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To: Jim Greiner
From: Fiona Fitzgerald
RE: Anne Schneider, *Restitution and Recidivism Rates of Juvenile Offenders: Results from Four Experimental Studies*, 24 *Criminology* 533 (1986).
Date: January 25, 2019

Title: Restitution and recidivism rates of juvenile offenders: results from four experimental studies
Authors: Anne Schneider
Location: Boise, Idaho; Washington, D.C.; Clayton County, Georgia, and Oklahoma County, Oklahoma.
Sample: N=1,147
Timeline: N/A
Target group: Juvenile Offenders
Intervention type: Restitution Programs in Juvenile Court
Research papers: <https://doi.org/10.1111/j.1745-9125.1986.tb00389.x>
Partners: National Institute of Juvenile Justice

Abstract

During the late 1970s and the early 1980s, juvenile courts began to use restitution programs more frequently as an alternative to incarceration or probation with the argument that they would reduce recidivism rates. The author randomized assignment to restitution programs among juvenile offenders in four court districts across the United States and measured recidivism rates based on factors such as the incidence of re-offense and the severity of those crimes. In two of the four court districts, restitution programs significantly reduced recidivism of juvenile offenders.

I. Policy Issue

Restitution was a type of payment where the offender had to compensate the victim for the harm caused by a committed crime. Restitution programs usually focused on repayment in the form of money or community service and provided an alternative to incarceration and probation. The number of restitution programs between 1977 and 1985 increased twenty-fold and the author set out to determine whether restitution programs had a significant effect on juvenile recidivism. Concerns regarding effectiveness were also accompanied by questions on restitution programs' implementation and

foregrounding philosophy. There had been a few previous empirical studies that displayed restitution programs' positive significant effects, but many of the experiments had significant design flaws. This study set out to quantify the effect of restitution programs on recidivism and evaluate for some of the best-practice efforts practiced at that time in the United States.

II. Context of Evaluation

The author decided to study restitution programs in four communities: Boise, Idaho; Washington, D.C.; Clayton County, Georgia, and Oklahoma County, Oklahoma.

All youth offenders were predominantly male, full-time students, and around the age of fifteen years old. The majority of youth in Boise, Oklahoma County and Clayton County were white and the majority of youth in Washington, D.C. were black.

III. Details

The Boise, Idaho study compared restitution programs against short-term detention (n=181). All juveniles were randomly assigned either to the restitution group or to the detention control group, in which juveniles had to spend their weekends in a local detention facility. Judges had the right to overrule the randomized assignment but judges followed the randomization scheme for the majority of recommendations.

The Washington, D.C. study compared a victim-offender mediation restitution program to probation for juvenile serious offenders with past convictions (n=411). For those assigned to the restitution condition, the juvenile offender had the option to meet with their victim to determine a fitting restitution payment, but the offender could also reject mediation and choose probation only. 40 percent of juvenile offenders chose to reject mediation. This was a major unanticipated design flaw that the author contributed to offenders' reluctance to meet their victim and the influence of defense lawyers who advocated for probation alone.

The study in Clayton County had four treatment categories: restitution, counseling, restitution with counseling, and a control of either probation or incarceration (n=257). All offenders in the first three conditions were also on probation, so this study measured the marginal impact of restitution programs, and additionally, counseling programs. Judges had the power to overrule the random assignment but this only happened in 7 percent of cases. In the restitution condition, the court ordered 60 percent of youths to do community service rather than pay monetary damages. The restitution program would help some youths find jobs if they had to pay monetary damages.

Oklahoma County youths received one of three conditions: restitution only, restitution and probation, or a control where the judge could choose any sanction other than restitution (n=298). The judge had discretion to choose incarceration for any offender regardless of their randomization assignment, if determined necessary. This occurred almost equally in all three conditions.

The author measured recidivism using the percentage of juveniles who reoffend, the overall group annual offense rate, the individual re-offense frequency, and a crime seriousness index.

IV. Results and Policy Lessons

Two of the four counties showed that restitution programs have a statistically significant impact on reducing recidivism: Washington, D.C (53 percent for the restitution group vs. 63 percent for the probation group); and Clayton County (49 percent for restitution groups vs. 60 percent and 52 percent for probation groups). In Clayton County, restitution reduced the incidence of recidivism, but not prevalence or seriousness among those who reoffended. Notably, the Clayton County case showed that mental health counseling does not have a statistically significant impact on recidivism ($p>0.05$). The Boise, Idaho restitution programs did not have a significant impact on recidivism ($p>0.05$), but the author attributes this to Boise's smaller sample size. The Oklahoma County case showed that none of the treatment conditions had an impact on overall offense rates ($p>0.05$).

The author concluded from these results that restitution programs can have a positive effect on recidivism but it largely depends on the circumstances. She cited the need for any intervention to directly influence "delinquency variables" but did not specifically outline what those variables were. The report ended by calling for more empirical analysis on how restitution affects youths' experiences and values in a way that they do not commit more crimes.

V. Quality of the Study

One flaw of the experimental study was that it was not 100 percent randomized and depending on the district court, the judge or offender would have the option to overturn the program randomly assigned to the youth. Judges in the Boise, Idaho case could overrule the treatment or control condition; offenders in Washington, D.C. could choose not to participate in the victim-offender mediation program (and 40 percent chose not to participate); judges in Clayton County could overrule the random assignment; judges in Oklahoma County could choose whatever type of non-restitution payment they deemed fit in the control group and they could sentence any offender to incarceration, regardless of their randomization assignment. The author addressed these flaws in design as a reality of working with already-existing restitution programs, but this goes to show that effects could vary greatly on the type of programs and which variables they seek to address.

The author also noted that she chose the four juvenile judicial counties because of the similarity in their restitution programs. The four counties did not seem to be as similar as she suggests due to their difference in experimental design. In addition, there were major differences in the offender's demographics: for example, all of Washington, D.C.'s juveniles were serious offenders, the majority of them repeat-offenders, whereas Clayton County's population committed mostly misdemeanor crimes. Washington, D.C.'s population was comprised primarily of ethnic minorities whereas Clayton County was overwhelmingly white.

Another shortcoming of the study was it did not address the differences in impact between community service restitution and monetary damage restitution. The author noted that the court usually assigned community service restitution when there was little to no monetary damage, but there was not a discussion on whether these variables could be isolated from crime severity and the occurrence of recidivism.

The author addressed contamination caused by crossover cases by analyzing cases according to the group to which it was originally assigned. The author also recorded her attempts to account for racial bias and geographic disparity when performing multivariable regressions.