTS AND OFFICIAL FILES.
DATA IS PRESENTED IN FREQUENCY DISTRIBUTIONS.
MAJOR FINDINGS WERE THAT THE PROBATION AND COLLECTION OFFICERS IN THE
EXPERIMENTAL GROUP WERE FOUND TO HAVE MADE MORE CONTACTS WITH PRO-
BATIONERS THAN DID THE PROBATION OFFICERS ALONE WORKING WITH THE COM-
PARISON GROUP. FURTHER, THE EXPERIMENTAL PROGRAM COLLECTED A HIGHER
PERCENTAGE OF THE OBLIGATED FUNDS THAN DID THE COMPARISON GROUP (74
PERCENT AS COMPARED TO 40 PERCENT). A SIGNIFICANT DIFFERENCE IN
PROBATION REVOCATION RATES WAS FOUND WITH THE EXPERIMENTAL GROUP
HAVING 127 REVOCATIONS AS COMPARED TO ONLY 36 FOR THE COMPARISON GROUP.

237.

NORTON, R. W. J.
"PRISON, PROBATION AND COMPENSATION-R. V. MCCARTHY," CRIMINAL LAW REVIEW,
FEBRUARY, 1961, PP. 105-108.

THE CASE OF R. V. MCCARTHY IS CONSIDERED AS TO PROCEDURE LAID DOWN IN
THE CRIMINAL JUSTICE ACT, 1948, AND THE MAGISTRATES' COURTS ACT, 1952
(GREAT BRITAIN). DEFENDANT WAS CONVICTED OF ONE SET OF CHARGES AND GIVEN
18 MONTHS IMPRISONMENT; AT THE SAME COURT HEARING DEFENDANT WAS GIVEN
SEVEN DAYS IMPRISONMENT FOR BREACH OF AN EARLIER PROBATION ORDER
REQUIRING RESTITUTION. AUTHOR EXAMINES, FROM A LEGAL STANDPOINT, THE
EFFECT OF THE SEVEN DAYS IMPRISONMENT ON THE ORDER FOR RESTITUTION.

238.

OVACK, STEVE.
"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 10:
COURT REFERRAL PROGRAM, OWENSBORO, KENTUCKY."
SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL
ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE
PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:
1.--CURRENT OPERATIONS-DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN
WHICH THE FIRST SITE VISIT OCCURRED (1979);
2.--PRE-PROJECT HISTORY-COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR
THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
3.--IMPLEMENTATION-COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL
BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE
FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.
THE COURT REFERRAL PROGRAM (CRP), LOCATED IN OWENSBORO, KENTUCKY, IS A
JOINT EFFORT BETWEEN THE COURTS, CRP AND COMMUNITY SERVICE AGENCIES.
COURTS REFER OFFENDERS TO CRP WITH A SPECIFIED NUMBER OF COMMUNITY
SERVICE HOURS TO BE COMPLETED IN LIEU OF A FINE OR JAIL SENTENCE. CRP
STAFF INTERVIEW REFERRALS AND MAKE APPROPRIATE PLACEMENTS IN LOCAL
COMMUNITY SERVICE AGENCIES. THE VOLUNTERY ACTION CENTER, A NON-
PROFIT CORPORATION, ADMINISTERS THE PROJECT. BOTH JUVENILE AND ADULT
OFFENDERS ARE REFERRED TO CRP, TYPICALLY AT THE POST-CONVICTION LEVEL.
THE PROJECT MADE 289 PLACEMENTS TO COMMUNITY AGENCIES DURING THE CURRENT
OPERATIONS YEAR AND OFFENDERS WERE RESPONSIBLE FOR COMPLETING
APPROXIMATELY 19,004 HOURS OF WORK TO THESE AGENCIES. THE CLIENTS
SERVED HAVE LARGELY COMMITTED MISDEMEANOR TYPE OFFENSES. EXAMPLES
INCLUDE ILLEGAL POSSESSION OF ALCOHOL, TRAFFIC OFFENSES, SHOPLIFTING,
DISORDERLY CONDUCT, THEFT AND BURGLARY.

239.

NOVACK, STEVE.

"NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PROJECT REPORT 15: RESTITUTION: A VIABLE ALTERNATIVE TO INCARCERATION, OPERATED BY FINANCIAL AND DEBT COUNSELLING SERVICES, MILWAUKEE, WI." SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

THE PROGRAM DESCRIBED BELOW WAS ONE OF TWENTY INCLUDED IN THE NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS. THE PROJECT REPORT IS THE PRODUCT OF AN EVALUABILITY ASSESSMENT AND CONTAINS THREE SECTIONS:

- 1.--CURRENT OPERATIONS--DESCRIBES OPERATIONS DURING THE PROGRAM YEAR IN WHICH THE FIRST SITE VISIT OCCURRED (1979);
 - 2.--PRE-PROJECT HISTORY--COVERS THE PERIOD OF TIME FROM ORIGINAL IDEA FOR THE RESTITUTION PROGRAM UNTIL FUNDS FIRST BECAME AVAILABLE;
 - 3.--IMPLEMENTATION--COVERS THE PERIOD OF TIME FROM INITIAL FUNDING UNTIL BEGINNING OF THE CURRENT PROGRAM YEAR. THE FOCUS IS ON CHANGE: CHANGE FROM PRE HISTORY EXPECTATIONS AND CHANGE DURING IMPLEMENTATION.
- THE RESTITUTION PROJECT OPERATED BY FINANCIAL AND DEBT COUNSELLING SERVICES (F&DCS) IS LOCATED IN MILWAUKEE, WISCONSIN AND SERVICES MILWAUKEE COUNTY. OFFENDERS ARE REFERRED TO THIS NON-RESIDENTIAL PROJECT PRIMARILY BY CORRECTIONS AGENTS BUT ALSO BY THE COURTS AND THE DISTRICT ATTORNEY'S OFFICE.

STAFF OF THE PROJECT MAKE AN INITIAL ASSESSMENT OF THE OFFENDER'S ABILITY TO MAKE MONETARY RESTITUTION AND REPORT THIS BACK TO THE REFERRAL SOURCE; THIS IS ONLY AN ASSESSMENT OF ABILITY TO PAY, HOWEVER, AND DOES NOT INVOLVE A DETERMINATION OF RESTITUTION AMOUNT WHICH IS DECIDED BY THE REFERRAL SOURCE. IF RESTITUTION IS ORDERED WITH PAYMENT THROUGH F&DCS, PROJECT STAFF BECOME INVOLVED IN MONITORING COMPLIANCE WITH THE REQUIREMENTS AND IN PROVIDING FINANCIAL AND DEBT COUNSELLING SERVICES. OFFENDERS SERVED ARE LARGELY MISDEMEANANT TYPES WHO HAVE COMMITTED OFFENSES SUCH AS FORGERY, ISSUING WORTHLESS CHECKS, FRAUD AND NON-SUPPORT. NINETEEN-SEVENTY-NINE WAS THE FOURTH AND FINAL YEAR OF LEAA FUNDING. DUE TO FUNDING DIFFICULTIES AT BOTH THE STATE AND LOCAL LEVEL, PROJECT OPERATIONS WERE SERIOUSLY CURTAILED DURING THE CURRENT YEAR. THE AGENCY FOCUS ON OFFENDERS WITH RESTITUTION REQUIREMENTS HAD MORE OR LESS BEEN PHASED OUT BY THE END OF THE CURRENT OPERATIONS YEAR.

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240.

NOVACK, STEVE; BURT GALAWAY; JOE HUDSON.

"VICTIM AND OFFENDER PERCEPTIONS OF THE FAIRNESS OF RESTITUTION AND COMMUNITY SERVICE SANCTIONS,"--IN-HUDSON, J. AND B. GALAWAY, EDS., VICTIMS, OFFENDERS, AND ALTERNATIVE SANCTIONS, LEXINGTON: D.C. HEATH/LEXINGTON BOOKS, 1980; ALSO REPORTED IN "NATIONAL ASSESSMENT OF ADULT RESTITUTION PROGRAMS, PRELIMINARY REPORT III, SCHOOL OF SOCIAL DEVELOPMENT, UNIVERSITY OF MINNESOTA, DULUTH, MN., 1980.

TWO PRIMARY OBJECTIVES WERE SET FOR THIS STUDY: FIRST, TO PRESENT THE RESULTS OF FINDINGS ABOUT THE PERCEPTIONS TOWARD THE FAIRNESS OF FINANCIAL RESTITUTION AND COMMUNITY SERVICE SANCTIONS. SECOND, TO EXPLORE AMONG OFFENDERS AND VICTIMS THE EXTENT TO WHICH CONTACT BETWEEN THE PARTIES WAS SEEN AS DESIRABLE IN THE OFFENDER'S DISPOSITION. NINETEEN INDIVIDUAL RESTITUTION PROJECTS OPERATING AT DIFFERENT POINTS IN THE CRIMINAL JUSTICE SYSTEM WERE THE FOCUS OF THE STUDY.

A MAILED QUESTIONNAIRE WAS SENT TO A SAMPLE OF VICTIMS AND OFFENDERS WHO WERE INVOLVED WITH FINANCIAL OR COMMUNITY SERVICE RESTITUTION PROGRAMS. AREAS COVERED IN THE QUESTIONNAIRES INCLUDED THE PERCEPTIONS OF VICTIMS AND OFFENDERS TOWARD THE FAIRNESS OF THE RESTITUTION SANCTION, THE DESIRABILITY OF OFFENDER/VICTIM CONTACT, OFFENDER PERCEPTIONS ABOUT THE USEFULNESS OF THE COMMUNITY SERVICE EXPERIENCE AND QUESTIONS ASKING IF OFFENDERS AND VICTIMS HAD A CHOICE, WHAT SANCTION WOULD THEY CHOOSE FOR THE CRIME COMMITTED. STUDY SAMPLES WERE DRAWN FROM PROGRAM ADMISSIONS FOR A THREE MONTH PERIOD. MAJOR FINDINGS WERE--

1. A TOTAL OF 1,012 QUESTIONNAIRES WERE MAILED; 661 WENT TO OFFENDERS AND 351 TO VICTIMS. THE OVERALL RETURN RATE WAS 34 . THE AVERAGE RETURN RATE FOR OFFENDERS WAS 30 AND THE AVERAGE RETURN RATE FOR VICTIMS WAS 43 .
2. THE OFFENDERS RESPONDING WERE PRIMARILY YOUNG, WHILE MALES. THE MAJORITY OF CASES INVOLVED PROPERTY CRIMES AGAINST BUSINESSES. THIRTY-FIVE PERCENT OF THE VICTIMS WERE OWNER-OPERATED BUSINESSES.
3. THE MAJORITY OF OFFENDERS AND VICTIMS INDICATED THAT THEY WOULD WANT TO MEET WITH THE OTHER PARTY TO DETERMINE PROGRAM REQUIREMENTS. IN SIX OF THE 17 PROJECTS SURVEYED, 90 OR MORE OF THE OFFENDERS WOULD HAVE PREFERRED TO HAVE MET WITH THEIR VICTIM. ONLY A SMALL PROPORTION OF OFFENDERS AND VICTIMS ACTUALLY HAD MET WITH THE OTHER PARTY TO DETERMINE PROGRAM REQUIREMENTS.
4. OFFENDERS WHO HAD PARTICIPATED IN PROJECTS AT THE DIVERSION LEVEL AND HAD REQUIREMENTS OF BOTH FINANCIAL AND COMMUNITY SERVICE RESTITUTION WERE PROPORTIONATELY MORE SATISFIED WITH THEIR OVERALL TREATMENT. THE LARGEST PROPORTION OF OFFENDERS DISSATISFIED WITH THEIR OVERALL TREATMENT BY THE COURT WERE THOSE INCARCERATED AND HAVING REQUIREMENTS OF MONETARY RESTITUTION. THE DEGREE OF VICTIM SATISFACTION WAS LESS THAN THAT FOR OFFENDERS ACROSS ALL PROJECTS. AS WITH OFFENDERS, VICTIMS WERE MOST SATISFIED WITH THE OFFENDER'S OVERALL TREATMENT WHEN THE OFFENDER HAD BEEN REQUIRED TO COMPLETE BOTH FINANCIAL AND COMMUNITY SERVICE RESTITUTION, EITHER AT THE PRETRIAL OR INCARCERATION/WORK RELEASE LEVEL. VICTIMS HAVING THE LEAST FAVORABLE ATTITUDES CAME FROM PROJECTS AT THE PROBATION LEVEL.
5. THE MAJORITY OF OFFENDERS AND VICTIMS THOUGHT THAT THE OFFENDERS' MONETARY RESTITUTION REQUIREMENTS WERE FAIR. MOST (79) OF THE OFFENDERS THOUGHT THAT THEIR COMMUNITY SERVICE REQUIREMENTS WERE FAIR.
6. WITH REGARD TO OFFENDERS RATING THEIR COMMUNITY SERVICE EXPERIENCE AS RELATIVELY USEFUL, 31 RESPONDED THAT IT WAS VERY USEFUL, 40 DEFINED IT AS USEFUL, AND 29 THOUGHT THAT IT WAS OF LITTLE OR NO USE.

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241.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP).
"LEGAL ISSUES IN THE OPERATION OF RESTITUTION PROGRAMS;" -IN-PROGRAM
ANNOUNCEMENT - RESTITUTION BY JUVENILE OFFENDERS - AN ALTERNATIVE TO
INCARCERATION, WASHINGTON, D. C. :L.E.A.A., 1978, APPENDIXII.

LEGAL ISSUES ARISING OUT OF THE DESIGN AND OPERATION OF RESTITUTION
PROGRAMS ARE DISCUSSED ALONG WITH SUGGESTED GUIDELINES. ISSUES
DISCUSSED ARE THOSE ARISING OUT OF THE PROGRAM'S LOCATION IN THE
CRIMINAL JUSTICE SYSTEM, THE METHOD OF DETERMINING THE RESTITUTION
AMOUNT, THE SCOPE OF THE RESTITUTION, AND THE METHOD AND ENFORCEMENT OF
THE RESTITUTION ORDER. AUTHOR SUGGESTS RESTITUTION SHOULD BE COURT
ORDERED IN JUVENILE CASES, AMOUNT OF RESTITUTION SHOULD BE BASED ON
ABILITY TO PAY, AND OFFENDER SHOULD ONLY BE RESPONSIBLE FOR DIRECT
LOSSES TO ENSURE RIGHTS PROVIDED BY THE FIFTH, THIRTEENTH AND FOUR-
TEENTH AMENDMENTS ARE UPHELD.

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242.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP).
"JUVENILE RESTITUTION;" -IN-PROGRAM ANNOUNCEMENT-RESTITUTION BY JUVENILE
OFFENDERS-AN ALTERNATIVE TO INCARCERATION, WASHINGTON, D.C. :L.E.A.A., 1978,
APPENDIX I.

THIS PAPER OUTLINES THE MEANING OF RESTITUTION WITHIN THE CRIMINAL AND
JUVENILE JUSTICE PROCESS, AND BRIEFLY DISCUSSES ITS HISTORICAL DEVELOP-
MENT. THE RATIONALE FOR RESTITUTION PROGRAMS IS PRESENTED ALONG WITH A
REVIEW OF EVALUATION EFFORTS, RELATED RESEARCH, AND PROBLEMS OF
IMPLEMENTATION. THE PAPER CONSIDERS THE PROPER USE OF RESTITUTION IN
TERMS OF PROGRAM LOCATION, OFFENDER AND VICTIM TYPES, MONETARY VERSUS
SERVICE RESTITUTION, FULL OR PARTIAL RESTITUTION, RELATIONSHIP OF THE
VICTIM TO THE PROGRAM, INVOLVEMENT OF THE OFFENDER AND VICTIM IN THE
PROGRAM, SCOPE OF RESTITUTION, THE COMBINATION OF RESTITUTION AND
OTHER PENALTIES, ENFORCEMENT, AND TERMINATION OF THE RESTITUTION
PROCESS.

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243.

O'HEARN, P. J. T.
"RESTITUTION AND COMPENSATION AND FINES," OTTAWA LAW REVIEW, VOL. 7, JULY,
1975, PP. 309-315.

A DISCUSSION OF THE LAW REFORM COMMISSION OF CANADA WORKING PAPER ON
RESTITUTION, COMPENSATION, AND FINES. THE AUTHOR NOTES THAT THE WORK-
ING PAPERS EMPHASIZE USE OF RESTITUTION AS A FUNCTION WITHIN THE FORMAL
LEGAL PROCESS AND LARGELY EXCLUDE ANY DISCUSSION OF THE USE OF RESTITU-
TION WITHIN A PRE-TRIAL SETTLEMENT OR CONCILIATION SITUATION. FURTHER,
THE POINT IS MADE THAT MANY OFFENDERS DO NOT HAVE THE FINANCIAL MEANS TO
MAKE RESTITUTION FOR THE HARM CAUSED. THE EXISTING CANADIAN STATUTES
HAVING TO DO WITH RESTITUTION ARE REVIEWED AND DISCUSSED.

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244.

PALMER, JOHN W.
"PRE-ARREST DIVERSION: VICTIM CONFRONTATION," FEDERAL PROBATION, 38:3,
SEPTEMBER, 1974, PP. 12-18.

UNDER THE AUTHORITY OF PROSECUTOR'S DISCRETION, THE COLUMBUS NIGHT
PROSECUTOR'S PROGRAM HAS DEVELOPED A WORKABLE SYSTEM OF PRE-ARREST
DIVERSION OF INTERPERSONAL DISPUTES WHICH RESULT IN CRIMINAL OFFENSES,
REPORTS PROFESSOR JOHN W. PALMER OF CAPITAL UNIVERSITY LAW SCHOOL.
DURING THE LATEST FISCAL YEAR, APPROXIMATELY 6,000 CRIMINAL CASES WERE
DIVERTED OUT OF THE CRIMINAL JUSTICE SYSTEM PRIOR TO THE PARTICIPANTS'
BEING FORMALLY INVOLVED IN THE CRIMINAL PROCESS. IN LIEU OF ARREST-
BOOKING-TRIAL, AN ADMINISTRATIVE HEARING IS SCHEDULED BETWEEN THE
PARTIES BASED UPON THE CONCEPT OF "VICTIM CONFRONTATION." LESS THAN 2
PERCENT OF THE CASES RESULT IN THE FILING OF FORMAL CRIMINAL CHARGES,
AND LESS THAN 3 PERCENT RETURN ON THE SAME OR SIMILAR CONDUCT. IN
EFFECT, THE PROGRAM HAS BEEN SUCCESSFUL IN ASSISTING INDIVIDUALS WHO
MUST COME INTO CONTACT WITH EACH OTHER IN THE FUTURE TO RESOLVE THEIR
PROBLEMS AND AVOID CRIMINAL CONDUCT.

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245.

PATTERSON, MIKE.
"THE OKLAHOMA DEPARTMENT OF CORRECTIONS RESTITUTION PROGRAM," -IN-GALAWAY, B.
AND JOE HUDSON, EDS., OFFENDER RESTITUTION IN THEORY AND PRACTICE, LEXINGTON,
D. C. HEATH, 1978.

DESCRIBES A STATEWIDE ACCOUNTING SYSTEM DESIGNED TO COLLECT FINANCIAL
RESTITUTION FROM PROBATIONERS.

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246.

PEARCE, WILLIAM N.
"THE IOWA JUVENILE VICTIM RESTITUTION PROGRAM," PAPER PRESENTED AT THIRD
SYMPOSIUM ON RESTITUTION, DULUTH, MINNESOTA, SEPTEMBER 27-28, 1979.
DESCRIBES THE HISTORY, IMPLEMENTATION AND CURRENT STATUS OF THE IOWA
JUVENILE VICTIM RESTITUTION PROGRAM.

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247.

PEASE, KEN; S. BILLINGHAM; I. EARNSHAW.
"COMMUNITY SERVICE ASSESSED IN 1976," HOME OFFICE RESEARCH STUDY NUMBER 39,
LONDON: HER MAJESTY'S STATIONARY OFFICE, 1977.

THIS STUDY ASSESSES TWO QUESTIONS: WHAT HAPPENED IN TERMS OF SUBSEQUENT RECONVICTION FOR A SAMPLE OF OFFENDERS WHO PARTICIPATED IN COMMUNITY SERVICE WORK ORDERS AND, SECONDLY, IF COMMUNITY SERVICE HAD NOT BEEN AVAILABLE TO THE COURTS WHEN THESE OFFENDERS WERE DEALT WITH, WHAT SENTENCES WOULD THEY HAVE RECEIVED.

THE PROGRAM DEALT WITH HERE IS THE COMMUNITY SERVICE ORDER SCHEME INTRODUCED IN SIX AREAS IN 1973 IN GREAT BRITAIN.

THE STUDY DESIGN USED TO ESTIMATE THE NUMBER OF THOSE GIVEN COMMUNITY SERVICE ORDERS WHO WOULD OTHERWISE HAVE BEEN GIVEN A CUSTODIAL SENTENCE INVOLVES AN EXAMINATION OF FOUR GROUPS OF OFFENDERS:

1. THOSE FOR WHOM AN ASSESSMENT EXISTED OF THE SENTENCE THOUGHT LIKELY IF THE COMMUNITY SERVICE ORDER WERE NOT MADE;
2. THOSE WHO VIOLATED THE REQUIREMENTS OF A COMMUNITY SERVICE ORDER;
3. THOSE FOR WHOM THE COURTS ASKED FOR AN ASSESSMENT OF SUITABILITY FOR COMMUNITY SERVICE;
4. THOSE RECOMMENDED BY PROBATION OFFICERS AS SUITABLE FOR COMMUNITY SERVICE BUT DID NOT RECEIVE IT.

THE DESIGN USED TO ASSESS THE EFFECT OF THOSE RECEIVING COMMUNITY SERVICE ORDERS INVOLVED THE CALCULATION OF ONE YEAR RECONVICTION RATES. A COMPARISON GROUP WAS GENERATED COMPOSED OF OFFENDERS RECOMMENDED FOR, BUT NOT SUBSEQUENTLY SENTENCED TO, COMMUNITY SERVICE. THE PERIOD UNDER STUDY WAS ONE YEAR FROM SENTENCE IN THE CASE OF NON-CUSTODIAL SENTENCES AND ONE YEAR FROM RELEASE IN THE CASE OF CUSTODIAL SENTENCES. THE AIM WAS TO OBTAIN RECONVICTION DATA ON THE FIRST YEAR AT RISK AFTER SENTENCE.

MAJOR FINDINGS WERE:

1. THREE OF THE FOUR METHODS USED TO ESTIMATE THE DISPLACEMENT OF CUSTODIAL SENTENCES PRODUCED ESTIMATES OF FROM 45 PERCENT TO 50 PERCENT. IN SHORT, APPROXIMATELY HALF OF THOSE GIVEN COMMUNITY SERVICE ORDERS WOULD HAVE OTHERWISE HAVE RECEIVED A CUSTODIAL SENTENCE.
2. APPROXIMATELY 44 PERCENT OF ALL THOSE SENTENCED TO COMMUNITY SERVICE DURING THE FIRST YEAR OF THE SCHEME IN THE SIX EXPERIMENTAL AREAS WERE RECONVICTED WITHIN A YEAR OF THE SENTENCE.
3. THERE IS NO EVIDENCE OF ANY REDUCTION IN RECONVICTION RATES FOLLOWING COMMUNITY SERVICE.
4. THERE WAS A DIRECT RELATIONSHIP BETWEEN AGE AND RATE OF RECONVICTION AS WELL AS BETWEEN NUMBER OF PREVIOUS RECONVICTIONS AND RATE OF RECONVICTION.

248.

PEASE, K.; P. DURKIN; I. EARNSHAW; B. PAYNE; J. THORPE.
"COMMUNITY SERVICE ORDERS," HOME OFFICE RESEARCH STUDIES, LONDON: HER MAJESTY'S STATIONARY OFFICE, 1975.

THE AIM OF THIS STUDY IS TO DESCRIBE THE CHARACTERISTICS OF THE POPULATION OF OFFENDERS ADMITTED TO THE COMMUNITY SERVICE PROGRAM IN BRITAIN DURING THE FIRST EIGHTEEN MONTHS OF OPERATION.

SECTION 15 OF THE CRIMINAL JUSTICE ACT OF 1972 EMPOWERED COURTS TO ORDER OFFENDERS TO PERFORM UNPAID WORK AS A SERVICE TO THE COMMUNITY. THE WORK ORDER IS TO BE MADE FOR OFFENDERS WHO WOULD OTHERWISE BE IMPRISONED. THE NUMBER OF HOURS TO BE WORKED IS TO BE NOT LESS THAN 40 AND NOT MORE THAN 240.

A NUMBER OF DATA COLLECTION PROCEDURES WERE USED IN THIS STUDY, INCLUDING CONTENT ANALYSIS OF 519 PRE-SENTENCE REPORTS MADE IN THE SIX COMMUNITY SERVICE EXPERIMENTAL AREAS, A SENTENCING EXERCISE CARRIED OUT BY 55 PROBATION OFFICERS CONCERNING THE FACTORS INFLUENCING THE RECOMMENDATION FOR COMMUNITY SERVICE, A DATA COLLECTION FORM COMPLETED BY PROBATION OFFICERS WHEN PREPARING PRE-SENTENCE REPORTS ON OFFENDERS CONSIDERED FOR COMMUNITY SERVICE, INTERVIEWS WITH COMMUNITY SERVICE SUPERVISORS, PROBATION OFFICERS, OFFENDERS, JUDGES, AND OTHERS. AMONG THE MAJOR FINDINGS WERE:

- 1) THERE WAS GENERAL AGREEMENT FOUND BETWEEN PROBATION OFFICERS CONCERNING IMPORTANT FACTORS FOR THEM TO KNOW ABOUT WHEN ARRIVING AT A RECOMMENDATION FOR COMMUNITY SERVICE.
- 2) MOST COMMONLY, A COMMUNITY SERVICE ORDER FOLLOWED A PROBATION OFFICER'S RECOMMENDATION.
- 3) NO ESTIMATE CAN BE MADE ABOUT THE NUMBER OF OFFENDERS PLACED IN COMMUNITY SERVICE WHO OTHERWISE WOULD HAVE BEEN PUT IN PRISON.
- 4) OFFENDERS ON COMMUNITY SERVICE WERE PRIMARILY BETWEEN THE AGES OF 17 AND 34 YEARS; COMMUNITY SERVICE WORK WAS MOST COMMONLY DONE ON WEEK-ENDS; THE AVERAGE TIME TAKEN TO COMPLETE THE ORDER OF 240 HOURS WAS CLOSE TO THE YEAR ALLOWED BY LEGISLATION.
- 5) THE MEDIAN NUMBER OF PREVIOUS CONVICTIONS OF THOSE ORDERED TO COMMUNITY SERVICE WAS BETWEEN 3 AND 4.
- 6) BETWEEN 38 PERCENT AND 50 PERCENT OF OFFENDERS ON COMMUNITY SERVICE HAD HAD EXPERIENCE WITH A CUSTODIAL SENTENCE PREVIOUSLY.
- 7) THOSE OFFENDERS WITH LONGER CRIMINAL RECORDS AND THOSE WHO HAD SERVED A CUSTODIAL SENTENCE WERE LESS LIKELY TO COMPLETE THE ORDER.
- 8) THE MAJORITY OF PROBATION OFFICERS AND OFFENDERS HAD POSITIVE ATTITUDES TOWARDS COMMUNITY SERVICE WORK.
- 9) THERE HAS BEEN NO DIFFICULTIES IN RELATIONSHIPS WITH TRADE UNIONS.

249.

PEASE, KEN AND BILL MCWILLIAMS.
"ASSESSING COMMUNITY SERVICE SCHEMES: PITFALLS FOR THE UNWARY," 24:4, 1977,
PP. 137-139.

THE HABIT OF THOUGHT OF THE PROBATION AND AFTER-CARE SERVICE DERIVED FROM ITS EXPERIENCE WITH PROBATION ORDERS AND AFTERCARE CASES ARE MISLEADING WHEN APPLIED TO COMMUNITY SERVICE ORDERS. THE KINDS OF ERROR MADE BY PROBATION OFFICERS ARE SUCH AS TO FAVOR THE INEFFICIENT COMMUNITY SERVICE ORGANIZER OVER THE EFFICIENT ONE. THREE SPECIFIC SUGGESTIONS ARE MADE: (1) DO NOT JUDGE A COMMUNITY SERVICE ORGANIZER ON HIS CASELOAD, BUT ON HIS THROUGHPUT OF CASES; (2) WHEN CONSIDERING THROUGHPUT OF CASES OF A COMMUNITY SERVICE ORGANIZER, BEAR IN MIND THE AVERAGE LENGTH OF ORDERS HE DEALS WITH COMPARED WITH HIS COLLEAGUES IN OTHER AREAS; (3) CALCULATE BREACH RATE AS A PROPORTION OF COMPLETED CASES NOT OF CURRENT CASELOAD OR NUMBER OF NEW CASES. (ABSTRACTS ON CRIMINOLOGY AND PENOLOGY)

250.
PERLMAN, A. J. G.
"COMPENSATION AND RESTITUTION IN THE CRIMINAL COURTS-PART I," THE SOLICITORS' JOURNAL, VOL. 108, AUGUST, 1964, PP. 663-664.
AN OUTLINE OF THE PRINCIPAL POWERS AVAILABLE TO THE CRIMINAL COURTS OF BRITAIN TO ORDER MONETARY RESTITUTION AND RETURN OF PROPERTY. STATUTES REVIEWED INCLUDE: FORFEITURE ACT 1870; CRIMINAL JUSTICE ACT, 1948; CRIMINAL JUSTICE ADMINISTRATION ACT, 1914; MALICIOUS DAMAGE ACT, 1861; LARCENY ACT, 1861.

251.
PILON, ROGER.
"CRIMINAL REMEDIES: RESTITUTION, PUNISHMENT, OR BOTH," ETHICS, 88:4, JULY, 1978, PP. 348-357.
THE AUTHRO COMMENTS ON AN ARTICLE BY R. E. BARNETT, "RESTITUTION: A NEW PARADIGM OF CRIMINAL JUSTICE, ETHICS 1977, 87/4 (279-301). THE AUTHOR EXAMINES THE THEORETICAL ASPECTS OF BARNETT'S ARGUMENT. IN PARTICULAR HE QUESTIONS HOW THOROUGHGOING THIS "PARADIGM SHIFT" IN FACT IS. SECOND, HE EXAMINES WHETHER WE CAN DO AWAY WITH PUNISHMENT, AS BARNETT SUGGESTS-INDEED, WHETHER HIS PROPOSAL CAPTURES THE WHOLE OF WHAT IS AT ISSUE IN THE CRIMINAL TRANSACTION. FINALLY, AFTER SETTING FORTH A MORE COMPLETE ACCOUNT OF THAT TRANSACTION, THE AUTHOR DEVELOPS A BRIEF ARGUMENT IN SUPPORT OF WHAT HE TAKES TO BE THE PROPER REMEDY FOR CRIME-RESTITUTION AND PUNISHMENT. (ABSTRACTS ON CRIMINOLOGY AND PENOLOGY)

252.
PILOT ALBERTA RESTITUTION CENTRE.
"PROGRESS REPORT: THE PILOT ALBERTA RESTITUTION CENTRE, SEPTEMBER 1, 1975-FEBRUARY 29, 1976," CALGARY, ALBERTA, CANADA, UNDATED.
THE ORIGIN OF THE PILOT ALBERTA RESTITUTION CENTRE IS DISCUSSED. PROJECT OPERATIONS ARE DESCRIBED ALONG WITH A FEW CASE EXAMPLES. DATA IS PRESENTED FOR THE REPORTING PERIOD. THERE IS ALSO A DISCUSSION ON PROBLEMS IN THE MEDIATION PROCESS. [ALSO SEE: "FINAL REPORT: THE PILOT ALBERTA RESTITUTION CENTER" BY JOAN SWANTON, UNDATED.]

253.
PRINS, HERSCHEL.
"WHITHER COMMUNITY SERVICE," BRITISH JOURNAL OF CRIMINOLOGY, 16:1, 1976, PP. 73-77.
IN THIS ARTICLE, THE AUTHOR COMMENTS ON RECENT EVALUATIVE REPORTS ON COMMUNITY SERVICE PILOT PROJECTS IN ENGLAND. THE AUTHOR TRACES THE LEGISLATIVE HISTORY OF COMMUNITY SERVICE ACCORDING TO THE CRIMINAL JUSTICE ACT OF 1972. HE FURTHER COMMENTS ON A GROUP OF REPORTS FROM THREE PILOT AREAS THAT STRESS THE NEED FOR PLANNING BEFORE COMMUNITY SERVICE SCHEMES ARE PROPOSED TO THE COURT. (NCJRS)

254.
PURCHASE, GORDON E.
"REPARATION BY THE OFFENDER," JUSTICE OF THE PEACE, 140:36, SEPTEMBER, 1976, PP. 484-486.
AUTHOR EXAMINES REPARATION BY THE OFFENDER FROM A LEGAL STANDPOINT IN BRITAIN. TOPICS COVERED INCLUDE: HISTORICAL DEVELOPMENT; THE PRESENT POWERS OF MAGISTRATES' COURTS; THE ROLE OF DEFENSE; FORM OF SENTENCE. (ABSTRACTS ON CRIMINOLOGY AND PENOLOGY)

255.
PRIME, TERENCE.
"REPARATION FROM THE OFFENDER-PARTS I & II," THE SOLICITORS' JOURNAL, VOL. 115, NOV. 19 & 26, 1971, PP. 859-861, 880, 881.
THIS ARTICLE WAS PUBLISHED AFTER THE REPORT BY THE ADVISORY COUNCIL ON THE PENAL SYSTEM, "REPARATION BY THE OFFENDER," BUT BEFORE THE POWERS OF CRIMINAL COURTS ACT 1973. THE AUTHOR EXAMINES EXISTING POWERS OF THE COURT UNDER BRITISH LAW TO AWARD REPARATION. THESE LAWS ARE FOUND TO BE TOO COMPLICATED, UNCLEAR IN SOME RESPECTS, AND SCATTERED UNDER DIFFERENT STATUTES. THE RESULT IS ALL TOO OFTEN THE VICTIM GOES UNCOMPENSATED. THE PROPOSALS FOR REFORM MADE BY THE COMMITTEE ARE DISCUSSED AND ADVOCATED.

256.
RALPHS, PETER.
"COMMUNITY SERVICE ORDERS IN ENGLAND," INTERNATIONAL JOURNAL OF OFFENDER THERAPY AND COMPARATIVE CRIMINOLOGY, 20:1, 1976, PP. 58-64.
REHABILITATION BY SERVICE TO THE COMMUNITY-BOTH AS ALTERNATIVE TO PRISON AND AS PART OF A TREATMENT ORIENTED PROGRAM. ONE SUCH PILOT SCHEME IN KENT IS DESCRIBED: TYPE OF OFFENDER AND PROJECTS INVOLVED, PROCEDURE, RESULTS, MANAGEMENT ASPECTS, FUTURE. (ABSTRACTS ON CRIMINOLOGY AND PENOLOGY)

257.
RAUE, CAMDEN H.
"VICTIMS" ASSISTANCE PROGRAM,"-IN-GALAWAY B. AND JOE HUDSON, EDS., OFFENDER RESTITUTION IN THEORY AND PRACTICE, LEXINGTON: D. C. HEATH 1978.
THE VICTIMS" ASSISTANCE PROGRAM IN RAPID CITY, SOUTH DAKOTA, IS DESCRIBED; ADULT FELONS AND MISDEMEANANTS ARE ORDERED TO MAKE RESTITUTION, PRIMARILY AS A CONDITION OF PROBATION.

258.
READ, BILL.
"THE GEORGIA RESTITUTION PROGRAM,"-IN-HUDSON, JOE, ED., RESTITUTION IN CRIMINAL JUSTICE, ST. PAUL: MINNESOTA DEPARTMENT OF CORRECTIONS, UNDATED.
DESCRIBES THE PLANNING AND OPERATION OF FOUR RESTITUTION CENTERS IN THE STATE OF GEORGIA; PROVIDES DESCRIPTIVE DATA ON THE FIRST YEAR OPERATION OF THESE FACILITIES.

259.

READ, BILL.

"HOW RESTITUTION WORKS IN GEORGIA," JUDICATURE, 60:7, FEBRUARY, 1977, PP. 323-331.

ARTICLE DESCRIBES GEORGIA'S RESIDENTIAL AND NONRESIDENTIAL PROGRAMS OF OFFENDER RESTITUTION THAT ARE REGULATED BY THE DEPARTMENT OF CORRECTIONS/OFFENDER REHABILITATION. THE FACT THAT EVERY EFFORT IS MADE WITHIN THESE PROGRAMS TO INVOLVE THE COMMUNITY IN THE TREATMENT AND REHABILITATION OF LOCAL OFFENDERS IS THE CORE OF DCOR'S REHABILITATIVE PHILOSOPHY. FURTHER, THE DEPARTMENT REALIZES THAT THROUGH SERVICE RESTITUTION, THE PUBLIC OFFENDER BECOMES A COMMUNITY RESOURCE, RATHER THAN A COMMUNITY LIABILITY. OFFENDER ELIGIBILITY, PROGRAM ADMINISTRATION, COST EFFECTIVENESS, VICTIM INVOLVEMENT, AND COMMUNITY REACTIONS TO THE TWO TYPES OF PROGRAMS ARE DISCUSSED. FUTURE DIRECTIONS IN RESTITUTION PROGRAMMING ARE ALSO COMMENTED ON. GEORGIA'S LONG-RANGE PLAN EMPHASIZES PRETRIAL DIVERSION PROGRAMS AND A BROAD RANGE OF SPECIALIZED ALTERNATIVES TO TRADITIONAL CRIMINAL JUSTICE SANCTIONS. ALSO CONSIDERED IMPORTANT IS THE FORMULATION OF A POSITIVE AND OBJECTIVE SYSTEM OF CONTRACTING WITH INMATES WHEREBY THEY MUST EARN THEIR RELEASE FROM PRISON. (NCJRS)

260.

READ, BILL.

"RESTITUTION AS IT MEETS PUBLIC EXPECTATIONS IN GEORGIA'S RESTITUTION PROGRAMS," PAPER PRESENTED AT THE 1977 AMERICAN CORRECTIONAL ASSOCIATION CONGRESS.

THE WAYS RESTITUTION PROGRAMS IN GEORGIA TRY TO SATISFY PUBLIC EXPECTATIONS FOR A SAFE, MEANINGFUL, BENEFICIAL, AND SOCIALLY USEFUL PLAN ARE DISCUSSED. THE GEORGIA DEPARTMENT OF OFFENDER REHABILITATION CURRENTLY OPERATES BOTH A RESIDENTIAL AND NONRESIDENTIAL OFFENDER RESTITUTION PROGRAM TO FORMALIZE, REFINE, AND EXPAND THE USE OF PAYMENT OF COMPENSATION BY THE OFFENDER TO THE VICTIM. TO SATISFY PUBLIC DEMAND FOR SAFETY IN THE PROGRAM, OFFENDERS ARE CAREFULLY SCREENED BY BOTH PROBATION PERSONNEL AND THE DISTRICT ATTORNEY'S OFFICE. AFTER ASSIGNMENT TO THE PROGRAM, THE OFFENDER IS SUPERVISED CLOSELY AND THE PROGRAM PERSONNEL CAN ASK THAT THE PROBATION BE REVOKED IF CAUSE IS FOUND. IN GEORGIA A FOUR-STAGE SCREENING PROCESS HAS EVOLVED TO PROTECT PUBLIC SAFETY. TO MAKE THE PROGRAM MEANINGFUL, A PENALTY IS ASSESSED IN ADDITION TO THE ACTUAL COMPENSATION TO THE VICTIM. THIS IS INDIVIDUALLY DETERMINED DEPENDING ON THE CIRCUMSTANCES OF THE CASE. SUCH A PROCEDURE ALSO HELPS THE PUBLIC PERCEIVE THE PROGRAM AS BENEFICIAL AND SOCIALLY USEFUL. IN ADDITION, THE POSITIVE ASPECTS OF THE PROGRAM ARE PUBLICIZED IN THE COMMUNITY THROUGH INVOLVEMENT OF VOLUNTEERS, THROUGH THE PARTICIPATION OF OFFENDERS IN COMMUNITY SERVICE PROJECTS, AND THROUGH PERCEPTION OF REDUCED WELFARE AND INCARCERATION COSTS RESULTING FROM THE PROGRAM. (NCJRS)

261.

READ, GORDON A.

"COMMUNITY SERVICE: CONCEPT AND PRACTICE-PART I & II," JUSTICE OF THE PEACE, 142:38, SEPTEMBER, 1978, PP. 559-561; 142:39, PP. 571-572.

IN SEEKING TO DRAW TOGETHER SOME OF THE DISCUSSION DURING THE PAST THREE YEARS ABOUT THE PLACE OF COMMUNITY SERVICE IN THE SPECTRUM OF SENTENCING ALTERNATIVES, THREE BROAD AND INTERRELATED ISSUES HAVE EMERGED: (1) THE NATURE AND PHILOSOPHY OF COMMUNITY SERVICE; (2) THE QUALITY OF COMMUNITY SERVICE SCHEMES; (3) THE ORGANIZATION, STAFF AND MAINTENANCE OF COMMUNITY SERVICE SCHEMES. THERE ARE THREE CONCLUSIONS WHICH CAN BE DRAWN FROM THE DISCUSSION: (1) THE PUNISHMENT/TREATMENT DIFFERENCES NEED TO BE RECOGNIZED AND WORKED WITH AS A TENSION MUCH AS PROBATION OFFICERS IN PRISONS, HOSTELS OR COURTS WORK WITH A TENSION IN TRYING TO RECONCILE PUNITIVE APPROACHES WITH THE PROVISION OF OPPORTUNITIES FOR OFFENDERS TO HAVE SATISFACTORY BUT LAW-ABIDING LIVES. ONE STEP IN THIS DIRECTION WOULD BE THE ESTABLISHMENT, UNAMBIGUOUSLY, OF THE COMMUNITY SERVICE ORDER AS AN ALTERNATIVE TO IMPRISONMENT. TREATMENT ASPECTS WOULD BECOME SECONDARY BUT REMAIN IMPORTANT. AS A FURTHER CONSEQUENCE, AN OFFENDER WHO COULD BENEFIT FROM A COMMUNITY SERVICE TYPE EXPERIENCE BUT WHOSE OFFENSE DOES NOT JUSTIFY THE DEPRIVATION OF LIBERTY THAT AN ORDER WOULD IMPLY, COULD BE INTRODUCED TO OPPORTUNITIES FOR SERVICE TO THE COMMUNITY WHICH COULD BE UNDERTAKEN VOLUNTARILY. (2) MOST OF THE EXPERIENCE OF COMMUNITY SERVICE ORGANIZERS IN THIS GROUP SUGGESTS THAT THE INDIVIDUALIZATION OF COMMUNITY SERVICE PLACEMENTS ACHIEVES THE BEST OUTCOME, NOT ONLY IN TERMS OF PUNISHMENT, THE PRIMARY OBJECTIVE OF COMPLETING THE HOURS ORDERED BY THE COURTS, BUT ALSO IN TERMS OF OPPORTUNITIES TO CHANGE THE OFFENDER'S SELF-CONCEPT. SUCH SCHEMES REQUIRE A GOOD DEAL OF TIME AND SUPERVISORY INVESTMENT. THE PROBATION SERVICE SHOULD BE CLEAR THAT SUCH INVESTMENT CANNOT BE PROVIDED CHEAPLY AND THAT CHEAP, LARGE-SCALE IMPERSONAL PROJECTS ARE BEST AVOIDED. (3) COMMUNITY SERVICE IS A DISTINCTIVE ASPECT OF PROBATION WORK. SPECIALIST IDEAS AND PRACTICES ARE BEING DEVELOPED. SOME STAFF PARTICIPATING IN THAT KIND OF DEVELOPMENT ARE UNTRAINED BUT BECOME "PROFESSIONAL" BECAUSE OF THE WAY IN WHICH THEY WORK. THIS HAS IMPORTANT IMPLICATIONS FOR THE STRUCTURE AND ORGANIZATION OF THE PROBATION SERVICE WHICH SHOULD BE TACKLED NOW. (ABSTRACTS ON CRIMINOLOGY AND PENOLOGY)

262.

REITBERGER, LEONHARD.

"RESTITUTION OF DAMAGE CAUSED BY AN OFFENSE," KRIMINALISTIK, 19:12, DECEMBER, 1965, PP. 609-611. (IN GERMAN)

AN ARTICLE APPEARING IN AN EARLIER ISSUE OF THIS JOURNAL RECOMMENDED THAT MANDATORY RESTITUTION BY AN OFFENDER TO HIS VICTIM OR HEIR SHOULD BE INCORPORATED IN THE WEST GERMAN CRIMINAL CODE. IT IS FURTHER RECOMMENDED THAT ANY COMPENSATION PAID THE PRISONER BY THE INSTITUTION FOR WORK PERFORMED BY HIM SHOULD BE USED PRIMARILY FOR PAYMENT OF SUCH RESTITUTION. AN EXAMINATION OF GERMAN LAW ON THE MATTER REVEALS THAT IN SIMPLE CASES THERE IS NO NEED FOR A DETERMINATION OF DAMAGE BY THE CRIMINAL COURT AND IN COMPLICATED CASES IT IS NOT POSSIBLE. THE GREATEST DIFFICULTY, HOWEVER, WOULD BE PRESENTED BY THE DEMAND THAT A PRISONER'S INCOME BE ATTACHED TO PAY HIS VICTIM. MANY PRISONERS DO NOT OR CANNOT WORK, MANY EARN NO MORE THAN A MINIMAL AMOUNT OF POCKET MONEY AND FEW EARN A SUFFICIENT AMOUNT WHICH COULD BE USED FOR SUCH A PURPOSE. SHOULD ONLY THE VICTIMS OF OFFENDERS WHO EARN SUFFICIENT MONEY BE COMPENSATED? SHOULD THE INCOME OF ALL INMATES BE AVERAGED, IN WHICH CASE LITTLE, IF ANY, WOULD BE LEFT ABOVE POCKET MONEY AND COST OF UP-KEEP? SHOULD MONEYS FOR THE INMATE'S FAMILY BE DIVERTED TO THE VICTIM AND THE OFFENDER'S FAMILY PLACED ON WELFARE? AS THE TOTAL NUMBER OF INMATES OF ANY INSTITUTION CAN NEVER EARN MORE THAN THE COST OF THEIR INSTITUTIONALIZATION, THE TAXPAYER WOULD ULTIMATELY HAVE TO COVER THE COST OF RESTITUTION. THE PROPOSAL WOULD FACE OTHER INSURMOUNTABLE DIFFICULTIES AND IS NOT FEASIBLE. 120

263.
REMINGTON, CALVIN.
"EVALUATION AND RESEARCH: VENTURA COUNTY JUVENILE RESTITUTION PROJECT,"
PAPER PRESENTED AT THIRD SYMPOSIUM ON RESTITUTION, DULUTH, MINNESOTA,
SEPTEMBER 27-28, 1979.
DESCRIBES THE IMPLEMENTATION AND CURRENT OPERATION OF THE VENTURA
COUNTY JUVENILE RESTITUTION PROJECT AS WELL AS THE EXPERIMENTAL DESIGN
BEING USED FOR EVALUATION.

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264.
ROBINSON, PAT.
"WORK REFERRAL/COMMUNITY SERVICE PROGRAM: AN EVALUATION REPORT," GOVERNOR'S
COMMISSION ON CRIMINAL JUSTICE, STATE OF DELAWARE, JULY, 1978.
THIS IS A PHASE ONE STUDY OF A PROPOSED TWO PHASE EVALUATION TO EXAMINE
THE PERFORMANCE OF THE WORK SERVICE PROGRAMS IN DELAWARE FROM JANUARY,
1976 THROUGH MARCH 31, 1978. THE STUDY AIMS AT ASSESSING PROGRAM
INPUTS, ACTIVITIES, AND OUTPUTS.
THE WORK SERVICE PROGRAMS WERE ESTABLISHED WITHIN THE DEPARTMENT OF
CORRECTIONS IN DELAWARE IN 1974. THE PROGRAM HAS TWO COMPONENTS--A WORK
REFERRAL PROJECT AND A COMMUNITY SERVICE PROJECT. THE WORK REFERRAL
PROJECT ACCEPTS OFFENDERS FROM COURTS WHO ARE SENTENCED TO WORK FOR A
STATE OR MUNICIPAL AGENCY TO PAY OFF FINES AT THE RATE OF \$2.00 PER
HOUR. THE COMMUNITY SERVICE PROJECT IS USED AS AN ALTERNATIVE SENTENC-
ING OPTION FOR NON-SERIOUS OFFENDERS. OFFENDERS ARE SENTENCED IN CON-
JUNCTION WITH PROBATION TO PERFORM A SPECIFIED NUMBER OF HOURS OF WORK
FOR A STATE OR COMMUNITY AGENCY. UNLIKE THE WORK REFERRAL PROJECT, AN
OFFENDER SENTENCED TO COMMUNITY SERVICE HAS NO OPTION TO PAY OFF THE
SENTENCE.
AN AFTER-ONLY, NON EXPERIMENTAL DESIGN IS USED. DATA WAS COLLECTED
FROM PROJECT FORMS, INTERVIEWS, AND OFFICIAL RECORDS. FREQUENCY
DISTRIBUTIONS ARE PRESENTED.
MAJOR FINDINGS ARE:
1. IN NEW CASTLE (WILMINGTON) COUNTY, A TOTAL OF 1,668 PERSONS WERE
REFERRED TO THE WORK REFERRAL PROGRAM AND SENTENCED TO WORK A TOTAL OF
150,468 HOURS. OF THESE, 772 (46 PERCENT) COMPLETED THEIR SENTENCES
WORKING OFF \$310,140 IN COSTS AND FINES. THREE HUNDRED AND THIRTY-FOUR
DIRECTLY PAID OFF \$62,227 IN COSTS AND FINES, 323 WERE RETURNED TO
COURT FOR FAILURE TO COMPLETE THE SENTENCE, AND 239 WERE STILL ACTIVE
AT THE TIME THE STUDY WAS COMPLETED.
2. IN NEW CASTLE (WILMINGTON) COUNTY, A TOTAL OF 339 PERSONS WERE
SENTENCED TO COMMUNITY SERVICE AND OF THESE, 201 COMPLETED THEIR
SENTENCES TOTALING 4,422 DAYS OF COMMUNITY SERVICE WORK.
3. IN KENT AND SUSSEX COUNTIES, THE WORK REFERRAL/COMMUNITY SERVICE
PROGRAM INVOLVED A TOTAL OF 128 PERSONS. OF THESE, 114 COMPLETED THEIR
SENTENCES FOR A TOTAL OF 3,673 HOURS OF WORK REPRESENTING \$7,346 WORTH
OF COSTS AND FINES. ELEVEN PERCENT (14 CLIENTS) WERE RETURNED TO COURT
FOR FAILURE TO COMPLETE THEIR SENTENCES.
4. IN KENT AND SUSSEX COUNTIES, A TOTAL OF 59 PERSONS WERE SENTENCED
TO COMMUNITY SERVICE AND OF THESE, 29 COMPLETED THEIR SENTENCES PERFORM-
ING A TOTAL OF 1,062 DAYS OF WORK.
5. THE REPORT CONCLUDES THAT IT IS NOT POSSIBLE TO DETERMINE IF
COMMUNITY SERVICE WAS BEING USED AS AN ALTERNATIVE TO INCARCERATION.
PRELIMINARY RESULTS INDICATE THAT COMPARABLE OFFENDERS TO THOSE
REFERRED TO COMMUNITY SERVICE DID NOT, IN FACT, RECEIVE PRISON
SENTENCES. THE INVESTIGATOR CAUTIONS AGAINST THE POSSIBILITY OF WIDEN-
ING THE NETS THROUGH THIS PROGRAM AS THIS WOULD INVOLVE OFFENDERS WHO
OTHERWISE WOULD RECEIVE SUSPENDED SENTENCES BEING SENTENCED TO COMMUNITY
SERVICE AND THEREFORE, EXTENDING THE REACH AND COST OF CRIMINAL JUSTICE
WITH QUESTIONABLE BENEFITS.

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265.
ROOK, M. K.
"TASMANIA'S WORK ORDER SCHEME: A REPLY TO VARNE," AUSTRALIAN AND NEW
ZEALAND JOURNAL OF CRIMINOLOGY, 11:2, 1978, PP. 81-88.
AUTHOR REFUTES CONCLUSIONS MADE BY SHEILA VARNE IN THE AUSTRALIAN & NEW
ZEALAND JOURNAL OF CRIMINOLOGY JUNE 1976 IN AN ARTICLE ENTITLED
"SATURDAY WORK: A REAL ALTERNATIVE?" AUTHOR SPECIFICALLY DISAGREES WITH
VARNE'S CONCLUSION THAT THE INTRODUCTION OF THE WORK ORDER SCHEME HAD
LITTLE EFFECT ON THE NUMBER OF PEOPLE SENTENCED TO TERMS OF IMPRISON-
MENT, SIMILARLY, THAT THOSE SENTENCED TO WORK ORDERS WOULD NOT HAVE
GONE TO PRISON IN THE FIRST PLACE (CONTRARY TO LEGISLATION), AND THAT
THE WORK DONE BY THOSE SENTENCED IS LITTLE MORE THAN HARD LABOR. A
TWELVE MONTH INVESTIGATION OF THE WORK ORDER SCHEME BY MACKAY AND ROOK
(1976) IS DRAWN UPON TO ARGUE AGAINST EACH OF THE ABOVE STATEMENTS.

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266.
RUBIN, SOL.
"FINE AND RESTITUTION,"--IN-LAW OF CRIMINAL CORRECTION, BY SOL RUBIN, ST.
PAUL: WEST PUBLISHING COMPANY, 1973, PP. 253-302.
THIS IS A TREATISE ON THE LAW OF CORRECTIONS, INCLUDING SENTENCING, PRO-
BATION, PAROLE, IMPRISONMENT, FINES AND RESTITUTION, AND PRISONER'S
RIGHTS. IN THIS SECOND EDITION, THE AUTHOR EXAMINES THE REVIVAL OF THE
EIGHTH AMENDMENT PROHIBITION OF CRUEL AND UNUSUAL PUNISHMENT AND ITS
OFFSPRING, THE SUPREME COURT DECLARATION THAT THE DEATH PENALTY IS
UNCONSTITUTIONAL. THE TREATISE REVIEWS THE HISTORICAL DEVELOPMENT OF
THE LAW OF CRIMINAL CORRECTIONS, AND OUTLINES THE SENTENCING, IMPRISON-
MENT, PUNISHMENT, PROBATION, AND PAROLE PROCESSES. THE TREATMENT AND
RIGHTS OF MISDEMEANANTS, FELONS, AND RECIDIVISTS, AS WELL AS YOUTHFUL
AND MENTALLY ILL DEFENDANTS, ARE DISCUSSED. THE DISCUSSION ON RESTITU-
TION IS NOT INVOLVED WITH ANY NEW LEGISLATION TO COMPENSATE THE VICTIM,
BUT WITH THE PROVISIONS OF EXISTING STATUTES. THERE ARE ALREADY LAWS
THAT PROVIDE FOR RESTITUTION TO BE FIXED BY THE COURT BUT NOT TO EXCEED
THE LOSS OR DAMAGE AS ESTABLISHED BY THE PROSECUTION. RESTITUTION FOR
REHABILITATION IS USED TO SUPPORT A HEALTHY ATTITUDE BY THE OFFENDER.
OFTEN RESTITUTION IS IMPOSED AS A CONDITION OF PROBATION, BUT IT IS
NOT AN AUTHORIZED SENTENCE UNLESS MADE SO BY STATUTE. (NCJRS)

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267.
RUBIN, TED.
"EXEMPLARY PROJECT FIELD REPORT: THE MINNESOTA RESTITUTION CENTER,"
CAMBRIDGE: ABT ASSOCIATES, INC., JANUARY 21, 1974.
DESCRIBES THE ORIGINAL PLAN AND ORGANIZATION OF THE RESTITUTION CENTER
PROGRAM AS WELL AS RECENT DEVELOPMENTS IN RELATION TO THE FIRING OF THE
DIRECTOR. THE REPORT IS BASED UPON INTERVIEWS WITH PROGRAM STAFF AS
WELL AS PUBLISHED REPORTS ON THE PROGRAM.

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268.

RYAN, MICK.

"RADICAL ALTERNATIVES TO PRISON," POLITICAL QUARTERLY, 47:1, JANUARY-MARCH 1976, PP. 71-81.

AN HISTORICAL ANALYSIS OF RECENT DEVELOPMENTS OF ENGLAND'S RADICAL ALTERNATIVES TO PRISON (RAP) GROUP--AN ORGANIZATION DEDICATED TO CORRECTIONAL REFORM. THE ARTICLE INCLUDES THE GROUP'S ARGUMENTS AGAINST THE BRITISH COMMUNITY SERVICE ORDER SCHEME. COMMUNITY SERVICE ORDERS ARE PERCEIVED AS CONTAINING CONFLICTING AIMS (PUNITIVE AND REHABILITATIVE) AND SUPPORTING BOURGEOIS VALUES.

269.

SAMUELS, ALEC.

"COMPENSATION AND RESTITUTION," NEW LAW JOURNAL (ENGLAND), VOL. 120, MAY 21, 1970, PP. 475-476.

RECOGNIZES THE GENERAL INEFFECTIVENESS OF RESTITUTION TO REIMBURSE VICTIMS AND SUGGESTS LAW CHANGES NECESSARY TO MAKE THE UTMOST USE OF RESTITUTION.

270.

SCHAFFER, STEPHEN.

"THE CORRECTIONAL REJUVINATION OF RESTITUTION TO VICTIM OF CRIME," INTER-DISCIPLINARY PROBLEMS IN CRIMINOLOGY: PAPERS PRESENTED AT THE ANNUAL MEETING OF THE AMERICAN SOCIETY OF CRIMINOLOGY MONTREAL, CANADA, DEC. 28-30, 1964, PP. 159-168.

CORRECTIONAL RESTITUTION MAY BE DISTINGUISHED FROM CIVIL DAMAGES ON THIS VERY POINT, THAT, WHILE THE LATTER ARE SUBJECT TO COMPROMISE AND ARE NOT IN EVERY CASE SATISFIED BY THE WRONGDOER HIMSELF, RESTITUTION, LIKE PUNISHMENT, SHOULD ALWAYS BE THE SUBJECT OF JUDICIAL CONSIDERATION IN THE CRIMINAL PROCEDURE. CORRECTIONAL RESTITUTION IS A PART OF THE PERSONAL PERFORMANCE OF THE WRONGDOER, AND SHOULD EVEN THEN BE EQUALLY BURDENSOME, REFORMATIVE, AND JUST FOR ALL CRIMINALS, IRRESPECTIVE OF THEIR MEANS AND CRIMES, WHETHER THEY BE MILLIONAIRES OR LABORERS, MURDERERS OR SHOPLIFTERS. IF RESTITUTION IS UNCONNECTED WITH THE OFFENDER'S PERSONAL WORK, AND CAN BE PERFORMED FROM HIS PROPERTY OR BY OTHERS, THIS WOULD HELP THE VICTIM, BUT WOULD MINIMIZE RESTITUTION'S REFORMATIVE-CORRECTIVE CHARACTER. ON THE OTHER HAND, IF THE PERFORMANCE OF THE RESTITUTIVE OBLIGATION AFFECTED THE FREEDOM OF WORK OF THE OFFENDER, OR EVEN HIS PERSONAL LIBERTY, THIS WOULD MEAN THE EXTENSION OF HIS SENTENCED PUNISHMENT. IF THE OFFENDER WERE AT LIBERTY AFTER HE HAD SERVED HIS PUNISHMENT, BUT HAD TO MAKE RESTITUTION TO HIS VICTIM THROUGH HIS PERSONAL WORK, RESTITUTION WOULD RETAIN ITS REFORMATIVE-CORRECTIVE CHARACTER, AND COULD BE REGARDED NOT AS AN EXTENSION BUT A PART OF THE SENTENCE. (ABSTRACTS ON CRIMINOLOGY AND PENOLOGY)

271.

SCHAFFER, STEPHEN.

"RESTITUTION TO VICTIMS OF CRIME--AN OLD CORRECTIONAL AIM MODERNIZED," MINNESOTA LAW REVIEW, 50:2, DECEMBER, 1965, PP. 243-265.

AFTER ESTABLISHING AN HISTORICAL PERSPECTIVE OF CRIMINAL PUNISHMENT AND VICTIM RESTITUTION. THE AUTHOR PROPOSES A NEW CONCEPT OF CORRECTIONAL RESTITUTION COMBINING CIVIL LAW COMPENSATION WITH THE MEDIEVAL NOTION OF COMPOSITION.

"COMPOSITION" AS USED HERE REFERS TO THE MEDIEVAL PUNITIVE APPROACH OF "MAKING UP" OR "MAKING WHOLE". INCLUDED IN THE PAPER ARE SOME RESULTS FROM THE AUTHOR'S RESEARCH INTO OFFENDERS' WILLINGNESS TO COMPENSATE VICTIMS. (NCJRS)

272.

SCHAFFER, STEPHEN.

"VICTIM COMPENSATION AND RESPONSIBILITY," SOUTHERN CALIFORNIA LAW REVIEW, 43:1, 1970, PP. 55-67.

REVIEWS BOTH HISTORICAL AND CONTEMPORARY PROGRAMS OF COMPENSATION AND RESTITUTION. THE AUTHOR SUGGESTS THAT IN THOSE CASES WHERE INCARCERATION IS NOT A PRACTICAL NECESSITY THE REFORMATIVE AND REHABILITATIVE FUNCTIONS OF THE CRIMINAL LAW WOULD BE ENHANCED BY A SYSTEM OF CORRECTIONAL RESTITUTION.

273.

SCHAFFER, STEPHEN.

"COMPENSATION AND RESTITUTION TO VICTIMS OF CRIME," MONTCLAIR: PATTERSON SMITH, 1970.

THE AUTHOR STATES THAT HE HAS APPROACHED HIS STUDY FROM TWO ANGLES IN AN ATTEMPT TO SERVE NOT ONLY THE IDEAS OF VICTIMOLOGY, BUT THE TASKS OF PENOLOGY AS WELL. RESTITUTION SHOULD HELP NOT ONLY THE VICTIM, BUT AT THE SAME TIME IT SHOULD REFINE THE PRACTICAL CONCEPT OF PUNISHMENT. SCHAFFER'S APPROACH DIFFERS FROM PAST SOLUTIONS IN WHICH RESTITUTION APPEARED ALMOST ENTIRELY AS A CRIMINAL RETRIBUTION. SCHAFFER STUDIES THE COMMON PAST OF RESTITUTION AND PUNISHMENT AND THE DECLINE OF RESTITUTION FROM A HISTORICAL PERSPECTIVE. HE THEN COVERS LEGISLATION IN VARIOUS COUNTRIES OF EUROPE, THE AMERICAS, THE MIDDLE AND FAR EAST, AUSTRALIA, AFRICA, AND COMMUNIST TERRITORIES. SPECIAL EMPHASIS IS GIVEN TO THE UNITED KINGDOM. PUNISHMENT AND RESTITUTION ARE EXAMINED FROM THE STANDPOINTS OF RESTITUTIVE CONCEPT OF PUNISHMENT, PUNITIVE CONCEPT OF PUNISHMENT, AND JUSTIFICATION OF COMPENSATION AND CORRECTIONAL RESTITUTION. DEVELOPMENTS IN VICTIM COMPENSATION TO 1970 ARE EXAMINED FOR NEW ZEALAND, THE UNITED KINGDOM, AND THE UNITED STATES. THE APPENDIX CONTAINS A SURVEY QUESTIONNAIRE THAT SERVED AS A BASIC STARTING POINT FOR FURTHER INVESTIGATION AND STATUTES ON GOVERNMENTAL COMPENSATION FOR THE STATES OF CALIFORNIA, HAWAII, MARYLAND, MASSACHUSETTS, AND NEW YORK, AND A PROPOSED FEDERAL BILL (S.9). (NCJRS)

274.

SCHAFFER, STEPHEN.

"CORRECTIVE COMPENSATION," TRIAL, MAY/JUNE, 1972, PP. 25-27.

THE CRIMINAL JUSTICE SYSTEM'S EMPHASIS ON REFORM AND REHABILITATION OF THE CRIMINAL HAS RESULTED IN NEGLECT OF THE VICTIM. A SYSTEM OF CORRECTIONAL RESTITUTION WOULD HAVE THREE ELEMENTS OF PUNISHMENT: PROTECTION OF LAW AND ORDER, REFORM OF THE CRIMINAL, AND RESTITUTION TO THE VICTIM. THE OFFENDER WOULD BE REQUIRED TO MAINTAIN A RELATIONSHIP WITH THE VICTIM UNTIL THE VICTIM'S PRE-INJURY CONDITION HAD BEEN RESTORED TO THE FULLEST EXTENT POSSIBLE.

275.

SCHAFFER, STEPHEN.

"THE PROPER ROLE OF A VICTIM-COMPENSATION SYSTEM," CRIME AND DELINQUENCY, 21:1, JANUARY, 1975, PP. 45-49.

COMPENSATION TO THE VICTIM OF A CRIMINAL INJURY IS NOT EFFECTIVE IF IT CONSISTS MERELY OF FINANCIAL REMEDY SUPPLIED BY THE STATE. IT SHOULD TAKE THE FORM OF PUNITIVE RESTITUTION; THAT IS, IT MUST COME FROM THE OFFENDER'S RESOURCES (EITHER MONEY OR SERVICE) AND IT MUST BE PART OF THE CRIMINAL COURT SENTENCE BY BEING TIED TO WHATEVER REFORMATIVE PLAN IS CONTEMPLATED. CORRECTIONAL RESTITUTION GOES A SIGNIFICANT STEP FURTHER THAN COMPENSATION BY REQUIRING THE OFFENDER TO MAINTAIN A RELATIONSHIP WITH THE VICTIM UNTIL THE VICTIM'S PRE-INJURY CONDITION HAS BEEN RESTORED TO THE FULLEST EXTENT POSSIBLE. IT COMPENSATES THE VICTIM, RELIEVES THE STATE OF SOME BURDEN OF RESPONSIBILITY, AND PERMITS THE OFFENDER TO PAY HIS DEBT TO SOCIETY AND TO HIS VICTIM. THUS IT MAKES A CONTRIBUTION TO THE REFORMATIVE AND CORRECTIVE GOALS OF CRIMINAL LAW AND FINDS ITS PROPER PLACE IN THE CRIMINAL JUSTICE SYSTEM. SIX RATIONALES FOR COMPENSATION PROGRAMS ARE IDENTIFIED AND ALL FOUND TO BE INSUFFICIENT TO JUSTIFY A PUBLIC VICTIM COMPENSATION PROGRAM UNLESS THE OFFENDER IS ALSO INVOLVED; THE RATIONALES ARE LEGAL OBLIGATION, SOCIAL WELFARE, GRACE OF GOVERNMENT, CRIME PREVENTION, POLITICAL REASONS, AND ANTI-ALIENATION. (CRIME AND DELINQUENCY)

276.

SCHAFFER, STEPHEN.

"THE RESTITUTIVE CONCEPT OF PUNISHMENT,"--IN-HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.

TRACES THE HISTORY OF RESTITUTION AND PROPOSES THE IDEA OF PUNITIVE RESTITUTION; RESTITUTION IS TO BE A PART OF THE PENALTY IMPOSED UPON THE WRONGDOER AND WHILE IT MAY HAVE REHABILITATIVE IMPACT ON THE OFFENDER, IT IS PUNISHMENT AND NOT REHABILITATION WHICH IS SEEN AS THE MAJOR FUNCTION OF RESTITUTION.

277.

SCHNEIDER, ANNE L. AND PETER R. SCHNEIDER.

"POLICY EXPECTATIONS AND PROGRAM REALITIES IN JUVENILE RESTITUTION,"--IN-HUDSON, J. AND B. GALAWAY, EDS., VICTIMS, OFFENDERS, AND ALTERNATIVE SANCTIONS, LEXINGTON: D.C. HEATH/LEXINGTON BOOKS, 1980.

DESCRIBES THE IMPLEMENTATION OF THE JUVENILE RESTITUTION INITIATIVE FUNDED BY THE OFFICE OF JUVENILE JUSTICE AND EXAMINES FACTORS CONTRIBUTING TO THE DIFFICULTIES EXPERIENCED BY PROJECTS IN IMPLEMENTING RESTITUTION.

278.

SCHNEIDER, PETER R.

"EXEMPLARY RESTITUTION PROGRAMS," PAPER PRESENTED AT THE SIXTH NATIONAL CONFERENCE ON JUVENILE JUSTICE, SAN DIEGO, CALIFORNIA, FEBRUARY 4-8, 1979.

279.

SCHNEIDER, PETER R.; A.L. SCHNEIDER; P.D. REITER; C.M. CLEARY.
"RESTITUTION REQUIREMENTS FOR JUVENILE OFFENDERS: A SURVEY OF THE PRACTICES
IN AMERICAN JUVENILE COURTS," JUVENILE JUSTICE, 28:4, NOVEMBER, 1977,
PP. 43-56.

THE OBJECTIVES OF THIS STUDY WERE TO ASSESS THE SCOPE AND HISTORY OF
RESTITUTION USE IN AMERICAN JUVENILE COURTS, ASSESS THE TYPES OF
RESTITUTION USED, GOALS OF RESTITUTION, AND ATTITUDES AND EXPECTATIONS
ABOUT RESTITUTION. A SAMPLE OF 197 JUVENILE COURTS WAS DRAWN FROM THE
POPULATION OF JUVENILE COURTS LISTED BY THE NATIONAL COUNCIL OF
JUVENILE COURT JUDGES ASSOCIATION. MAILED QUESTIONNAIRES WERE SENT TO
EACH OF THE SAMPLE OF COURTS AND A FOLLOW UP TELEPHONE CALL WAS MADE.
A TOTAL OF 133 (68 PERCENT) COMPLETED QUESTIONNAIRES WERE OBTAINED.
SIXTY-FOUR COURTS DID NOT RESPOND. THE RESPONDENTS WERE 106 (77 PER-
CENT) JUDGES; 13 (9 PERCENT) JUVENILE PROBATION OFFICERS; 4 (3 PERCENT)
SOCIAL CASEWORKERS.

MAJOR FINDINGS WERE:

1. THE USE OF RESTITUTION WAS REPORTED BY 114 COURTS (36 PERCENT) AND
THESE COURTS NOTED THAT THEY HAD BEEN USING IT FOR AN AVERAGE OF 16.9
YEARS. RESTITUTION WAS MOST COMMONLY USED FOR CASES INVOLVING PROPERTY
LOSS. ALMOST ALL OF THE COURTS (109) PROVIDED FOR SOME SORT OF
MONETARY RESTITUTION PAYMENT AND APPROXIMATELY HALF (52) REQUIRED
RESTITUTION IN THE FORM OF WORK. ONLY 14 COURTS INDICATED THAT MONETARY
RESTITUTION WAS MADE DIRECTLY TO THE VICTIM AND ONLY FIVE INDICATED
THAT WORK WAS PERFORMED DIRECTLY FOR THE VICTIM.
2. THE AMOUNT OF LOSS SUFFERED BY THE VICTIM WAS THE MOST IMPORTANT
FACTOR IN DETERMINING THE AMOUNT OF RESTITUTION TO BE ORDERED. JUDGES
PLAYED THE MAJOR ROLE IN DETERMINING THE AMOUNT OF RESTITUTION TO BE
ORDERED (66 PERCENT) WITH PROBATION OFFICERS GIVEN THIS RESPONSIBILITY
IN APPROXIMATELY 20 PERCENT OF THE CASES, AND VICTIMS IN 15 PERCENT.
PROBATION OFFICERS WERE PRIMARILY RESPONSIBLE FOR ENFORCING THE
RESTITUTION ORDER (66 PERCENT) WHILE APPROXIMATELY 33 PERCENT OF THE
JURISDICTIONS PROVIDED FOR SOME SORT OF FOLLOW UP BY THE COURT.
3. FORTY-EIGHT PERCENT OF THE RESPONDENTS SAID THAT RESTITUTION IN-
CREASES THE JUVENILE'S RATE OF CONTACT WITH THE JUVENILE JUSTICE
SYSTEM. THE GOALS OF REDUCING RECIDIVISM AND ASSISTING VICTIMS WERE
DEFINED AS EQUALLY IMPORTANT BY APPROXIMATELY 75 PERCENT OF THE
RESPONDENTS.
4. BELIEF IN THE EFFECTIVENESS OF RESTITUTION WAS GREATEST FOR PRO-
GRAMS THAT:
 - A. REQUIRED DIRECT PAYMENT TO THE VICTIM RATHER THAN THROUGH AN
INTERMEDIARY;
 - B. MADE AVAILABLE WORK RESTITUTION IN ADDITION TO FINANCIAL RESTITU-
TION;
 - C. ENFORCED THE RESTITUTION ORDER BY THE COURT RATHER THAN BY IN-
DIVIDUAL PROBATION OFFICERS;
 - D. SAW THE PROGRAM GOAL FOR RESTITUTION AS BEING THE BENEFIT OF THE
YOUTH RATHER THAN THE COMPENSATION OF THE VICTIM. (NCJRS)

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280.

SCHNEIDER, PETER R., AND ANNE L. SCHNEIDER.
"THE NATIONAL JUVENILE RESTITUTION EVALUATION: EXPERIMENTAL DESIGNS AND
RESEARCH OBJECTIVES," PAPER PRESENTED AT THE THIRD NATIONAL SYMPOSIUM ON
RESTITUTION, DULUTH, MINNESOTA, SEPTEMBER 28-29, 1979.

THIS PAPER DESCRIBES THE NATIONAL EVALUATION BEING COMPLETED ON THE
JUVENILE RESTITUTION INITIATIVE FUNDED BY THE OFFICE OF JUVENILE JUSTICE
AND DELINQUENCY PREVENTION. EIGHTY-FIVE SEPARATE RESTITUTION PROJECTS
IN 26 STATES, PUERTO RICO, AND THE DISTRICT OF COLUMBIA ARE INCLUDED.
THIRTY-FIVE OF THE PROJECTS ARE DIRECTLY FUNDED AND 50 OTHERS OPERATE
UNDER OMNIBUS GRANTS TO SIX STATEWIDE AGENCIES.

STUDY DESIGN INVOLVES A VARIETY OF EXPERIMENTAL AND NON-EXPERIMENTAL
RESEARCH DESIGNS TO ASSESS THE POPULATION OF PROJECTS. SIX PROJECT
SITES ARE USING AN EXPERIMENTAL DESIGN AS THESE FOCUS ON OUTCOME
MEASURES AND INVOLVE COMPARISONS BETWEEN RESTITUTION AND NON-RESTITU-
TION DISPOSITIONS. THE SECOND MAJOR TYPE OF DESIGN IS NON-EXPERIMENTAL
AND AIMED AT DOCUMENTING THE PROGRESS OF THE PROGRAMS.

DATA IS BEING COLLECTED THROUGH A VARIETY OF MEANS, INCLUDING OFFICIAL
RECORDS, INTERVIEW SCHEDULES, PARTICIPANT OBSERVATION, AND MANAGEMENT
INFORMATION SYSTEM FORMS. A VARIETY OF ANALYTIC PROCEDURES ARE BEING
USED.

THE RESEARCH IS STILL IN PROGRESS AND ANY FINDINGS PRESENTED ARE TENTA-
TIVE IN NATURE:

1. INFORMATION IS BEING RECEIVED FROM 55 OF THE 85 PROJECTS FUNDED.
TEN OF THE SITES HAVE BEEN IN OPERATION FOR TEN MONTHS, 36 FOR SEVEN
MONTHS, AND 53 FOR FIVE MONTHS.
2. PRELIMINARY FINDINGS INDICATE THAT THE FUNDING INITIATIVE IS
BEHIND SCHEDULE IN TWO RESPECTS: THE PROJECTS TOOK LONGER THAN EXPECT-
ED TO GET STARTED AND ARE RECEIVING APPROXIMATELY 3/4 OF THE NUMBER OF
REFERRALS ANTICIPATED.
3. THE PROJECTS ARE DIVERSE IN TERMS OF ORGANIZATION BUT TYPICALLY
INVOLVE A YOUTH REQUIRED TO MAKE FINANCIAL RESTITUTION AND PLACED IN A
SUBSIDIZED JOB IN WHICH 75 PERCENT OF THE EARNINGS ARE PAID TO THE
VICTIM. THE YOUTH IS MOST LIKELY TO BE ON PROBATION AND CAN EXPECT TO
RECEIVE SOME KIND OF COUNSELLING AND TRANSPORTATION TO AND FROM THE WORK
SITE. COMPLETION OF THE RESTITUTION ORDERED DOES NOT AUTOMATICALLY
TERMINATE THE PROBATION.
4. THE TYPICAL JUVENILE OFFENDER IN THE PROJECT IS WHITE, MALE,
BETWEEN 15 AND 16 YEARS OF AGE, AND COMES FROM A FAMILY INCOME OF
APPROXIMATELY \$10,000. THE OFFENSE RESULTING IN THE REFERRAL IS MOST
LIKELY BURGLARLY OF A PRIVATE HOME AND THERE WOULD HAVE BEEN AT LEAST
ONE PRIOR INVOLVEMENT WITH THE JUVENILE SYSTEM.
5. THE FIRST PHASE OF THE COST EFFECTIVENESS ANALYSIS HAS COMPARED THE
BUDGETS OF THE FUNDED PROJECTS AND GREAT VARIATIONS WERE NOTED. TWO
YEAR BUDGETS RANGED FROM \$120,391 TO \$1,124,841 AND THE COST PER CASE
RANGED FROM \$228 TO \$3,819. PERSONNEL COSTS AMOUNTED TO THE LARGEST
SINGLE BUDGET ITEM, AVERAGING APPROXIMATELY 55 PERCENT ACROSS THE
PROJECTS, WITH THE SECOND LARGEST ITEM THE SUBSIDY FOR EMPLOYMENT,
AVERAGING ABOUT 21 PERCENT OF COSTS ACROSS THE PROJECT BUDGETS.

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281.

SCHNIER, JACQUES.

"RESTITUTION ASPECTS OF THE CREATIVE PROCESS," AMERICAN IMAGO, VOL. 14, 1957, PP. 211-223.

PAPER PRESENTED ON THE RESTITUTION ASPECTS OF THE CREATIVE PROCESS (IN THE ARTS) ACCORDING TO PSYCHOANALYTIC THEORY. AUTHOR CONTENDS THAT IN MOST INSTANCES THE SUBJECT MATTER OF ART REPRESENTS SYMBOLS OR SUBSTITUTES FOR UNCONSCIOUS IDEAS OR INSTINCTUAL URGES SEEKING EXPRESSION. THROUGH THE CREATIVE PROCESS THE ARTIST IS PROVIDED WITH A POWERFULLY EFFECTIVE SYMBOLIC MEANS FOR PERFORMING AN ACT OF RESTITUTION. THE SPECTATOR UPON VIEWING THE ARTIST'S SUCCESSFUL CREATION SIMILARLY EXPERIENCES UNCONSCIOUSLY THIS RESURRECTION. THROUGH HIS ENJOYMENT OF THE WORK OF ART, HE IS PURGED OF GUILT, FEELS A DECREASE OF INNER TENSIONS, AND A HEIGHTENING OF HIS SELF-ESTEEM.

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282.

SCHWERIN, KURT.

"GERMAN COMPENSATION FOR VICTIMS OF NAZI PERSECUTION," NORTHWESTERN UNIVERSITY LAW REVIEW, 67:4, SEPTEMBER-OCTOBER, 1972, PP. 479-527. HISTORICAL ACCOUNT OF THE RESTITUTION AND COMPENSATION PROVISIONS ENACTED IN GERMAN LAW FOR THE DAMAGE DONE JEWS AND OTHER GROUPS PERSECUTED BY THE NAZI REGIME. THE LAWS THEMSELVES, THEIR RESULTS AND CONSEQUENCES ARE ADDRESSED.

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283.

SEEVERS, M. J. AND M. COLLINS.

"COMMUNITY SERVICE IN THE HOSPITAL SETTING," PROBATION JOURNAL, 24:4, 1977, PP. 130-133.

THE CHASE HOSPITAL IN CANNOCK IS ATTACHED TO THE MID-STAFFORDSHIRE HEALTH DISTRICT AND CONSISTS OF THREE UNITS, ONE OF WHICH IS A 55-BED HOSTEL FOR MENTALLY HANDICAPPED ADULTS. THE INITIAL FEELINGS OF APPREHENSION AND THE RESERVATIONS EXPRESSED ABOUT THE USEFULNESS OF COMMUNITY SERVICE WORKERS IN THE HOSPITAL SETTING HAVE BEEN ALLAYED BY THE EXCELLENCE OF THE WORK CARRIED OUT BY THREE WORKERS. THE FACT THAT THE WORKERS HAVE CONTINUED TO GIVE THEIR SERVICE VOLUNTARILY WELL BEYOND THE PERIOD REQUIRED BY THE COURT INDICATES THE LEVEL AT WHICH THEY ARE ABLE TO FUNCTION IN SETTINGS WHICH MAKE GROSS DEMANDS ON BOTH THEIR PHYSICAL AND EMOTIONAL RESOURCES. (ABSTRACTS ON CRIMINOLOGY AND PENOLGY)

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284.

SERRILL, MICHAEL S.

"THE MINNESOTA RESTITUTION CENTER," CORRECTIONS MAGAZINE, 1:3, JANUARY-FEBRUARY, 1975, PP. 13-20.

THE COMPENSATION PLAN AS DESCRIBED IN THIS ARTICLE FOR THE STATE OF MINNESOTA WAS DESIGNED TO AID NOT ONLY THE VICTIM OF THE CRIME BUT ALSO TO REHABILITATE THE OFFENDER. IN ORDER TO QUALIFY FOR THE PROGRAM, THE OFFENDER MUST NOT HAVE COMMITTED A VIOLENT CRIME NOR HAVE A HISTORY OF VIOLENCE FOR AT LEAST FIVE YEARS. HIS EARNING ABILITY ALSO MUST BE WITHIN THE REQUIREMENTS OF THE RESTITUTION. FOR EXAMPLE, A DISHWASHER COULD NOT QUALIFY FOR \$50,000 RESTITUTION. THE PROGRAM OPERATED OUTSIDE OF PRISON AT A SPECIAL RESTITUTION CENTER WHERE THE OFFENDER PAYS ROOM AND BOARD. THE OFFENDER WORKS AT FULL TIME EMPLOYMENT AND SIGNS A CONTRACT TO REPAY THE VICTIM IN INSTALLMENTS. THE PROGRAM ENCOURAGES FACE TO FACE MEETINGS BETWEEN OFFENDER AND VICTIM. WHERE THIS HAS TAKEN PLACE, THE OFFENDER OFTEN HAS COME AWAY FEELING GUILTY FOR HAVING HURT "SUCH A NICE PERSON." THE VICTIM HAS LEFT WITH EMPATHY FOR THE OFFENDER AND HIS PROBLEMS, WHICH IS ONE OF THE OBJECTIVES OF THE PROGRAM. ADMINISTRATIVE PROBLEMS AND EXPERIENCES OF THE PROGRAM ARE CITED. (NCJRS)

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285.

SHANNON, WILLIAM.

"ADAMS/BROWN COUNTIES" JUVENILE RESTITUTION PROGRAM," PAPER PRESENTED AT THIRD SYMPOSIUM ON RESTITUTION, DULUTH, MINNESOTA, SEPTEMBER 27-28, 1979. DESCRIBES THE PLANNING, IMPLEMENTATION, AND CURRENT OPERATIONAL STATUS OF A JUVENILE RESTITUTION PROJECT.

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286.

SIMS, PAT AND MARY ELLEN CORTIN.

"OWENSBORO COURT REFERRAL PROGRAM: EVALUATION REPORT," FRANKFORT: KENTUCKY DEPARTMENT OF JUSTICE, 1976.

A SIX-MONTH EVALUATION OF THE GOAL ACHIEVEMENTS OF THE COURT REFERRAL PROGRAM (CRP), WHICH PROVIDES AN ALTERNATIVE SENTENCE OF COMMUNITY SERVICE TO ADULT MISDEMEANANTS AND JUVENILES REFERRED BY JUVENILE COURTS. THIS POST-CONVICTION DIVERSION PROGRAM IS DESIGNED TO PROVIDE ABENEFICIAL AND COST EFFECTIVE CORRECTIONAL ALTERNATIVE FOR ADULT MISDEMEANANTS AND JUVENILE COURT REFERRALS. ITS OBJECTIVE IS TO PLACE 10 OFFENDERS A MONTH AS VOLUNTEERS IN COMMUNITY SERVICE AGENCIES, WITH AN OVERALL SUCCESS RATE OF 80 PERCENT AMONG THE REFERRED OFFENDERS DURING THE PROJECT PERIOD. THE EVALUATION ASSESSED CRP EFFORTS IN TERMS OF: 1) PROJECT OPERATIONS, PLACEMENTS, SUCCESS OF PLACEMENTS, AND AGENCIES RECEIVING PLACEMENTS, AND 2) PROJECT IMPACT ON THE CRIMINAL JUSTICE SYSTEM, I. E., USE OF THE PROGRAM BY THE COURTS, COST EFFECTIVENESS, EFFECT ON RECIDIVISM, AND REPORTS FROM COMMUNITY AGENCIES RECEIVING PLACEMENTS. THE EVALUATION SHOWED THAT THE OBJECTIVE OF PROVIDING A COST EFFECTIVE ALTERNATIVE WAS NOT MET, SINCE MOST SENTENCING ALTERNATIVES ARE LESS EXPENSIVE. IT WAS NOT POSSIBLE TO DIRECTLY ASSESS THE BENEFITS OF THE CRP. THE OBJECTIVE OF A PLACEMENT RATE OF 10 REFERRALS PER MONTH WAS PARTIALLY MET. (NCJRS)

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287.

SKOUSEN, W. CLEON.

"A WAY TO DRASTICALLY CUT THE PRISON POPULATION," LAW AND ORDER, 23:12, DECEMBER, 1975, PP. 8-11.

COMMENTS ON A PROPOSAL BY AN ASSISTANT US ATTORNEY GENERAL, JOHN M. GREACEN, TO GO BACK TO THE ORIGINAL COMMON LAW PRACTICE OF TREATING LESS SERIOUS CRIMES AGAINST PERSONS AND PROPERTY AS TORTS INSTEAD OF CRIMES.

ADVANTAGES OF THIS APPROACH ARE OUTLINED AND SOME CASES WHERE EXPERIMENTS WITH SOME ASPECTS OF THIS SUGGESTED REFORM HAVE PROVIDED SIGNIFICANT EVIDENCE ARE DISCUSSED. (NCJRS)

288.

SLATER, T.

"RESTITUTION," CATHOLIC ENCYCLOPEDIA: AN INTERNATIONAL WORK OF REFERENCE ON... NEW YORK: ENCYCLOPEDIA PRESS, 1913.

EXAMINATION OF THE CONCEPT OF RESTITUTION IN MORAL THEOLOGY.

289.

SMITH, KATHLEEN D.

"IMPLEMENTING RESTITUTION WITHIN A PENAL SETTING: THE CASE FOR THE SELF-DETERMINANT SENTENCE,"--IN-HUDSON, J. AND BURT GALAWAY, RESTITUTION IN CRIMINAL JUSTICE, LEXINGTON: D. C. HEATH, 1977.

DESCRIBES THE CONCEPT OF A SELF-DETERMINANT SENTENCE AS THIS WOULD INVOLVE PRISONERS WORKING AT WAGES AND EXPECTED TO PAY RESTITUTION.

290.

SMITH, KATHLEEN J.

"A CURE FOR CRIME,"--IN-HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.

DESCRIBES THE USE OF RESTITUTION WITHIN A PENAL SETTING; THE TIME AN OFFENDER WOULD SERVE IN PRISON WOULD BE LARGELY A FUNCTION OF MAKING RESTITUTION. INMATES WOULD BE PAID AT PREVAILING UNION WAGES AND EXPECTED TO PAY FOR THE DAMAGES DONE.

291.

SMITH, LAURANCE S.

"MERE PEOPLE AND CRIMINAL JUSTICE: A PROPOSAL FOR PERSONAL RESPONSIBILITY," CALIFORNIA STATE BAR JOURNAL, 51:5, JULY-AUGUST, 1976, PP. 388-391, 426-427.

THE ORIGIN AND DEVELOPMENT OF A CONTEMPORARY CRIMINAL LAW WHICH HAS "FORGOTTEN" THE VICTIM IS TRACED WITH THE AUTHOR CONCLUDING THAT INDIVIDUAL VICTIMS SHOULD ONCE AGAIN BE RECOGNIZED AS PARTIES IN PROSECUTIONS FOR CRIMES AGAINST THEIR PERSON OR PROPERTY.

292.

SOFTLEY, PAUL.

"COMPENSATION ORDERS IN MAGISTRATES' COURTS," HOME OFFICE RESEARCH STUDY NUMBER 43, LONDON: HER MAJESTY'S STATIONARY OFFICE, OCTOBER 1977.

SECTION 1 OF THE CRIMINAL JUSTICE ACT OF 1972 IN GREAT BRITAIN PROVIDED MAGISTRATES' COURTS AND CROWN COURTS A GENERAL POWER TO ORDER AN OFFENDER TO PAY COMPENSATION FOR PERSONAL INJURY, LOSS OR DAMAGE RESULTING FROM A CRIMINAL OFFENSE. MAGISTRATES' COURTS COULD ORDER COMPENSATION UP TO 400 POUNDS FOR EACH OFFENSE THE OFFENDER WAS CONVICTED OF. CROWN COURTS HAD NO LIMIT ON THE AMOUNT OF COMPENSATION THAT COULD BE ORDERED, ALTHOUGH THE OFFENDERS' ABILITY SHOULD BE CONSIDERED.

THE PURPOSE OF THIS STUDY WAS TO ASSESS THE EXTENT TO WHICH COURTS WERE ORDERING OFFENDERS TO PAY COMPENSATION, TO INVESTIGATE HOW THE STATUTES WERE BEING APPLIED, AND TO CONSIDER THE EFFECTIVENESS OF THE COMPENSATION ORDER AS A METHOD OF REDRESS.

THE STUDY DESIGN RAN AS FOLLOWS: DURING THE WEEK BEGINNING SEPTEMBER 29, 1974, ALL CHIEF CONSTABLES IN THE COUNTRY WERE ASKED TO PROVIDE DETAILS ON EACH CHARGE WHICH RESULTED DURING THAT WEEK IN THE SUMMARY CONVICTION OF A DEFENDANT, AGE 17 OR OVER, FOR THE OFFENSES OF BURGLARY, THEFT, OBTAINING PROPERTY BY DECEPTION, CRIMINAL DAMAGE, WOUNDING, OR ASSAULT OCCASIONING BODILY HARM. IN APRIL, 1975, CLERKS OF COURTS WERE ASKED TO PROVIDE INFORMATION ON THE RESULTS OF PROCEEDINGS CONCERNING THE CHARGES ON THE STUDY POPULATION, AND, FOR THOSE CASES WHERE CONVICTION RESULTED, TO RECORD PAYMENTS RECEIVED WITHIN SIX MONTHS OF SENTENCE. A YEAR LATER, IN APRIL 1976, A FURTHER REQUEST WAS MADE TO CLERKS OF COURTS FOR DETAILS OF SUBSEQUENT PAYMENTS AND ACTION TAKEN TO ENFORCE PAYMENTS, SO THAT A RECORD OF THE OUTCOMES OF EACH EXTENDED UP TO EIGHTEEN MONTHS FROM THE DATE OF SENTENCE.

MAJOR FINDINGS WERE:

1) OF THE 3,240 DEFENDANTS SENTENCED BY THE COURTS, APPROXIMATELY 10 PERCENT WERE CONVICTED OF BURGLARY, 61 PERCENT OF THEFT, 5 PERCENT OF OBTAINING PROPERTY BY DECEPTION, 12 PERCENT FOR CRIMINAL DAMAGE AND 11 PERCENT FOR WOUNDING OR ASSAULT.

2) FOR EACH TYPE OF PROPERTY OFFENSE, THE MAJORITY OF VICTIMS WERE BUSINESSES.

3) IN 50 PERCENT OF THE CASES OF OFFENDERS CONVICTED OF PROPERTY OFFENSES, THE VALUE OF THE UNRECOVERED PROPERTY OR DAMAGE WAS LESS THAN 25 PENCE; ONLY 1 PERCENT OF THE OFFENSES RESULTED IN LOSS OR DAMAGE GREATER THAN 400 POUNDS.

4) THE ORDERING OF COMPENSATION WAS RELATED TO THE OFFENDER'S INCOME.

5) MOST COMMONLY, OFFENDERS ORDERED TO MAKE COMPENSATION WERE ALSO REQUIRED TO PAY A FINE.

6) THE DECISION TO IMPOSE A NON-CUSTODIAL, RATHER THAN A CUSTODIAL, PENALTY WAS THE MOST IMPORTANT FACTOR IN ORDERING COMPENSATION.

7) APPROXIMATELY ONE THIRD OF THOSE ORDERED TO PAY COMPENSATION DID SO WITHIN ONE MONTH; APPROXIMATELY HALF HAD PAID WITHIN THREE MONTHS;

APPROXIMATELY THREE QUARTERS HAD PAID WITHIN EIGHTEEN MONTHS.

8) APPROXIMATELY ONE QUARTER OF THOSE ORDERED TO PAY COMPENSATION HAD NOT MADE ANY PAYMENTS WITHIN EIGHTEEN MONTHS.

9) ONE THIRD OF THOSE OFFENDERS WHO HAD NOT MADE ANY PAYMENTS WITHIN EIGHTEEN MONTHS WERE COMMITTED TO PRISON IN DEFAULT.

10) THE MOST SIGNIFICANT FACTOR RELATED TO NON-PAYMENT WAS THE AMOUNT OF COMPENSATION ORDERED BY THE COURTS; THE SECOND MOST IMPORTANT FACTOR WAS THE CRIMINAL RECORD OF THE OFFENDER; THE THIRD MOST IMPORTANT FACTOR WAS THE AGE OF THE OFFENDER.

293.

SOFTLEY, PAUL AND ROGER TARLING.

"COMPENSATION ORDERS AND CUSTODIAL SENTENCES," CRIMINAL LAW REVIEW, VOL. 12, 1977, PP. 720-722.

THE AIM OF THIS STUDY IS TO ASSESS WHETHER COMPENSATION (RESTITUTION) IS PAID WHEN IT IS ORDERED ALONG WITH A CUSTODIAL SENTENCE OR WHETHER A TERM OF IMPRISONMENT IS SERVED IN DEFAULT OF PAYING THE RESTITUTION ORDER.

AN AFTER-ONLY, NON-EXPERIMENTAL TYPE OF DESIGN IS USED. THE SAMPLE USED IN THE RESEARCH AMOUNTED TO 34 OFFENDERS SENTENCED BY THE CROWN COURT IN LONDON TO IMPRISONMENT, BORSTAL TRAINING, OR DETENTION FOR PROPERTY OFFENSES RESULTING IN LOSS OR DAMAGE. MOST OF THE OFFENDERS WERE SENTENCED IN 1973. IN CONJUNCTION WITH A CUSTODIAL SENTENCE, ALL OF THE OFFENDERS HAD BEEN ORDERED TO MAKE RESTITUTION. BECAUSE FIVE OF THE OFFENDERS HAD APPEALED THE COMPENSATION ORDER AND HAD IT REMOVED, THEY WERE NOT INCLUDED IN THE FINAL SAMPLE. NO INFORMATION IS AVAILABLE ON TWO OF THE CASES AND THEREFORE, THE FINAL SAMPLE NUMBERED 27. DATA WAS OBTAINED FROM OFFICIAL FILES IN THE COURT AND PROSECUTOR'S OFFICES.

MAJOR FINDINGS WERE:

1. APPROXIMATELY THREE YEARS AFTER THE INITIAL ORDER, FOUR OF THE 27 OFFENDERS ON WHICH DATA WAS AVAILABLE HAD MADE FULL RESTITUTION, 8 HAD PAID PART OF THE RESTITUTION, 15 HAD MADE NO PAYMENT.
2. OF THE 17 OFFENDERS ORDERED TO PAY AMOUNTS WHICH DID NOT EXCEED 100 POUNDS, ONLY THREE HAD PAID IN FULL.
3. IN 20 OF THE 27 CASES, COURTS HAD ATTEMPTED TO ENFORCE PAYMENT AND AS A RESULT, FIVE OF THE OFFENDERS HAD BEEN COMMITTED TO PRISON IN DEFAULT OF PAYMENT AND IN 18 OF THE CASES, NOTHING HAD BEEN DONE.
4. OF THE 27 CASES, IT IS FOUND THAT 16 HAD BEEN RECONVICTED AND 11 HAD NOT.

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294.

SPENCER, HERBERT.

"PRISON ETHICS,"--IN-HUDSON, J. AND B. GALAWAY, EDS., CONSIDERING THE VICTIM, SPRINGFIELD: THOMAS PUBLISHERS, 1975.

ARGUES THE IMMORALITY OF INFLECTING UNNECESSARY PAIN ON OFFENDERS AND FOR ENFORCED WRONGDOER REPARATION TO THE VICTIM. THE SYSTEM OF PRISON ETHICS SUGGESTED INVOLVES MAKING RESTITUTION, PLACING THE OFFENDER UNDER RESTRAINTS SO AS TO PROVIDE FOR SOCIAL SECURITY, PLACING RESPONSIBILITY ON THE OFFENDER TO MAINTAIN HIMSELF WHILE LIVING IN CONFINEMENT.

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295.

STENNING, PHILIP, AND S. CIANO.

"RESTITUTION AND COMPENSATION AND FINES," OTTAWA LAW REVIEW, VOL. 7, JULY, 1975, PP. 316-329.

A REVIEW OF THE LAW REFORM COMMISSION OF CANADA WORKING PAPER ON RESTITUTION AND COMPENSATION AND FINES. THE CENTRAL INGREDIENTS OF THE WORKING PAPERS ARE REVIEWED AND IT IS NOTED THAT THE CENTRAL ASSUMPTION AND MAJOR CONCLUSION OF THE PAPER IS THAT RESTITUTION IS A NATURAL AND OBVIOUS PRIMARY FOCUS OF THE CRIMINAL LAW AND THEREFORE SHOULD BE ACHIEVED THROUGH THE ADAPTATION OF SENTENCING POLICIES AND PRACTICES AT THE CONCLUSION OF CRIMINAL TRIALS. THE AUTHORS TAKE ISSUE WITH THIS CONCLUSION AND NOTE THAT IF RESTITUTION AND COMPENSATION ARE SUCH OBVIOUS AND NATURAL PRIORITIES OF THE CRIMINAL LAW AND THE CRIMINAL JUSTICE SYSTEM, HOW IS IT THAT OVER THE EIGHT OR NINE HUNDRED YEARS OF DEVELOPMENT OF THAT CRIMINAL LAW THEY HAVE RECEIVED SUCH LITTLE ATTENTION? FURTHER, THE AUTHORS NOTE THAT RESTITUTION AND COMPENSATION UNDER PRESENT LAW ARE LARGELY IGNORED. THE DISTINCTION BETWEEN THE CIVIL AND CRIMINAL LAW IS DESCRIBED AND IT IS SUGGESTED THAT SUCH A DISTINCTION IS AN IMPORTANT WEAKNESS IN THE WORKING PAPERS. IT IS NOTED THAT NO EVIDENCE IS PROVIDED BY THE COMMISSION ON THE ALLEGED "PROBLEM" REQUIRING CHANGE IN THE CONTEMPORARY USE OF RESTITUTION AND COMPENSATION IN THE CANADIAN LEGAL SYSTEM.

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296.

STERGGERDA, ROGER D. AND SUSAN DELPHIN.

"AN ASSESSMENT OF THE RESTITUTION IN PROBATION EXPERIMENT OPERATED BY THE FIFTH JUDICIAL DISTRICT DEPARTMENT OF COURT SERVICES, POLK," DES MOINES: POLK COUNTY DEPARTMENT OF EVALUATION, 1975.

THE AIM OF THIS RESEARCH WAS TO DESCRIBE THE NATURE OF THE EFFORT EXPENDED IN THIS PROGRAM. NO ATTEMPT WAS MADE TO ASSESS THE OUTCOME EFFECTS OF RESTITUTION ON OFFENDERS OR VICTIMS SERVED.

1974 IOWA LEGISLATION REQUIRED RESTITUTION AS A CONDITION OF EITHER DEFERRED PROSECUTION OR PROBATION. THE RESTITUTION IN PROBATION EXPERIMENT WAS ESTABLISHED IN THE POLK COUNTY (DES MOINES) DEPARTMENT OF COURT SERVICES. THE PROGRAM WAS PARTIALLY MODELED AFTER THE MINNESOTA RESTITUTION CENTER AND INCLUDED AN EMPHASIS ON DIRECT VICTIM-OFFENDER INVOLVEMENT IN THE DEVELOPMENT OF RESTITUTION PLANS. THE PROGRAM WAS NON-RESIDENTIAL AND OPERATED WITH OFFENDERS ON PROBATION OR DEFERRED SENTENCE. REGULAR PROBATION OFFICERS CARRIED BOTH RESTITUTION AND NON-RESTITUTION CASE LOADS.

DATA WAS COLLECTED FOR DEPARTMENT OF COURT SERVICE CLIENTS FOR WHOM A RESTITUTION PLAN WAS DEVELOPED AND IMPLEMENTED FROM JULY 1, 1974 TO NOVEMBER 1, 1975. DATA COLLECTION ACTIVITIES BEGAN IN APRIL, 1975 AND WERE ACCOMPLISHED BY USING SEVERAL INSTRUMENTS. TWO OF THE INSTRUMENTS ARE PART OF THE REGULAR DATA COLLECTION SYSTEM FOR THE ADULT CORRECTIONS SYSTEM IN IOWA AND PROVIDE INFORMATION CONCERNING CLIENT CHARACTERISTICS AND CORRECTIONAL PROGRAM OUTCOME. TWO DATA COLLECTION INSTRUMENTS WERE DEVELOPED FOR THE RESEARCH, ONE WAS COMPLETED WHEN THE RESTITUTION PLAN HAD BEEN DEVELOPED AND GIVES INFORMATION ABOUT THE PLAN, THE VICTIM, AND THE PROCESS THAT WAS FOLLOWED. THE OTHER INSTRUMENT WAS FILLED OUT WHEN THE RESTITUTION PLAN WAS COMPLETED OR TERMINATED AND GIVES INFORMATION ON CLIENT PERFORMANCE. MAJOR FINDINGS: FROM JULY 1, 1974 TO NOVEMBER 1, 1975, 102 OFFENDERS HAD MADE OR WERE MAKING RESTITUTION TO 374 VICTIMS.

MULTIPLE VICTIMS WERE MOST COMMONLY INVOLVED WITH PROGRAM CLIENTS; THERE WAS A SUBSTANTIAL INCREASE IN THE AMOUNT OF RESTITUTION PAID FROM 1972 THROUGH OCTOBER, 1975.

34 OF VICTIMS HAD NO INVOLVEMENT IN THE DEVELOPMENT OF A RESTITUTION PLAN AND APPROXIMATELY 29 HAD ONLY A TELEPHONE CONTACT WITH THE CORRECTIONS STAFF ABOUT THE DEVELOPMENT OF A PLAN.

APPROXIMATELY 21 OF ALL VICTIMS WERE INVOLVED EITHER THROUGH REPRESENTATIVES OR IN PERSON IN FACE TO FACE MEETINGS WITH THE OFFENDER IN THE DEVELOPMENT OF A RESTITUTION PLAN.

THE DEVELOPMENT AND ADMINISTRATION OF RESTITUTION PLANS INVOLVE SUBSTANTIAL TIME; AN AVERAGE OF APPROXIMATELY 10.5 HOURS WERE SPENT IN RESTITUTION PLAN DEVELOPMENT AND APPROXIMATELY 8.25 HOURS IN THE ADMINISTRATION OF THE PLAN FOLLOWING ITS DEVELOPMENT.

THE AVERAGE RESTITUTION PLAN WAS FOR \$681. PROPERTY OFFENSES ACCOUNTED FOR LESS THAN HALF OF THE OFFENSES TOWARD THE PROBATIONED OFFENDERS BUT PROPERTY OFFENSES REPRESENTED APPROXIMATELY 75 OF THE OFFENSES FOR WHICH RESTITUTION PLANS WERE DEVELOPED.

THE LARGEST PROPORTION OF VICTIMS WERE BUSINESSES (75).

VICTIM-OFFENDER MEETINGS WERE HELD IN APPROXIMATELY 35 OF ALL CASES IN WHICH INDIVIDUAL VICTIMS WERE INVOLVED AND IN 46 OF ALL CASES IN WHICH BUSINESSES WERE INVOLVED AS VICTIMS.

OF THE 708 RESTITUTION PAYMENTS SCHEDULED TO BE COMPLETED BEFORE THE END OF THE DATA COLLECTION PERIOD, A TOTAL OF 381 COMPLETED PAYMENTS HAD BEEN MADE (54).

297.

STEWART, JOHN E. AND SIDNEY ROSEN.

"ADEQUACY OF COMPENSATION, WORTHINESS OF RECIPIENT, AND THEIR EFFECTS ON TRANSGRESSOR COMPLIANCE TO RENDER AID," JOURNAL OF SOCIAL PSYCHOLOGY, VOL. 97, 1975, PP. 77-82.

THE PRESENT STUDY INVESTIGATED THE EFFECTS OF ADEQUACY OF COMPENSATION AND WORTHINESS OF RECIPIENT (AS TO COMPENSATION) ON THE WILLINGNESS OF TRANSGRESSING SUBJECTS TO MAKE RESTITUTION. AS EXPECTED, THE VICTIM RECEIVED MORE ADEQUATE COMPENSATION THAN THE OTHER TWO LESS WORTHY RECIPIENTS. HOWEVER, THERE WERE NO DIFFERENCES ACROSS RECIPIENT CONDITIONS WHEN COMPENSATION INADEQUATE. THE EXPECTATION WAS THAT THE VICTIM WOULD RECEIVE MORE COMPENSATION WHEN COMPENSATION WAS ADEQUATE THAN WHEN INADEQUATE WAS NOT SUPPORTED, NOR WAS THE HYPOTHESIS THAT THE VICTIM RECIPIENT WOULD RECEIVE MORE INADEQUATE COMPENSATION THAN THE VICTIM SURROGATE RECIPIENT. SOME QUESTIONS ARE RAISED CONCERNING THE CONCEPTUAL VALIDITY OF THE "INADEQUATE COMPENSATION" MANIPULATION. ADDITIONAL QUESTIONS ARE POSED REGARDING THE COMPARIBILITY OF THE PRESENT STUDY TO OTHER EXPERIMENTS DEALING WITH PROBLEMS OF TRANSGRESSION. (JOURNAL OF SOCIAL PSYCHOLOGY)

298.

STILLWELL, JACK C.

"VICTIM-DEFENDANT RELATIONSHIPS IN AN ADULT DIVERSION PROGRAM," PAPER PRESENTED AT THE NATIONAL CONFERENCE ON CRIMINAL JUSTICE EVALUATION-EVALUATING ALTERNATIVES TO ADJUDICATION, FEBRUARY 24, 1977.

THE ADULT DIVERSION PROJECT OPERATED BY THE PIMA COUNTY ATTORNEY'S OFFICE REQUIRES THAT MOST DEFENDANTS MAKE FINANCIAL RESTITUTION AND, IN ADDITION, ARE REQUIRED TO PERFORM FORTY HOURS OF COMMUNITY SERVICES WORK. THE PROGRAM OPERATES AT THE PRETRIAL, POST ARRAIGNMENT LEVEL, PRIMARILY INVOLVING PROPERTY OFFENDERS. DIRECT VICTIM-DEFENDANT MEETINGS ARE STRUCTURED FOR THE PURPOSE OF NEGOTIATING THE AMOUNTS OF RESTITUTION TO BE MADE. UPON THE SUCCESSFUL COMPLETION OF THE PROJECT, CHARGES ARE DISMISSED.

THE AIM OF THIS RESEARCH WAS TO ASSESS THE OPERATIONS OF VICTIM-DEFENDANT MEETINGS AND THE EFFECT OF SUCH MEETINGS ON VICTIM ATTITUDES AND PERCEPTIONS.

DATA WAS COLLECTED BY A MAILED QUESTIONNAIRE TO THOSE VICTIMS OF DEFENDANTS ADMITTED TO THE PROGRAM FROM JANUARY, 1976 UNTIL SOME UNDETERMINED TIME.

MAJOR FINDINGS WERE:

1. THOSE VICTIMS WHO AGREED TO PARTICIPATE IN MEETINGS WITH THE DEFENDANT WERE MORE COMMONLY VICTIMS OF PROPERTY OR ECONOMIC CRIMES AS COMPARED TO VICTIMS OF VIOLENT CRIMES, AND WERE MORE FREQUENTLY BUSINESS VICTIMS.
2. APPROXIMATELY HALF OF THE VICTIMS RESPONDING TO THE QUESTIONNAIRE FELT THAT THEY HAD BEEN GIVEN A MEANINGFUL SAY IN THE ACCEPTANCE/REJECTION DECISION ABOUT THE DEFENDANT'S ADMISSION TO THE PROJECT.
3. VICTIM RESPONSES TO A QUESTION CONCERNING THE PURPOSE OF THE MEETINGS WERE:
 - A. TO HELP PREVENT CRIME BY THE DEFENDANTS (40 PERCENT)
 - B. TO LET THE VICTIMS EXPRESS FEELINGS ABOUT THE CRIME TO THE DEFENDANTS (30 PERCENT)
 - C. TO HELP GET AN UNDERSTANDING OF WHY THE CRIME WAS COMMITTED (20 PERCENT)
 - D. TO FINALIZE THE ARRANGEMENTS FOR RESTITUTION (20 PERCENT)
4. ALL VICTIMS INVOLVED FELT THAT THE MEETINGS WERE VALUABLE AND 90 PERCENT SAID THEY BELIEVED THEY HAD A BETTER UNDERSTANDING OF WHAT HAD MOTIVATED THE DEFENDANT TO COMMIT THE CRIME.
5. NINETY PERCENT OF VICTIMS INVOLVED STATED THEY BELIEVED THEY HAD GIVEN THE DEFENDANT A BETTER UNDERSTANDING OF THE CONSEQUENCES OF THE OFFENSE FOR THEM AND BELIEVED THEY HAD A POSITIVE IMPACT ON THE DEFENDANT.
6. VICTIM'S PERCEPTIONS OF WHAT SHOULD HAPPEN TO THE DEFENDANT CHANGED IN THE DIRECTION OF BELIEVING THAT LESS PUNISHMENT AND MORE COUNSELING A SOCIAL SERVICES WERE DESIRABLE FOR THE DEFENDANT.

299.

STOCKDALE, ERIC.

"REPARATION BY THE OFFENDER," BRITISH JOURNAL OF CRIMINOLOGY, 11:2, APRIL, 1971, PP. 189-190.

REVIEW OF THE ADVISORY COUNCIL ON THE PENAL SYSTEM'S REPORT ON REPARATION BY THE OFFENDER, LONDON: H. M. S. O., 1970. DISCUSSION OF OPTIONS OPEN TO THE COURT IN CONSIDERING REPARATION INCLUDING COLLECTION OF PRISON EARNINGS AND CRIMINAL BANKRUPTCY.

300.

STOOKEY, JOHN A.

"THE VICTIM'S PERSPECTIVE ON AMERICAN CRIMINAL JUSTICE,"--IN--HUDSON, J. AND BURT GALAWAY, EDS., RESTITUTION IN CRIMINAL JUSTICE, LEXINGTON: D. C. HEATH, 1977.

BEING VICTIMIZED CAUSES VICTIMS TO QUESTION THE LEGITIMACY OF THE CRIMINAL JUSTICE SYSTEM. RESTITUTION IS SEEN AS ONE WAY OF MAKING THE VICTIM WHOLE.

301.

STOWE, J. ALBERT.

"RESTITUTION TO VICTIMS OF CRIME," THE ARENA, VOL. 24, 1900, PP. 102-1089. THIS ARTICLE, PUBLISHED IN 1900, COVERS TOPICS STILL GARNERING ATTENTION TODAY. WHILE THE AUTHOR COMMENDS THE REFORMATORY AIMS OF SOCIETY IN DEALING WITH CRIMINALS IT IS POINTED OUT THAT IN THE PROCESS ONE CLASS, VICTIMS OF CRIMES, APPEAR TO HAVE BEEN OVERLOOKED. IT IS SUGGESTED OFFENDERS BE IMPRISONED, PUT TO WORK, AND MADE TO PAY BACK THEIR VICTIMS FOR DAMAGES AND HARDSHIP ENCOUNTERED.

302.

SULLIVAN, SYLVIA.

"CONVICTED OFFENDERS BECOME COMMUNITY HELPERS," JUDICATURE, 56:8, MARCH, 1973, PP. 333-335.

THE ALAMEDA COUNTY (CALIFORNIA) COURT REFERRAL PROGRAM WAS THE FIRST OF ITS TYPE. THE CONCEPTION AND GROWTH OF THIS SUCCESSFUL PROGRAM IS PRESENTED.

303.

SWANTON, JOAN.
"FINAL REPORT: THE PILOT ALBERTA RESTITUTION CENTER," CALGARY, ALBERTA, CANADA, UNDATED.

THE PILOT ALBERTA RESTITUTION CENTER WAS A NON-RESIDENTIAL PROJECT ADDRESSED TO THE ISSUES OF DIVERSION AND RESTITUTION. PROGRAM REFERRALS CAME FROM VARIOUS SOURCES, FROM PRE-CHARGE TO POST-INCARCERATION. THE ORIGINAL AIM OF THE PROJECT WAS TO DETERMINE THE EFFECTIVENESS OF THE DIVERSION PROCESS IN COMPARISON TO CURRENT PRACTICES FOR NON-VIOLENT, PERSONAL PROPERTY OFFENSES UNDER \$500. FURTHER, THE PROJECT WAS INTENDED TO DETERMINE IF OFFENDERS WILL CARRY OUT A CONTRACT OF RESTITUTION, TO DETERMINE THE EFFECTS OF THE PROJECT ON RECIDIVISM.

THIS EVALUATION COVERS THE PERIOD SEPTEMBER 1, 1975 - OCTOBER 31, 1977. THE RESEARCH DESIGN WAS A SINGLE GROUP, AFTER-ONLY, NON-EXPERIMENTAL TYPE.

DATA WAS COLLECTED FROM PROJECT FILES MAINTAINED BY THE PROGRAM. MAJOR FINDINGS WERE:

1. REFERRALS TO THE PROGRAM CAME FROM A WIDE VARIETY OF SOURCES, FROM PRE CHARGE TO POST INCARCERATION.
2. THE MAJORITY OF REFERRALS TO THE PROJECT INVOLVED SITUATIONS WHERE A BUSINESS WAS THE VICTIM AND A SUBSTANTIAL AMOUNT OF MONEY WAS LOST; OVER 50 PERCENT OF THE CHARGES WERE RELATED TO CHARGES OF BREAKING AND ENTERING, THEFT, FRAUD, FALSE PRETENCES; ONE-THIRD OF THE OFFENDERS REFERRED HAD BEEN CONVICTED OF A PREVIOUS CRIMINAL OFFENSE.
3. SEVENTY OF THE OFFENDERS REFERRED TO THE PROGRAM SIGNED 72 RESTITUTION AGREEMENTS WITH 155 VICTIMS.
4. OFFENDERS AND VICTIMS SIGNED EITHER A CIVIL CONTRACT OR A SCHEDULE OF PAYMENTS AS PART OF A PROBATION ORDER; IN MORE THAN 50 PERCENT OF THE PRESENTENCE CASES, JUDGES CHOSE NOT TO MAKE RESTITUTION A PART OF THE SENTENCE BUT REQUIRED THE CONTRACT TO STAND ON ITS OWN.
5. THIRTY-EIGHT OF THE OFFENDERS WERE IN ARREARS FOR DEFAULT OF THEIR OBLIGATION AT THE TIME THE PROJECT TERMINATED.

304.

TARLING, ROGER AND PAUL SOFTLEY.
"COMPENSATION ORDERS IN THE CROWN COURT," THE CRIMINAL LAW REVIEW, JULY, 1976 PP. 422-428.

THE MAJOR OBJECTIVES OF THIS STUDY ARE TO TEST WHETHER LEGISLATIVE PROVISIONS FOR IMPOSING COMPENSATION (RESTITUTION) ON OFFENDERS AS CONTAINED IN 1973 LEGISLATION IN GREAT BRITAIN RESULTED IN MORE COMPENSATION FOR LOSS OF PROPERTY BEING ORDERED BY THE CROWN COURTS IN LONDON.

THE STUDY DESIGN INVOLVED A BEFORE-AFTER, NON-EXPERIMENTAL DESIGN. INFORMATION WAS COLLECTED ON A SAMPLE OF OFFENDERS SENTENCED THE YEAR BEFORE THE LEGISLATIVE PROVISION WENT INTO EFFECT AND A SAMPLE OF OFFENDERS WHO WERE SENTENCED THE YEAR AFTER THE PROVISIONS WENT INTO EFFECT. THE TWO TIME PERIODS IN WHICH SAMPLES WERE SELECTED WERE JULY - SEPTEMBER, 1972, AND JULY - SEPTEMBER, 1973. FOR EACH YEAR, THE SAMPLES WERE LIMITED TO OFFENDERS SENTENCED BY THE CROWN COURT IN LONDON FOR BURGLARY, FRAUD, THEFT. THE FINAL SAMPLES OF OFFENDERS INCLUDED 277 SENTENCED BEFORE JANUARY, 1973, AND 521 PERSONS SENTENCED AFTER JANUARY 1, 1973.

DATA COLLECTION WAS COMPLETED ON THE BASIS OF THE RELEASE FILES. MAJOR FINDINGS WERE:

- 1) THE PROPORTION OF OFFENDERS ORDERED TO PAY COMPENSATION BY THE CROWN COURT IN LONDON BEFORE AND AFTER THE IMPLEMENTATION OF LEGISLATIVE PROVISIONS NEARLY DOUBLED (14 PERCENT TO 26 PERCENT).
- 2) JUDGES WERE LESS LIKELY TO COMPENSATE LOSSES LESS THAN FIVE POUNDS AS COMPARED TO LOSSES INVOLVING MORE SUBSTANTIAL AMOUNTS.
- 3) OFFENDERS CONVICTED OF THEFT OR FRAUD WERE MORE LIKELY TO BE ORDERED TO PAY COMPENSATION AS COMPARED TO THOSE CONVICTED OF BURGLARY.
- 4) LEVEL OF INCOME AND OFFENDER EMPLOYMENT WERE ASSOCIATED WITH THE USE OF COMPENSATION ORDERS.
- 5) AGE, MARITAL STATUS AND NUMBER OF DEPENDANT CHILDREN WERE NOT FOUND TO BE SIGNIFICANTLY RELATED TO ORDERING COMPENSATION.

305.

THALHEIMER, D. J.
"COST ANALYSIS OF CORRECTIONAL STANDARDS-COMMUNITY SUPERVISION, PROBATION, RESTITUTION, COMMUNITY SERVICE," VOL. 1, WASHINGTON, D. C.: U. S. GOVT. PRINTING OFFICE, 1978.

A BRIEF BACKGROUND ON STANDARDS RELATING COMMUNITY-BASED SUPERVISION IS PRESENTED, COST ANALYSIS FINDINGS ARE EXAMINED, AND POLICY IMPLICATIONS ARE HIGHLIGHTED. STANDARDS RELATING TO ADULT COMMUNITY-BASED SUPERVISION USED AS A BASIS FOR THIS ANALYSIS ARE THOSE CONTAINED IN THE CORRECTIONS REPORT OF THE NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS (NAC). THIS VOLUME IS DESIGNED AS A COMPANION REFERENCE TO VOLUME II WHICH IS INTENDED FOR USE BY PLANNERS AND ANALYSTS. THE VOLUMES ANALYZE AND ESTIMATE THE COSTS OF IMPLEMENTING THE STANDARDS AND PROVIDE COST GUIDELINES AND ESTIMATION TECHNIQUES FOR LOCALITIES. (NCJRS)

306.

THALHEIMER, D. J.
"COST ANALYSIS OF CORRECTIONAL STANDARDS-COMMUNITY SUPERVISION, PROBATION,
RESTITUTION, COMMUNITY SERVICE," VOL. II, WASHINGTON, D. C.: U. S. GOVT.
PRINTING OFFICE, 1978.

THE SECOND OF TWO VOLUMES, DATED AUGUST 1976, PREPARED BY THE STANDARDS
AND GOALS PROJECT OF THE AMERICAN BAR ASSOCIATION CORRECTIONAL
ECONOMICS CENTER COST ANALYZING THE IMPLICATIONS OF STANDARDS.
STANDARDS RELATING TO ADULT COMMUNITY-BASED SUPERVISION USED AS A BASIS
FOR THIS ANALYSIS ARE THOSE CONTAINED IN THE CORRECTIONS REPORT OF THE
NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS
(NAC). THE ANALYSIS OF COMMUNITY BASED SUPERVISION IN VOLUME II IS
PRESENTED IN SIX CHAPTERS. THE FIRST IS A BRIEF BACKGROUND OF THE
CORRECTIONS STANDARDS RELATING TO ADULT COMMUNITY BASED SUPERVISION.
THE SECOND CHAPTER DEVOTES FULL ATTENTION TO THE FUNCTIONAL ORGANIZA-
TION OF PROBATION RESOURCES AND INCLUDES A MODEL FOR THE ORGANIZA-
TION OF PROBATION RESOURCES AND THE ALIGNMENT OF FUNCTIONS WITHIN THE
ORGANIZATION ACCORDING TO THE CORRECTIONS REPORT. THIS ORGANIZATIONAL
MODEL DIVIDES THE PROBATION FUNCTION INTO THREE SUB-UNITS:
ADMINISTRATIVE SERVICES; SERVICES TO THE COURT; AND SERVICES TO THE
CLIENT. THE NEXT THREE SECTIONS OF THE REPORT, CHAPTERS 3, 4, AND 5
CONTAIN THE FINDINGS OF THE COST ANALYSIS WHICH ARE PRESENTED FOR PRO-
BATION, RESTITUTION, AND COMMUNITY SERVICE. THE FINAL CHAPTER, CON-
TAINS THE PROJECT CONCLUSIONS AND SUMMARIZES THE FINDINGS OF THE
ANALYSIS. FOR THE FIRST VOLUME OF THIS REPORT SEE NCJ-40533. (AUTHOR
ABSTRACT) (SNI ABSTRACT)...TWH

307.

THORVALDSON, S. A.
"THE EFFECTS OF COMMUNITY SERVICE ON THE ATTITUDES OF OFFENDERS," UNPUBLISHED
DOCTORAL DISSERTATION, UNIVERSITY OF CAMBRIDGE, ENGLAND, 1978; "DOES
COMMUNITY SERVICE AFFECT OFFENDER'S ATTITUDES? SOME RESULTS OF A BRITISH
STUDY," PAPER PRESENTED AT THE THIRD NATIONAL RESTITUTION SYMPOSIUM,
SEPTEMBER 2628, 1979, DULUTH, MINNESOTA.

THIS STUDY HAS FOUR AIMS: TO DETERMINE THE PREDOMINANT AIM OF
COMMUNITY SERVICE; TO JUSTIFY THIS AIM; TO EXPLORE ITS SIGNIFICANCE FOR
SENTENCING THEORY; TO TEST ITS EFFECTIVENESS AS A MEANS OF CHANGING
OFFENDERS' ATTITUDES. THE FIRST THREE OBJECTIVES ARE DEALT WITH ON THE
BASIS OF LOGICAL ARGUMENTS WHILE THE FOURTH IS HANDLED THROUGH
EMPIRICAL RESEARCH.

THE CRIMINAL JUSTICE ACT OF 1972 IN ENGLAND EMPOWERED THE COURTS TO
ORDER OFFENDERS TO PERFORM UNPAID WORK AS A SERVICE TO THE COMMUNITY.
A QUASI-EXPERIMENTAL DESIGN OF THE CROSS-SECTIONAL OR AFTER-ONLY TYPE
WAS USED TO EVALUATE THE FOURTH AIM LISTED ABOVE. THE INTENTION WAS TO
COMPARE THE EFFECTS OF COMMUNITY SERVICE ON OFFENDERS' ATTITUDES WITH
THE EFFECTS OF TWO OTHER SENTENCES WHICH WERE ALSO INTENDED TO CHANGE
OFFENDERS' ATTITUDES BUT WHICH RESTED ON DIFFERENT PSYCHOLOGICAL
PRINCIPALS--FINE AND PROBATION. THE FINE WAS SEEN AS RESTING ON A
DETERRENCE RATIONALE AND PROBATION ON A REHABILITATIVE RATIONALE. THE
INDEPENDENT VARIABLE IS THE TYPE OF SENTENCE AND THE HYPOTHESIS WAS
THAT THE COMMUNITY SERVICE GROUP WOULD SHOW MORE POSITIVE SCORES THAN
ALL OF THE ATTITUDES MEASURED AS COMPARED TO THE OTHER TWO GROUPS.
THE FINE GROUP, PROBATION GROUP, AND COMMUNITY SERVICE GROUP OF OFFEND-
ERS WERE MATCHED ON SEX, AGE, DATE OF SENTENCE, TYPE OF OFFENSE.
INTERVIEWS WERE CONDUCTED WITH MEMBERS OF EACH OF THE THREE GROUPS: 42
SUBJECTS IN THE FINE GROUP, 42 PROBATIONERS, 48 CS SUBJECTS.
DATA WAS COLLECTED BY MEANS OF A QUESTIONNAIRE WITH BOTH OPEN AND
STRUCTURED QUESTIONS. MAJOR FINDINGS WERE:

1. THE MAJORITY OF THE COMMUNITY SERVICE SUBJECTS INTERPRETED THEIR
SENTENCE AS SIMPLY A METHOD OF KEEPING THEM OUT OF PRISON OR GIVING
THEM A BREAK. WHEN FORCED TO CHOOSE, THIS GROUP SPLIT THEIR RESPONSES
EVENLY BETWEEN A REHABILITATIVE AND REPARATIVE AIM (46 PERCENT EACH)
WITH THE REMAINDER SEEING THEIR SENTENCE AS A PUNISHMENT (8 PERCENT).
IN CONTRAST, MOST OF THE FINED SUBJECTS (74 PERCENT) SAW THEIR SENTENCE
AS A PUNISHMENT AND ALMOST ALL OF THE PROBATIONERS (92 PERCENT) INTER-
PRETED THEIRS AS REHABILITATIVE.

2. THE FINED SUBJECTS GENERALLY SHOWED RESENTMENT OR ANGER IN THEIR
ATTITUDES TO THE SENTENCE. THE PROBATION GROUP DID NOT SHOW THE
RESENTMENT OR SENSE OF INJUSTICE THAT APPEARED AMONG THE FINED SUBJECTS,
BUT THEY FREQUENTLY SEEMED EITHER INDIFFERENT OR PUZZLED ABOUT THE
PURPOSE OF PROBATION. COMMUNITY SERVICE SUBJECTS TENDED TO SHOW MORE
POSITIVE RESPONSES ABOUT THEIR SENTENCES. IN SUMMARY, THE COMMUNITY
SERVICE GROUP FELT MORE POSITIVELY TOWARD THEIR SENTENCE THAN DID THE
FINED GROUP OR THE PROBATIONERS. THE COMMUNITY SERVICE GROUP SEEMED TO
BE MORE POSITIVE BECAUSE THEY APPRECIATED THE PRINCIPAL OF FAIR
RECIPROCITY WHICH COMMUNITY SERVICE IS SEEN AS EXPRESSING. THEY
TENDED TO ACCEPT COMMUNITY SERVICE NOT SO MUCH BECAUSE IT WAS A "SOFT
OPTION" BUT BECAUSE THEY CONSIDERED IT A "GOOD IDEA". IN CONTRAST,
AS THE INVESTIGATION MOVED FROM MEASURING ATTITUDES TO THE SYSTEM
PROCEDURES AND PERSONNEL, AND THEN TO BROAD SOCIAL ATTITUDES, THE
EFFECTS OF THE SENTENCE RAPIDLY BECAME WEAKER AND DISAPPEARED ENTIRELY
WHEN ONE APPLIED SOME GENERAL SOCIAL ATTITUDE SCALES.

308.
TIPPENS, HELEN.
"CONSTRAINTS ON INITIATING AND EVALUATING A VICTIM RESTITUTION PROGRAM:
PROJECT REPAY," PAPER PRESENTED AT THIRD SYMPOSIUM ON RESTITUTION, DULUTH,
MINNESOTA, SEPTEMBER 27-28, 1979.

DESCRIBES THE PLANNING AND CURRENT STATUS OF "PROJECT REPAY" IN THE
PROSECUTOR'S OFFICE, MULTNOMAH COUNTY, OREGON; PROVIDES RESEARCH
RESULTS FOR THE PERIOD FEBRUARY, 1977 - SEPTEMBER, 1978.

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309.
TITTLE, CHARLES R.
"RESTITUTION AND DETERRENCE: AN EVALUATION OF COMPATIBILITY,"--IN-GALAWAY,
B. AND JOE HUDSON, EDS., OFFENDER RESTITUTION IN THEORY AND ACTION,
LEXINGTON: D. C. HEATH, 1978.

THIS PAPER ASSESSES THE POTENTIAL IMPACT UPON CRIMINAL DETERRENCE OF
VARIOUS SCHEMES THAT WOULD REQUIRE OFFENDERS TO PROVIDE RESTITUTION FOR
HARM CAUSED BY THEIR CRIMINAL ACTS.

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310.
TROPE, GLORIA.
"RESTITUTION AS A COUNTY DEPARTMENT: THE GEAUGA COUNTY PROGRAM," PAPER
PRESENTED AT THIRD SYMPOSIUM ON RESTITUTION, DULUTH, MINNESOTA, SEPTEMBER
27-28, 1979.

DESCRIBES THE IMPLEMENTATION AND CURRENT STATUS OF THE GEAUGA COUNTY
JUVENILE RESTITUTION PROJECT.

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311.
UGLOW, S.
"COMMUNITY SERVICE ORDERS IN INNER LONDON--AN EXERCISE IN ILLUSION," RADICAL
ALTERNATIVES TO PRISON, JUNE, 1973.

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312.
UTNE, MARY K. AND ELAINE HATFIELD.
"EQUITY THEORY AND RESTITUTION PROGRAMMING,"--IN-GALAWAY, B. AND JOE HUDSON,
EDS., OFFENDER RESTITUTION IN THEORY AND ACTION, LEXINGTON: D. C. HEATH,
1978.

EQUITY THEORY IS REVIEWED IN RELATION TO THE USE OF RESTITUTION AND
SOME PROGRAMMING SUGGESTIONS ARE OFFERED.

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313.
VARNE, SHEILA.
"SATURDAY WORK: A REAL ALTERNATIVE?" AUSTRALIAN AND NEW ZEALAND JOURNAL OF
CRIMINOLOGY, 9:2, JUNE, 1976, PP. 95-108.

THE SATURDAY WORK ORDER SCHEME WAS INTRODUCED IN TASMANIA IN 1972 AND
STIPULATED THAT A WORK ORDER WAS TO BE OFFERED AN OFFENDER ONLY IN
PLACE OF A PRISON SENTENCE. THE WORK ORDER CANNOT EXCEED 25 SATURDAYS
ON ANY ONE CHARGE.

THE AIM OF THIS STUDY IS TO ASSESS THE RELATIVE EXTENT TO WHICH THE
PROGRAM HAS OPERATED AS AN ALTERNATIVE TO A PRISON SANCTION.

A QUASI-EXPERIMENTAL, INTERRUPTED TIME SERIES DESIGN WAS USED ALONG
WITH MATCHED PAIRS. COMPARISONS WERE MADE BETWEEN PRISON ADMISSIONS
BEFORE AND AFTER THE INTRODUCTION OF THE WORK ORDER SCHEME AND A RANDOM
SAMPLE OF WORK ORDER CASES WAS SELECTED AND MATCHED WITH 30 OFFENDERS
WHO HAD PRESENTENCED REPORTS COMPLETED BEFORE THE LEGISLATION WAS
IMPLEMENTED.

ALL DATA WAS COLLECTED FROM OFFICIAL FILES OF CRIMINAL JUSTICE
AGENCIES.

AMONG THE MAJOR FINDINGS WERE:

1. IN THE FIRST YEAR OF THE WORK ORDER SCHEME (JULY, 1972 - JUNE,
1973), 339 WORK ORDERS WERE GIVEN AND IN THE SECOND YEAR OF THE
SCHEME, 350 WORK ORDERS WERE GIVEN.

2. THE LIMITED DATA AVAILABLE INDICATES THAT WORK ORDERS ARE GIVEN AS
AN ALTERNATIVE TO PRISON IN A LIMITED NUMBER OF CASES. IN MOST CASES,
A WORK ORDER IS GIVEN AS AN ADDITIONAL SENTENCE.

3. THE AUTHOR CONCLUDES THAT THE WORK ORDER LEGISLATION IS NOT
FULFILLING THE FUNCTION FOR WHICH IT WAS INTENDED. WORK ORDERS ARE
BEING OFFERED TO OFFENDERS IN THE COURTS WHEN A PRISON SENTENCE WOULD
NOT BE APPROPRIATE. NO REAL ALTERNATIVE IS THEREFORE GIVEN TO THE
OFFENDER. MOST COMMONLY, A WORK ORDER WAS OFFERED INSTEAD OF A FINE.

4. OFFENDERS IN THE PROGRAM HAVE GENERALLY PARTICIPATED IN HARD LABOR
EXERCISES.

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314.
VAUGHN, JACQUELINE.
"JUDGE-ORDERED RESTITUTION IN CALIFORNIA: THE CASE OF THE PASSED BUCK,"
PAPER PRESENTED AT THE THIRD NATIONAL RESTITUTION SYMPOSIUM, SEPTEMBER 27,
1979, DULUTH, MINNESOTA.

THE AIM OF THIS STUDY WAS TO DETERMINE THE ATTITUDES OF A SAMPLE OF
CALIFORNIA JUDGES TOWARD RESTITUTION AS WELL AS THEIR THOUGHTS AS TO
WHY RESTITUTION IS SO INFREQUENTLY USED IN THAT STATE.

THE CALIFORNIA PENAL CODE AUTHORIZES COURTS TO ORDER RESTITUTION AS
A PROBATION CONDITION. IN MOST CASES WHERE A VICTIM HAD RECEIVED
COMPENSATION THROUGH THE STATE COMPENSATION FUND, THE OFFENDER CAN BE
ORDERED TO PAY RESTITUTION INTO THE FUND SO AS TO COMPENSATE ADDITIONAL
VICTIMS OF VIOLENT CRIMES. SUPERIOR AND MUNICIPAL COURT JUDGES AND
THEIR USE OF RESTITUTION AS A PROBATION CONDITION, THEREFORE, CON-
STITUTED THE PROGRAM UNDER STUDY.

A MAILED SURVEY WAS SENT TO 201 OF THE STATE'S 887 SUPERIOR AND
MUNICIPAL COURT JUDGES IN JANUARY OF 1977. IN ADDITION, A FOLLOW UP
PERSONAL INTERVIEW OF TWENTY RANDOMLY SELECTED JUDGES WAS COMPLETED
BETWEEN JUNE AND AUGUST, 1978.

MAJOR FINDINGS WERE AS FOLLOWS:

1. APPROXIMATELY 57 PERCENT OF THE JUDGES RESPONDING ANTICIPATED
HAVING PROBLEMS IMPOSING RESTITUTION. AMONG THE MAJOR PROBLEMS
LISTED WERE THE DEFENDANT'S INABILITY TO PAY, PROBLEMS WITH DETERMINING
THE AMOUNT OF RESTITUTION TO BE ORDERED, LACK OF INFORMATION ABOUT THE
STATE COMPENSATION PROGRAM AND THE USE OF RESTITUTION, ADMINISTRATIVE
RED TAPE INVOLVED IN ORDERING RESTITUTION.

2. FOURTEEN OF THE 20 JUDGES INTERVIEWED STATED THAT THE PROSECUTING
ATTORNEY SHOULD BE HELD RESPONSIBLE FOR INITIATING RESTITUTION, WHILE
FIVE SAW THIS RESPONSIBILITY AS LYING WITH THE PROBATION DEPARTMENT,
AND ONE WITH THE VICTIM.

3. SIXTEEN OF THE 20 JUDGES INTERVIEWED SAW THE PROBATION DEPARTMENT
AS MOST APPROPRIATELY BEING RESPONSIBLE FOR SUPERVISING RESTITUTION,
WHILE FOUR SAW THE PROSECUTING ATTORNEY AS THE MOST APPROPRIATE PERSON
TO SUPERVISE RESTITUTION.

315.
VECCHIO, GIORGIO DEL.
"THE PROBLEM OF PENAL JUSTICE," REVISTA JURIDICA DE LA UNIVERSIDAD DE PUERTO
RICO, 27:1, PP. 65-81.

REJECTS THE IDEA THAT EVIL IS TO BE REPAIRED BY EVIL AND SUGGESTS THAT
EVIL IS ONLY REPAIRED BY GOOD. PRESENT PENAL LAW RESPONDS TO EVIL
WITH MORE EVIL IN THE FORM OF INFLICTED SUFFERING; THIS SHOULD BE
REPLACED WITH AN EMPHASIS ON REPARATION REQUIRED OF THE OFFENDER.
REPARATION CAN BE ACCOMPLISHED THROUGH EARNINGS FROM SUPERVISED WORK;
ALTHOUGH WORK IS A MORAL, NOT LEGAL DUTY, IT CAN BECOME A PROPERLY
ENFORCEABLE LEGAL DUTY WHEN ITS OMISSION MEANS DISREGARD OF OBLIGATIONS
ASSUMED TOWARD OTHERS. PRESENTS A PHILOSOPHICAL POSITION AND NOT A
OPERATIONAL PLAN TO IMPLEMENT THE PHILOSOPHY.

316.
VIANO, EMILIO C.
"VICTIMS, OFFENDERS, AND THE CRIMINAL JUSTICE SYSTEM: IS RESTITUTION AN
ANSWER?"-IN-GALAWAY, B. AND JOE HUDSON, EDS., OFFENDER RESTITUTION IN THEORY
AND ACTION, LEXINGTON: D. C. HEATH, 1978.
AN OVERVIEW OF VICTIMOLOGY IS PROVIDED AND RESTITUTION IS SUGGESTED AS
HAVING THE POTENTIAL FOR MORE FULLY INTEGRATING THE VICTIM INTO THE
OPERATION OF THE CRIMINAL JUSTICE SYSTEM.

317.
VOGELGESANG, BERNARD J.
"THE IOWA RESTITUTION IN PROBATION EXPERIMENT,"-IN-HUDSON, JOE, ED.,
RESTITUTION IN CRIMINAL JUSTICE, ST. PAUL: MINNESOTA DEPARTMENT OF
CORRECTIONS, UNDATED.
DESCRIBES THE IMPLEMENTATION AND OPERATION OF 1974 IOWA LEGISLATION
REQUIRING RESTITUTION AS A CONDITION OF EITHER PROBATION OR DEFERRED
SENTENCE; CASE EXAMPLES OF RESTITUTION PLANS ARE INCLUDED.

318.
WAITE, LOREN.
"THE ROLE OF THE MAIN GRADE OFFICER IN COMMUNITY SERVICE," PROBATION JOURNAL,
24:4, 1977, PP. 134-137.
THE POSITIVE AND NEGATIVE ASPECTS OF BEING A MAIN GRADE OFFICER IN
BRITAIN WORKING WITH OFFENDERS COMPLETING COMMUNITY SERVICE ORDERS ARE
CONSIDERED.

319.
WALDRON, GERALD F.
"PROBLEMS ASSOCIATED WITH OPERATING RESTITUTION PROGRAMS WITHIN THE JUVENILE
JUSTICE SYSTEM,"-IN-HUDSON, J. AND B. GALAWAY, EDS., VICTIMS, OFFENDERS, AND
ALTERNATIVE SANCTIONS, LEXINGTON: D.C. HEATH/LEXINGTON BOOKS, 1980.
DESCRIBES THE CURRENT STATUS AND MAJOR PROBLEMS IN THE IMPLEMENTATION
OF THE JUVENILE RESTITUTION INITIATIVE FUNDED BY THE OFFICE OF JUVENILE
JUSTICE.

320.
WALDRON, GERALD F.; C.E. CHINN; D.W. SMILEY; J.E. LYNCH; S.D. DOVE.
"A GUIDE TO JUVENILE RESTITUTION PROGRAMMING-WORKING PAPER # 1," ARLINGTON:
NATIONAL OFFICE FOR SOCIAL RESPONSIBILITY, 1978.
AFTER A BRIEF DISCUSSION OF THE ORIGINS OF RESTITUTION AND THE RECENT
RESURGENCE AND TRENDS IN THE AREA THE ISSUES RELATED TO RESTITUTION
PLANNING AND PROGRAMMING ARE COVERED AT THE JUVENILE LEVEL. THREE
PROGRAM MODELS ARE PRESENTED, EVALUATION DECISIONS ARE CONSIDERED, AND
A DISCUSSION OF SPECIFIC ISSUES INCLUDING FULL OR PARTIAL RESTITUTION,
EXPANDED SOCIAL CONTROL, VICTIM RELATED ISSUES, LEGAL ISSUES, AND WHICH
OFFENDERS SHOULD BE RECOMMENDED FOR RESTITUTION.

321.
WALDRON, GERALD F.; C.E. CHINN; D.W. SMILEY; J.E. LYNCH; S.D. DOVE.
"PUBLIC RELATIONS: DEVELOPING SUPPORT FOR JUVENILE RESTITUTION PROJECTS-
WORKING PAPER #3," ARLINGTON: NATIONAL OFFICE FOR SOCIAL RESPONSIBILITY,
1979.

THIS DOCUMENT IS DESIGNED TO PROVIDE PROJECT MANAGERS AND STAFF WITH INFORMATION PERTINENT TO THE PLANNING AND IMPLEMENTATION OF EFFECTIVE PUBLIC RELATIONS CAMPAIGNS. THE SPECIFIC PURPOSES OF THIS DOCUMENT ARE PRIMARILY THREEFOLD: TO EXAMINE THE RATIONALES FOR DEVELOPING PROJECT SUPPORT WITHIN THE JUVENILE JUSTICE SYSTEM AND THE COMMUNITY; TO DISCUSS THE METHODS AND TECHNIQUES PROJECT MANAGERS AND STAFF CAN EMPLOY IN CULTIVATING THIS SUPPORT; AND, TO HIGHLIGHT THE RELEVANT CONSIDERATIONS IN UTILIZING MEDIA COVERAGE AND INFORMATION DISSEMINATION TO AUGMENT SUPPORT BUILDING EFFORTS. (AUTHOR'S ABSTRACT)

322.
WALDRON, GERALD F.; C.E. CHINN; D.W. SMILEY; J.E. LYNCH; S.D. DOVE.
"MANAGING JUVENILE RESTITUTION PROJECTS-WORKING PAPER #2," ARLINGTON:
NATIONAL OFFICE FOR SOCIAL RESPONSIBILITY, 1979.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION. THE PURPOSE OF THIS GUIDE IS TO PROVIDE INFORMATION THAT WILL STRENGTHEN THE MANAGEMENT EFFORTS OF PROJECTS INVOLVED IN THE (OJJDP) NATIONAL INITIATIVE ON RESTITUTION. AS SUCH, THE GUIDE INCLUDES THREE MAJOR TASKS FOR MANAGERS TO COMPLETE: A REVIEW OF THE NATIONAL PERSPECTIVE AND THE PROJECT'S RELATIONSHIP TO IT; A REVIEW OF THE PROJECT'S PURPOSE AND OBJECTIVES RELATIVE TO THE NATIONAL GOALS; AND, A REVIEW OF A MODEL FLOWCHART FROM WHICH PROJECTS CAN EXAMINE THEIR RELATIONSHIP TO LOCAL COURT STRUCTURES TO DEVELOP PROCEDURES FOR DAILY OPERATIONS.

IN ADDITION TO THESE TASKS, THE GUIDE CONTAINS A DISCUSSION OF RELATED ADMINISTRATIVE AREAS AND SUGGESTIONS TO CONSIDER WHICH ARE SUBJECT TO VARYING LOCAL SITUATIONS. FINALLY, A NUMBER OF EXAMPLES ARE INCLUDED FOR RESTITUTION AGREEMENTS, VERIFICATION OF LOSS, PROGRESS REPORTS FOR CASE MANAGEMENT, AND STAFF POSITION DESCRIPTIONS. WHILE THIS GUIDE IS PRIMARILY DESIGNED AS A TRAINING RESOURCE FOR MANAGERS, IT CAN ALSO SERVE AS THE BASIS FOR MANAGEMENT TRAINING OF STAFF. (AUTHOR'S ABSTRACT)

323.
WALSTER, E; E. BERSHEID; G. W. WALSTER.
"NEW DIRECTIONS IN EQUITY RESEARCH," JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY, 25:2, PP. 151-176.

THIS ARTICLE CONSISTS OF FOUR SECTIONS: THE FIRST SECTION ELUCIDATES A GENERAL THEORY OF SOCIAL BEHAVIOR-EQUITY THEORY. EQUITY THEORY CONSISTS OF FOUR PROPOSITIONS DESIGNED TO PREDICT WHEN INDIVIDUALS WILL PERCEIVE THAT THEY ARE JUSTLY TREATED AND HOW THEY WILL REACT WHEN THEY FIND THEMSELVES ENMESHED IN UNJUST RELATIONSHIPS. THE SECOND SECTION SUMMARIZES THE EXTENSIVE RESEARCH THAT HAS BEEN CONDUCTED TO TEST EQUITY THEORY. THE THIRD SECTION POINTS OUT THE WAYS IN WHICH EQUITY THEORY INTERLOCKS WITH OTHER MAJOR SOCIAL PSYCHOLOGICAL THEORIES. THE FINAL SECTION HINTS AT SOME WAYS IN WHICH EQUITY THEORY CAN BE APPLIED TO UNDERSTANDING SOCIAL PROBLEMS. (AUTHOR'S ABSTRACT)

324.
WARREN, MARGUERITE Q.
"EVALUATION OF RECENT DEVELOPMENTS IN RESTITUTION PROGRAMMING,"--IN-GALAWAY,
B. AND JOE HUDSON, EDS., OFFENDER RESTITUTION IN THEORY AND ACTION,
LEXINGTON: D. C. HEATH, 1978.

DESCRIBES THE EVALUATION RESEARCH BEING CONDUCTED ON SEVEN LEAA FUNDED ADULT FINANCIAL RESTITUTION PROJECTS; THE TYPE OF INFORMATION THAT IS TO BE AVAILABLE AND THE MAJOR DIFFICULTIES ENCOUNTERED IN CONDUCTING THE EVALUATION ARE DESCRIBED.

325.
WAX, MITCHELL.
"THE EFFECTS OF SYMBOLIC RESTITUTION AND PRESENCE OF VICTIM ON DELINQUENT SHOPLIFTER," ANN ARBOR, MI: UNIVERSITY MICROFILMS INTERNATIONAL, 1977.

THE AIM OF THIS STUDY WAS TO DETERMINE IF TWENTY HOURS OF COMMUNITY SERVICE HAD AN EFFECT ON REDUCING FURTHER DELINQUENCY IN JUVENILE SHOPLIFTERS AND ALSO TO DETERMINE WHAT EFFECT HAVING THE VICTIM PRESENT AT THE TIME OF SENTENCING HAD ON THE JUVENILE OFFENDER.

THREE TREATMENT CONDITIONS WERE USED IN THE STUDY: TWENTY HOURS OF COMMUNITY SERVICE RESTITUTION WITHOUT THE VICTIM PRESENT AT THE TIME OF SENTENCING; TWENTY HOURS OF COMMUNITY SERVICE WITH THE VICTIM PRESENT AT THE TIME OF SENTENCING; NO COMMUNITY SERVICE AND NO VICTIM PRESENT. AN AFTER-ONLY EXPERIMENTAL DESIGN WAS USED. THIRTY SUBJECTS WERE RANDOMLY ASSIGNED TO ONE OF THE THREE TREATMENT CONDITIONS. TWO DIAGNOSTIC COUNSELORS FROM THE COURT WERE RANDOMLY ASSIGNED TO FIVE SUBJECTS IN EACH CONDITION SO THAT A TOTAL OF FIFTEEN SUBJECTS WERE ASSIGNED TO EACH DIAGNOSTIC COUNSELOR. DATA COLLECTION PROCEDURES WERE IMPLEMENTED FOR THE FIRST TWO TREATMENT CONDITIONS FOLLOWING THE SECOND INTERVIEW BY THE COUNSELOR BY THE JUVENILE COURT AND FOLLOWING THE COMPLETION OF THE SUBJECT'S COMMUNITY SERVICE RESTITUTION. DATA COLLECTION WAS INITIATED FOR THE THIRD TREATMENT GROUP TWO WEEKS AFTER THE FIRST INTERVIEW. A SIX MONTH FOLLOW UP WAS USED FOR EACH SUBJECT IN THE THREE GROUPS.

ALL YOUTH WERE HANDLED INFORMALLY BY THE COURT. SUBJECTS WERE REFERRED TO THE COURT BY THE POLICE. THEY WERE THEN SEEN BY A COURT INTAKE WORKER WHO DECIDED WHERE CASES WERE TO BE REFERRED. ALL CASES INVOLVING SHOPLIFTING WERE REFERRED TO ONE DIAGNOSTIC COUNSELOR. THIS COUNSELOR THEN ASSIGNED CASES ACCORDING TO A PREARRANGED, RANDOMLY STRATIFIED LISTING. SUBJECTS ASSIGNED TO COMMUNITY SERVICE WERE INFORMED THAT THEY HAD TO COMPLETE TWENTY HOURS OF WORK WITHIN A TWO WEEK PERIOD. UPON THE COMPLETION OF THE ASSIGNED WORK, THE SUBJECTS MET WITH THEIR COUNSELOR FOR AN INTERVIEW. AFTER SIX MONTHS FOLLOWING THE COMPLETION OF THE WORK, A FOLLOW UP INTERVIEW WAS COMPLETED. SUBJECTS IN TREATMENT GROUP TWO WERE EXPOSED TO THE SAME PROCEDURES EXCEPT THAT THE VICTIM THE SUBJECT STOLE FROM WAS ALSO PRESENT DURING THE FIRST INTERVIEW WITH THE COUNSELOR. SUBJECTS IN CONTROL GROUP THREE MET WITH THE DIAGNOSTIC COUNSELOR AT THE JUVENILE COURT FOR AN INTERVIEW WHICH WAS STRUCTURED THE SAME AS FOR GROUPS ONE AND TWO, EXCEPT THAT NO MENTION OF RESTITUTION WAS MADE. THERE WAS NO FURTHER CONTACT WITH THE SUBJECT BY THE COUNSELOR FOR SIX MONTHS AT WHICH TIME THE FOLLOW UP INTERVIEW WAS COMPLETED.

MAJOR FINDINGS WERE THAT THE STATISTICAL ANALYSIS OF DIFFERENCES BETWEEN THE GROUPS ON THE FOUR BEHAVIOR DEPENDENT VARIABLES (POLICE CONTACT, COURT CONTACT, SCHOOL ATTENDANCE, SCHOOL BEHAVIOR PROBLEMS) SHOWED NO SIGNIFICANT DIFFERENCE. THE ASOCIAL INDEX SUBSCALE OF THE JESNESS INVENTORY SHOWED A SIGNIFICANT SHIFT BETWEEN PRETEST AND POST TEST TREATMENT SCORES AT THE .06 LEVEL FOR BOTH INDEPENDENT VARIABLES (COMMUNITY SERVICE RESTITUTION, VICTIM PRESENT AT SENTENCING).

326.

WEBER, J. ROBERT.

"GEORGIA'S RESIDENTIAL RESTITUTION CENTERS," LEXINGTON: COUNCIL OF STATE GOVERNMENTS, 1978.

RESTITUTION, BOTH MONETARY AND PUBLIC SERVICE, IS AN AGE-OLD PROCEDURE WIDELY USED IN A VARIETY OF WAYS BY BOTH JUVENILE COURT AND CRIMINAL COURT JUDGES. RESTITUTION DOES NOT HAVE TO BE COMBINED WITH A RESIDENTIAL PROGRAM TO BE VALID. SOME OFFENDERS, HOWEVER, CAN GAIN MORE BENEFITS FROM A RESIDENTIAL RESTITUTION PROGRAM THAN FROM INCARCERATION IN A PRISON. FROM A COST POINT OF VIEW, RESTITUTION CENTERS ARE IN THE STATE'S INTEREST BECAUSE INCARCERATION COSTS ARE USUALLY LESS THAN FOR PRISONS.

THE GEORGIA RESTITUTION CENTERS ARE OFFENDER-FOCUSED RATHER THAN VICTIM-FOCUSED. THUS, THEY DIFFER FROM STATE VICTIM COMPENSATION PROGRAMS. VICTIM COMPENSATION REFERS TO MONEY OR SERVICES PROVIDED TO A VICTIM BY THE STATE, WHEREAS RESTITUTION REFERS TO MONEY OR SERVICES PROVIDED TO THE VICTIM BY THE OFFENDER.

IN GEORGIA, 10 RESTITUTION CENTERS SERVE DESIGNATED JUDICIAL DISTRICTS. THE DISTRICT COURT JUDGE MAKES THE DECISION TO PLACE AN OFFENDER IN A RESTITUTION CENTER RATHER THAN A PRISON. THE CENTERS SERVE AS AN ALTERNATIVE TO PRISON INCARCERATION, NOT AS AN ALTERNATIVE TO PROBATION SUPERVISION. GEORGIA'S RESTITUTION CENTERS HAVE RELIEVED PRISON OVER-CROWDING.

THE PREFERRED METHOD OF INTAKE, AFTER AN OFFENDER HAS BEEN SENTENCED TO A TERM OF IMPRISONMENT, IS FOR CENTER STAFF MEMBERS TO INTERVIEW OFFENDERS IN THE COUNTY JAIL WHILE THEY AWAIT TRANSPORTATION TO THE STATE PRISON. IF THE OFFENDERS AND CENTER STAFF MEMBERS BELIEVE A RESTITUTION CENTER PROGRAM WOULD BE APPROPRIATE, A RECOMMENDATION IS MADE TO THE SENTENCING JUDGE WHO MAY THEN MODIFY THE ORIGINAL SENTENCE TO PLACEMENT IN A RESIDENTIAL RESTITUTION CENTER AS A CONDITION OF PROBATION.

THE CENTERS' PROGRAMS OPERATE 24 HOURS A DAY, SEVEN DAYS A WEEK. OFFENDERS ARE EMPLOYED AND RELINQUISH THEIR PAYCHECKS TO CENTER STAFF MEMBERS FOR DIVISION ACCORDING TO A CONTRACT. RESTITUTION INCLUDES MONETARY PAYMENT FOR DAMAGES AND PUBLIC SERVICE ACTIVITIES. A TYPICAL PARTICIPANT IN THE PROGRAM IS A 19-YEAR-OLD OFFENDER WHO WAS CONVICTED OF A PROPERTY OFFENSE, AND WHO HAS BEEN ON PROBATION FOR AN EARLIER OFFENSE. AVERAGE LENGTH OF STAY IN THE CENTER IS ABOUT FOUR MONTHS.

A MAJOR COST BENEFIT OF GEORGIA'S RESTITUTION CENTERS PROGRAM IS THE SHORT-TERM LEASING OF CENTER FACILITIES. UNECONOMICAL TOURIST COURTS LOCATED ON STATE HIGHWAYS NOW BYPASSED BY INTERSTATE HIGHWAYS ARE FAVORITE LEASE LOCATIONS.

THE KEY TO SUCCESSFUL OPERATION OF A CORRECTIONAL RESIDENTIAL RESTITUTION CENTER IS COMMUNITY ACCEPTANCE. THE RESTITUTION CENTER NEEDS TO BE VIEWED BY COMMUNITY LEADERS AS THEIR PROGRAM. (AUTHOR'S ABSTRACT)

327.

WEST, JENNY.

"COMMUNITY SERVICE FOR FINE DEFAULTERS," JUSTICE OF THE PEACE, 142:29, JULY 22, 1978, PP. 425-428.

SECTION 49 OF THE 1972 CRIMINAL JUSTICE ACT WOULD, IF IMPLEMENTED, ENABLE A MAGISTRATES' COURT TO REPLACE COMMITMENT TO PRISON FOR FINE DEFAULT WITH COMMUNITY SERVICE. THE AUTHOR LOOKS AT THE PROBLEMS OF THIS APPROACH. THE AUTHOR EXAMINES THE POSSIBLE EFFECTS OF IMPLEMENTING S. 49 OF THE 1972 ACT. HE CONCLUDES THAT COMMUNITY SERVICE IS UNSUITABLE AS A GENERAL ENFORCEMENT AID IN FINE COLLECTION. ENFORCEABILITY IS REALLY THE CRUX. SEEKING AN ALTERNATIVE FOR THE MAN IN PRISON FOR FINE DEFAULT IS LOOKING AT THE PROBLEM FROM THE WRONG END OF A TELESCOPE. HE REPRESENTS THE RESIDUE FROM AN EXTREMELY EFFECTIVE ENFORCEMENT MACHINERY. VIEWED FROM THE RIGHT END OF THE TELESCOPE, THE FINES COLLECTION SYSTEM, WITH ITS PROGRESSION OF FILTERS, PROVIDES WHAT THE AUTHOR WOULD SUGGEST MAY BE AN OPTIMUM METHOD OF IMPLEMENTING THE MOST WIDELY USED (55 PERCENT OF ALL SENTENCES), SIMPLE, CHEAP AND EFFECTIVE PENALTY AVAILABLE TO THE COURTS-AND WHICH OF COURSE CONTRIBUTES SUBSTANTIALLY TO THE COST OF ADMINISTERING THE COURTS. FURTHERMORE, THE RECENT REDUCTION IN THE PERIODS OF IMPRISONMENT TO BE SERVED IN DEFAULT MAY, HE SUGGESTS, TURN OUT TO BE COUNTER-PRODUCTIVE AS A MEANS OF REDUCING THE PRISON POPULATION, SIMPLY BECAUSE THE DETERRENT EFFECT HAS BEEN REDUCED. (ABSTRACTS ON CRIMINOLOGY AND PENOLOGY)

328.

WEST, JENNY S. M.

"COMMUNITY SERVICE ORDERS,"-IN-CONTROL WITHOUT CUSTODY? PAPERS PRESENTED AT THE CROPWOOD ROUND-TABLE CONFERENCE, CAMBRIDGE INSTITUTE OF CRIMINOLOGY, 1976.

ISSUES RELATED TO THE USE OF COMMUNITY SERVICE ORDERS WITH OFFENDERS IN BRITAIN ARE CONSIDERED. PRIMARY ATTENTION IS GIVEN TO ISSUES OF THE PURPOSE OF THE COMMUNITY SERVICE ORDER, SHOULD IT BE PENALTY OR TREATMENT, AND ISSUES CONCERNING A PROPER BALANCE OF SOCIAL CONTROL OVER OFFENDERS.

329.

WHITE, ANTHONY G.

"RESTITUTION AS A CRIMINAL SENTENCE: A SELECTED BIBLIOGRAPHY," MONTICELLO: COUNCIL OF PLANNING LIBRARIANS, 1977.

330.

WILLIAMS, VERGIL L. AND MARY FISH.

"A PROPOSED MODEL FOR INDIVIDUALIZED OFFENDER RESTITUTION THROUGH STATE VICTIM COMPENSATION,"--IN-DRAPKIN, I. AND E. VIANO, EDS., VICTIMOLOGY: A NEW FOCUS, VOL. 2, SOCIETY'S REACTION TO VICTIMIZATION, LEXINGTON: LEXINGTON BOOKS, 1974, PP. 155-165.

A PROPOSAL IS MADE TO IMPLEMENT A RESTITUTION SCHEME WITHIN A CORRECTIONAL TOKEN ECONOMY SYSTEM BY REQUIRING INMATES TO PAY A PORTION OF THEIR POINTS EARNED TO THE STATE TO REPAY THE STATE FOR ITS VICTIM COMPENSATION. UNDER THIS SYSTEM, THE STATE WOULD ACT AS AN INTER-MEDIARY BETWEEN THE VICTIM AND THE OFFENDER. THE STATE WOULD PAY VICTIM COMPENSATION ACCORDING TO ITS PRESENT OR PROPOSED PLAN. IN THE STATE'S TRANSACTIONS WITH THE VICTIM, IT WOULD EMPHASIZE THAT IT WAS ACTING AS AN INTERMEDIARY AND THAT THE OFFENDER WOULD BE REQUIRED TO PAY THE STATE THE EQUIVALENT OF THE AMOUNT BEING ADVANCED TO THE VICTIM. IN THIS MANNER THE VICTIM WOULD RECEIVE HIS RESTITUTION IN A TIMELY MANNER AND IN A USEFUL PECUNIARY FORM. HE WOULD ALSO RECEIVE "SATISFACTION" IN KNOWING THAT THE STATE WOULD EXTRACT RESTITUTION FROM THE OFFENDER. ON THE OFFENDER'S END OF THE TRANSACTION, HE WOULD HAVE THE OPPORTUNITY TO EARN "POINTS" FOR PARTICIPATION IN A REHABILITATION PROGRAM. HE CAN BE REQUIRED TO PAY A PORTION OF ALL POINTS EARNED TO THE STATE WITH THE UNDERSTANDING THAT HE IS INDIRECTLY MAKING RESTITUTION TO HIS VICTIM. THIS WOULD NOT BE SO BURDENSOME TO THE INMATE THAT IT WOULD KILL HIS INCENTIVE TO EARN POINTS IN THE PROGRAM. THE AUTHOR STATES THAT THE PRIMARY ADVANTAGE OF THIS METHOD IS THAT IT WOULD RESTORE THE DIRECT RELATIONSHIP BETWEEN THE VICTIM AND THE OFFENDER BY IMPRESSING UPON BOTH PARTIES THE PERSONAL ELEMENT OF RESTITUTION. (NCJRS)

331.

WILLIS, ANDREW.

"COMMUNITY SERVICE AS AN ALTERNATIVE TO IMPRISONMENT: A CAUTIONARY VIEW," PROBATION JOURNAL, 24:4, 1977, PP. 120-126.

THE AUTHOR SUGGESTS THAT THE PENAL PHILOSOPHY BEHIND COMMUNITY SERVICE SINCE ITS INCEPTION AND STILL CONTINUING TO THE PRESENT DAY, IS RIDDLED WITH AMBIGUITIES AND CONTRADICTIONS--THAT, AT BEST, IT HAS A CHAMELEONIC PENAL PHILOSOPHY AND, AT WORST, A TOTALLY CONFUSED PENAL AIM; AND FURTHER THAT THESE UNCERTAINTIES ARE HINDERING ITS DEVELOPMENT AS A NON-CUSTODIAL SENTENCE. (ABSTRACTS ON CRIMINOLOGY AND PENOLOGY)

332.

WINFIELD, SUE.

"WHAT HAS PROBATION SERVICE DONE TO COMMUNITY SERVICE?" PROBATION JOURNAL, 24:4, 1977, PP. 126-130.

THIS ARTICLE LOOKS AT HOW THE PROBATION SERVICE HAS LEARNED TO ADOPT COMMUNITY SERVICE, WHAT ISSUES THE SETTLING-IN PROCESS HAS RAISED AND HOW THIS NEWCOMER WILL AFFECT ITS FUTURE DEVELOPMENT. THE PRESENCE IN COMMUNITY SERVICE OF THREE ELEMENTS--PUNISHMENT, REHABILITATION AND REPARATION--IN A COMPLEX WAY HELPS TO EXPLAIN THE FLEXIBILITY OF THE SENTENCE. IN ADDITION TO FOSTERING RELATIONSHIPS BETWEEN THE OFFENDER AND THE COMMUNITY THE GROWTH OF COMMUNITY SERVICE HAS BROUGHT ABOUT AN INCREASE IN THE EMPLOYMENT OF ANCILLARIES. WHAT IS BECOMING APPARENT FROM THE CONTRIBUTIONS WHICH ANCILLARIES ARE NOW MAKING IS THAT THERE ARE SUBSTANTIAL AREAS OF WORK WHICH THE SERVICE CAN APPROPRIATELY HAND OVER TO NON-PROFESSIONALS TO LEAVE THEM FREE TO USE THE SKILLS FOR WHICH THEY HAVE BEEN TRAINED. THIS SEEMS TO BE AN UNPLEASANT FACT OF LIFE WHICH THE SERVICE IS RELUCTANT TO ACCEPT BUT THE WAY IN WHICH INDIVIDUAL SERVICES HAVE DEVELOPED THEIR SCHEMES HAS UNDOUBTEDLY SHOWN THAT THERE IS A GROWING BODY OF EXPERTISE AMONG ANCILLARIES WHICH MUST BE HARNESSSED. THE FLOW OF COMMUNITY SERVICE ORDER IS STEADILY INCREASING AND WITH IT THE CONFIDENCE OF JUDGES AND MAGISTRATES IN THE SCHEME. IN ITS ESTABLISHMENT OF COMMUNITY SERVICE THE PROBATION SERVICE HAS ACTIVELY ENCOURAGED THE GREATER PARTICIPATION OF THE OFFENDER, THE NON-PROFESSIONAL AND THE COMMUNITY. AT THE SAME TIME IT HAS BEEN REQUIRED TO ACCEPT, ALBEIT RELUCTANTLY, A ROLE FOR ITSELF WHICH IS MORE DISTANT FROM THE OFFENDER AND WHICH REQUIRED IT TO ACT IN MANY MORE SITUATIONS THAN PREVIOUSLY AS A CATALYST FOR THE CHANGE OF ATTITUDES BETWEEN THE OFFENDER AND THE COMMUNITY. THESE DEVELOPMENTS SEEM TO HERALD THE SHAPE OF THINGS TO COME AND IN FUTURE THE SERVICE WILL OFFER A GREATER DIVERSIFICATION OF SKILLS WITH WHICH TO HELP THE OFFENDER. THIS WILL DEMAND THE MORE VARIED USE OF THE NON-PROFESSIONAL, THE VOLUNTARY AND COMMUNITY RESOURCES AND WILL ALSO REQUIRE A MORE ACCURATE DEFINITION OF THE REAL SKILLS WHICH THE PROFESSIONAL CAN OFFER THE CLIENT. (ABSTRACTS ON CRIMINOLOGY AND PENOLOGY)

333.

WOOTTON, BARONESS (OF ABINGER).

"SOME REFLECTIONS ON THE FIRST FIVE YEARS OF COMMUNITY SERVICE," PROBATION JOURNAL, 24:4, 1977, PP. 110-112.

THE AUTHOR COMMENTS ON A FEW OF THE SUCCESSES, PROBLEMS, AND CRITICISMS OF THE COMMUNITY SERVICE ORDER SCHEME IN BRITAIN AFTER FIVE YEARS OF USE.

334.

WRIGHTSON, JOHN W.

"LOCAL GOVERNMENT AS A POINT OF ENTRY FOR RESTITUTION PROGRAMMING," PAPER PRESENTED AT THIRD SYMPOSIUM ON RESTITUTION, DULUTH, MINNESOTA, SEPTEMBER 27-28, 1979.

DESCRIBES THE HISTORY, IMPLEMENTATION, AND CURRENT OPERATIONS OF THE PRINCE GEORGE'S COUNTY, MARYLAND, JUVENILE RESTITUTION PROJECT.

335.

YANTZI, MARK.

"VICTIM OFFENDER RECONCILIATION: IN THEORY AND PRACTICE," UNPUBLISHED MASTER OF APPLIED SCIENCE RESEARCH ESSAY, UNIVERSITY OF WATERLOO, WATERLOO, ONTARIO, CANADA, UNDATED.

THE AUTHOR DRAWS UPON THEORY AND HIS OWN EXPERIENCES AS A STAFF MEMBER OF THE VICTIM-OFFENDER RECONCILIATION PROJECT (VORP) TO DESCRIBE AND EXPLORE THE VARIOUS COMPONENTS OF VICTIM-OFFENDER CONFLICT AND AVENUES FOR ITS SUCCESSFUL RESOLUTION. A DESCRIPTION OF THE OPERATIONS OF VORP, AN INNOVATIVE PROJECT LOCATED IN KITCHENER, ONTARIO WHICH BRINGS OFFENDERS AND VICTIMS TOGETHER IN FACE-TO-FACE CONFRONTATIONS, IS INCLUDED ALONG WITH SEVERAL CASE EXAMPLES. VICTIM-OFFENDER CONFLICT IS ADDRESSED IN RELATION TO EQUITY THEORY, CONFLICT THEORY, AND THIRD PARTY CONSULTATION THEORY. THE ROLE OF RESTITUTION IN THE RECONCILIATION PROCESS IS ALSO CONSIDERED.

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336.

ZALICHIN, DONNA W.; SUSAN Y. SCHRAGA; JAN CHYTILO.

"RESTITUTION IN BROOKLYN AND BRONX CRIMINAL COURTS: A VICTIM ORIENTED APPROACH," -IN-HUDSON, J. AND B. GALAWAY, EDS., VICTIMS, OFFENDERS, AND ALTERNATIVE SANCTIONS, LEXINGTON: D.C. HEATH/LEXINGTON BOOKS, 1980.

DESCRIBES THE HISTORY AND CURRENT STATUS OF THE RESTITUTION PROJECTS OPERATING IN BROOKLYN AND BRONX CRIMINAL COURTS BY THE VICTIM SERVICES AGENCY; FORMATIVE EVALUATION RESULTS ARE PRESENTED FOR 1978.

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