

RESTITUTION AS AN ALTERNATIVE TO INCARCERATION:
EXPERIMENTAL RESULTS FROM ADA COUNTY, IDAHO

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INTRODUCTION

In February, 1978, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) began soliciting proposals for a major initiative entitled "Restitution by Juvenile Offenders: An Alternative to Incarceration." (OJJDP, 1978) The framers of the initiative envisioned the program as a major research and development effort designed to support and experiment with the use of restitution as an alternative to traditional dispositions for young offenders, and specifically as an alternative to incarceration. After a two-stage application process, grants were awarded to 41 separate projects located in 26 states, Puerto Rico, and the District of Columbia. Six of the grants were awarded to statewide agencies or organizations which, in turn, funded restitution programs at the local level. Altogether, the juvenile restitution initiative provided support for 85 programs.

Boise (Ada County), Idaho was the site of one of the 85 projects funded by the OJJDP initiative. It was also one of six restitution projects selected by the Institute of Policy Analysis for intensive evaluation. IPA selected Boise as an intensive evaluation site because it was one of the few sites where restitution could be experimentally tested as a true alternative to incarceration.

The purpose of this paper is to report the results of IPA's research in Boise, Idaho, particularly regarding an assessment of the efficacy of restitution as an alternative to incarceration in impacting the recidivism rates of juvenile offenders.

THE BOISE RESTITUTION PROJECT

Case Flow in Boise

Evaluation referrals passed through five steps before actually entering the restitution or incarceration groups in Boise (Wilson, 1983). The first step in this process occurred at the detention hearing where a decision was made if the youth should be detained immediately pending further court action or if the youth could be released to a parent or guardian.

If the youth were not placed in detention, the referral would then be screened for program eligibility. A case eligible for the restitution project had a restitution recommendation prepared by restitution project staff at this point.

The third step was the evidentiary hearing (trial stage) where the youth was adjudicated. The adjudicated youth was then randomly assigned to either the restitution project (with the restitution recommendation already developed) or to the incarceration treatment.

The last step in this process was disposition. At this point youth were actually placed in the recommended evaluation treatment, or they were assigned a different treatment at the judges' discretion. Judges in Boise were not compelled to adhere to the randomly assigned treatment recommendation, but did so for 86 percent of the restitution recommendations and 95 percent of the incarceration recommendations.

Treatment Modalities in Boise

The experimental design in Boise involved the random assignment of youth to either restitution or incarceration treatments.

The restitution treatment involved a monetary and/or unpaid community service restitution order. In addition to the amount ordered, a period of time was specified in which youth could complete their restitution. On the average, youth in the Boise restitution treatment were monitored by project staff for a total of 2.0 months.

The incarceration treatment involved, on the average, one week of time in an institution. After their release, youth were placed on probation, with their total treatment time averaging 2.8 months. Incarceration youth were ordered no restitution.

Background Characteristics of Referrals in Boise

The background characteristics of referrals in Boise are displayed in Tables 1 and 2. Table 1 displays the background characteristics of youth in the restitution and incarceration groups, while Table 2 presents the types of referral offenses for these youth. The data in Table 1 reveal no statistically significant differences at the .05 level in the background characteristics of youth randomly assigned restitution or incarceration, although an analysis of variance did mildly suggest that youth in the incarceration group had a higher average number of priors (mean = 2.74) than youth in the restitution group (mean = 2.06; ANOVA, $p = .12$).

Similarly, in Table 2 there were no statistically significant differences between restitution and incarceration youth. There was a pattern, however, for a greater proportion of restitution youth to be referred for burglaries, and a greater proportion of incarceration youth to be referred for less serious larcenies.

Table 1. Profile of Referrals to the Restitution
and Incarceration Groups in Boise, Idaho

	<u>Restitution</u>	<u>Incarceration</u>
<u>School Status</u>		
(# of cases)	(83)	(95)
Full time student	81%	85%
Not in school	19	15
<u>Race</u>		
(# of cases)	(85)	(94)
White	95%	99%
Black	5	1
<u>Age at the time of referral</u>		
(# of cases)	(84)	(95)
13 or younger	18%	15%
14	23	12
15	17	24
16	23	26
17	17	20
18 or older	4	3
Mean age	15.0	15.3
<u>Prior Offenses (two years prior to referral date)</u>		
(# of cases)	(86)	(95)
No prior court contacts	34%	20%
One prior court contact	14	24
Two to four prior contacts	42	39
Five or more prior contacts	10	17
<u>Sex</u>		
(# of cases)	(86)	(95)
Male	86%	84%
Female	14	16

Table 2. Types of Referral Offenses
in Boise

	<u>Restitution</u>	<u>Incarceration</u>
<u>Violent</u>		
Aggravated Assault	1	0
Subtotal	<u>1</u>	<u>0</u>
% of group total	1%	0%
<u>Serious Property Offenses</u>		
Burglary	29	26
Subtotal	<u>29</u>	<u>26</u>
% of group total	34%	27%
<u>Other Felony Property</u>		
Motor Vehicle Theft	0	2
Forgery, Fraud, Embezzlement	5	3
Subtotal	<u>5</u>	<u>5</u>
% of group total	6%	5%
<u>Minor Personal Offenses</u>		
Simple Assault (incl. within-family)	2	1
Assault and Battery	3	1
Other minor personal	1	0
Subtotal	<u>6</u>	<u>2</u>
% of group total	7%	2%
<u>Minor Property Offenses</u>		
Shoplifting	11	8
Vandalism	4	11
Theft from Motor Vehicle	5	7
Stolen Property (receiving or possessing)	4	8
Bicycle Theft	3	2
Disorderly conduct	1	1
Pursesnatch and pickpocket	1	1
Other theft	16	20
Other minor property	0	1
Subtotal	<u>45</u>	<u>59</u>
% of group total	52%	62%
<u>Trivial Offenses</u>		
Drugs	0	1
Trespass	0	1
Fighting	0	1
Subtotal	<u>0</u>	<u>3</u>
% of group total	0%	3%

REOFFENSE RATES IN BOISE, IDAHO

Measuring Recidivism

In order to compare the effect of restitution vis-a-vis incarceration on adjudicated offenders' subsequent offense activities, official court recontact data were collected by IPA. These official records checks (ORC) were conducted by IPA personnel trained in Eugene who then traveled to the Ada County court to collect the official court data. ORC data were collected on all 86 restitution referrals and 95 out of 96 incarceration referrals. The data were collected in two waves approximately one year apart, and in total covered all official subsequent offenses committed up through May 13, 1983. These data were coded and computerized by IPA and merged with the Management Information System (MIS) data for analysis (See Griffith, 1983a: 3-7, 55-65).

In this paper, recidivism is defined as official recontact with the Ada County court for offenses committed after the date of referral to the restitution or incarceration treatment and on or before May 13, 1983. Offenses for which these youth were not apprehended or for which no official action was taken are not counted in this study. The overall average time at risk for these offenders (i.e., the average amount of time from each youth's date of referral to May 13, 1983) was 22 months.

The presentation of these data is organized in two major sections. First, the patterns and rates of reoffending for restitution and incarceration groups are presented in descriptive fashion. Secondly, multivariate analyses are undertaken to determine the effectiveness of restitution as an

alternative to incarceration on the official reoffense activities of these youth.

Patterns and Rates of Recidivism

The official reoffense patterns of youth in the restitution and incarceration groups in Boise are presented in Table 3. Both an overall pattern (i.e., whether a youth committed any type of official reoffense) and patterns of reoffending by specific major offense types which were outlined in Table 2 are displayed. Overall, for youth randomly assigned restitution, 47 percent had committed no subsequent offenses, while 41 percent of the youth randomly assigned incarceration had no subsequent offenses.

For each of the six major offense types presented in Table 3, a greater proportion of incarceration youth committed subsequent offenses than restitution youth, although none of these six differences were statistically significant at the .05 level. (The differences in subsequent violent offenses were marginally significant at the .09 level; differences in subsequent minor personal offenses were different at the .13 level; while none of the other differences approached statistical significance.)

Rates, rather than proportions, of reoffending (Tables 4 and 5) give one a clearer indication of the differences between youth in these two evaluation groups. Rates were calculated and standardized to reflect the number of offenses per 100 youths per year. Table 4 shows recidivism rates only, while Table 5 shows standardized offense rates both before and after referral.

Table 3. Reoffense Patterns by Evaluation Group and Offense Type

	<u>Restitution</u>	<u>Incarceration</u>
<u>Overall Distribution of</u>		
<u>Reoffending</u>		
(# of cases)	(86)	(95)
No reoffenses	47%	41%
One reoffense	17	25
Two reoffenses	12	5
Three reoffenses	13	12
Four to six reoffenses	8	11
Seven or more reoffenses	3	6
 <u>Reoffense Patterns by Type</u>		
<u>of Offense</u>		
SUBSEQUENT VIOLENT OFFENSES		
None	100%	95%
One or more	0	5
SUBSEQUENT BURGLARY AND ARSON		
None	90%	84%
One or more	10	16
SUBSEQUENT OTHER FELONY PROPERTY		
None	94%	91%
One or more	6	9
SUBSEQUENT MINOR PERSONAL		
None	98%	90%
One or more	2	10
SUBSEQUENT MINOR PROPERTY		
None	71%	70%
One or more	29	30
SUBSEQUENT TRIVIAL		
None	67%	65%
One or more	33	35

Table 4. Reoffense Rates by Evaluation Group
and Offense Type

	<u>Restitution</u>	<u>Incarceration</u>
<u>Group Reoffense Rates</u> (# of cases)	(86)	(95)
# of subsequent offenses for group	136	174
Months of risk time for group	1897	2134
Average risk time per youth (in months)	22	22
Average # of offenses per youth	1.58	1.83
Overall reoffense rate, per 100 youths, per year	86	100
<u>Reoffense Rates for major offense types (per 100 youths, per year)</u>		
Violent	0	3
Burglary and Arson	7	12
Other Felony Property	15	9
Minor personal	1	9
Minor property	32	33
Trivial	31	33

According to the data in Table 4, the annual rates of reoffending were about 14 percent higher for the incarceration group than for the restitution group. Restitution youth had annual overall reoffense rates of 86 per 100 youth, while incarceration youth had rates of 100 per 100 youth.

By particular reoffense type, restitution youth had higher reoffense rates for only one of the six major offense types -- other felony property -- while incarceration youth had higher recidivism rates for the other five major offense types.

When examining the reoffense rates for both the preintervention and postintervention time periods (Table 5), rather than the "post" time period only, a different picture of the impact of treatment appears. While incarceration youth had higher recidivism rates than restitution youth, Table 5 shows that incarceration youth also had higher prior offense (preintervention) rates than restitution youth, and, in fact, more sharply reduced their rate of overall recidivism than did the restitution youth. After the treatment intervention, the incarceration group's offense rates had dropped by 29 percent from preintervention levels, while the restitution group's rate had dropped by 19 percent.

Examining the six specific reoffense categories, for restitution youth the postintervention rates were lower than the preintervention rates for four of six offense categories, while for the incarceration youth the postintervention rates were lower than the preintervention rates for three of six offense categories.

Table 5. Pre/Post Comparisons of Offense Rates for Youths in the Restitution and Incarceration Groups

	<u>Restitution</u>			<u>Incarceration</u>		
	<u>B</u>	<u>A</u>	<u>% Change</u>	<u>B</u>	<u>A</u>	<u>% Change</u>
Total Offense Rate, per year, per 100	103	86	- 17%	137	100	- 27%
Violent rate	1	0	- 100%	2	3	+ 50%
Burglary/arson rate	11	7	- 36%	51	12	- 76%
Other property rate	10	15	+ 50%	12	9	- 25%
Minor personal rate	3	1	- 67%	6	9	+ 50%
Minor property rate	51	32	- 37%	46	33	- 28%
Trivial rate	26	31	+ 19%	21	33	+ 57%
Number of cases		(86)			(95)	

Figures in the cells for the "before" period (B) show the rate of offenses per year committed by each 100 youths during the pre-intervention time period. This "before" period examined two years of data for these youth. For the "after" period (A), similarly computed yearly rates are displayed based on approximately two years (22 months average subsequent risk time) of post-intervention data.

Table 6. Multiple Regression Analysis of Recidivism Rates of Youth Randomly Assigned Restitution or Incarceration

<u>Recidivism Measure</u>	RELATIONSHIPS BETWEEN RANDOMLY ASSIGNED TREATMENT AND RECIDIVISM					
	Zero-Order <u>r</u>	<u>Sig.</u>	Partial <u>b</u>	SE <u>b</u>	Beta Weight	Multiple <u>R Squared</u>
OVERALL RECIDIVISM						
Frequency	.05	.27	.33	.44	.06	.04
Rate	.02	.39	.07	.26	.02	.04
VIOLENT OFFENSES						
Frequency	Too few cases for analysis.					
Rate	Too few cases for analysis.					
SERIOUS PROPERTY OFFENSES						
Frequency	.09	.12	.09	.09	.08	.03
Rate	.09	.12	.05	.04	.09	.02
OTHER FELONY PROPERTY						
Frequency	-.04	.30	-.07	.25	-.02	.08
Rate	-.05	.25	-.11	.18	-.05	.06
MINOR PERSONAL OFFENSES						
Frequency	.18	.01	.15*	.07	.17	.04
Rate	.18	.01	.08*	.04	.17	.04
MINOR PROPERTY OFFENSES						
Frequency	.01	.46	.04	.20	.01	.03
Rate	-.01	.46	-.01	.11	-.004	.02
TRIVIAL OFFENSES						
Frequency	.02	.39	.05	.15	.03	.04
Rate	.02	.39	.02	.08	.02	.04
SERIOUSNESS INDICES						
Most serious reoffense	.12	.06	.34	.29	.09	.04
Seriousness score	.07	.16	1.06	.97	.09	.06
Seriousness rate	.04	.29	.35	.63	.04	.05

The zero-order correlations (r) are the simple relationships between the randomly assigned treatment (1 = restitution; 2 = incarceration) and the recidivism measure. The partial b is the partial unstandardized regression coefficient showing the independent effect of the treatment on recidivism after controlling for prior offenses, age, race, school status, and sex; partial b's that are statistically significant at the .05 level are marked with an asterisk (*).

The beta weight is the partial standardized regression coefficient and is useful for assessing the relative independent effect of treatment across different recidivism measures. For the frequency variables (including most serious reoffense and seriousness score), the amount of time at risk was also controlled in the multiple regression analyses. For the simple correlations and the regression coefficients, positive values indicate the restitution group tended to recidivate less; negative values, the incarceration group.

Impact of Restitution on Recidivism

To assess the impact of the alternatives to probation restitution treatment on official subsequent offense activity, multiple regression analyses were conducted. These analyses allow controls for potentially confounding factors (such as prior offenses) while examining the independent effect of treatment on recidivism.

For each of the different measures of recidivism reported in these analyses, "frequency" refers to the number of offenses committed, while "rate" refers to the rate at which these offenses were committed during each youth's time at risk. It is thus possible for a youth to have a relatively high frequency of recidivism and a low rate, if the youth had a longer than average time at risk (i.e., if the youth were one of the earliest referrals to treatment).

The results of the multiple regression analyses are presented in Table 6. The multiple regression analyses revealed only a statistically significant treatment effect on subsequent minor personal offenses after controlling for background variables and the number of prior offenses. The results suggested that restitution youth had a lower frequency and a lower rate of subsequent minor personal offenses than incarceration youth. None of the other analyses produced a statistically significant relationship between the restitution-incarceration dichotomy and subsequent offense activity.

Examining the overall findings in Table 6, however, the data do suggest that, on balance, restitution youth recidivated less after priors and

other background characteristics were controlled. For 12 out of 15 analyses in Table 6, restitution youth had lower recidivism rates than incarceration youth, although in only two instances were the regression coefficients statistically significant. Three out of 15 analyses showed incarceration youth with lower recidivism levels, and none of these were statistically significant.

SUMMARY AND DISCUSSION

The results of this research in Boise have some important implications for advocates of restitution and incarceration. First of all, these results suggest that incarceration has no greater effect on recidivism than restitution, and in some instances restitution orders result in lower recidivism rates than incarceration.

Secondly, the results of another study of these referrals in Boise suggested that youth ordered restitution had lower rates of self-reported delinquency than youth ordered incarceration. Moreover, the study revealed that the peer relationships of youth ordered incarceration included significantly greater numbers of delinquent close friends than youth ordered restitution (Griffith, 1983b). The study posited that the finding that youth in the incarceration group had a greater number of delinquent close friends was a direct result of the incarceration treatment, and that their higher levels of delinquency were a concomitant of those associations.

Taken together, these two sets of findings suggest that incarceration vis-a-vis restitution produced no positive effects on youths' subsequent delinquent activities and possibly resulted in some negative consequences.

Given the evidence that a restitution program requires fewer financial resources to operate than a secure facility, and that restitution yields products for victims (monetary restitution), the community at large (unpaid community service), and juvenile offenders (employment experience), these findings suggest that the Ada County restitution project should be continued, and that judges should require offenders in that jurisdiction to complete restitution in lieu of incarceration.

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