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Changes to SB 4 by Senate HESS Committee

All authority to place individuals in restitution centers has been consolidated in the Commissioner of the Department of Corrections. A sentencing trial court may recommend that an individual serve all or part of a term of imprisonment in a restitution center but may not require it. See sections 2 and 3 of the HESS Committee substitute.

In section 3 of the HESS substitute, 2 clarifying changes have been made to the original language establishing correctional restitution center guidelines.

On page 2, lines 1 and 2, language "... and to create a means to provide restitution to victims of crimes." has been added to better explain the purposes of the centers.

On page 2 at lines 25 and 26, the reference to "dangerous instrument" has been replaced with "firearm" at the suggestion of the Department of Law to avoid a technical legal problem that results from the use of the term "dangerous instrument" in this context.

In section 3 of the HESS substitute on page 3, lines 9 through 15, a new section is added to permit the Department of Corrections the authority to contract for the operation of correctional restitution centers.

Also in section 3 of the HESS substitute on page 3, line 26, the language is changed to permit the commissioner to distribute deductions for fines as well as for restitution payments from an individual's earnings.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

FISCAL NOTE: 1 of 2

Revision Date: February 11, 1985

REQUEST:

Bill: CS SB 4 (HESS)  
 Title: "An Act relating to correctional  
 restitution centers."  
 Sponsor: Senator Kelly  
 Requestor: (S) HESS  
 Date of Request: February 7, 1985

FISCAL DETAIL:

Agency Affected: DEPARTMENT OF CORRECTIONS  
 Program Category Affected: Administration of Justice  
 BRU, Program or Subprogram(s) Affected: Southcentral Region, Ridgeview  
 Correctional Center Component

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		(984.0)				
200 TRAVEL		(3.8)				
300 CONTRACTUAL		979	1128.4	1184.8	1244.0	1306.2
400 SUPPLIES		(10)				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		(7.8)				
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	(119.2)	1128.4	1184.8	1244.0	1306.2

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	117.0	122.9	129.0	135.5	142.3
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	(119.2)	1128.4	1184.8	1244.0	1306.2
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	(119.2)	1128.4	1184.8	1244.0	1306.2

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: This fiscal note reflects the total cost savings to the state if funding for the 19 positions currently budgeted to the Ridgeview Correctional Center were deleted and the operation of the Correctional Restitution Center was contracted to the private sector. In addition to these savings, the Department would gain the services of 13 staff and would gain 40 beds. However, pursuant to Legislative Intent attached to this budget component, the Department requests authorization to disperse these 19 positions and their funding to other institutions within the Southcentral BRU.

Prepared By: Cynthia S. Nelson  
 Division: Special Assistant

Phone: 465-3376  
 Date: February 11, 1985

Approved by Commissioner: \_\_\_\_\_  
 Agency: DEPARTMENT OF CORRECTIONS

Date: February 11, 1985

Distribution (by Agency preparing fiscal note):

Legislative Finance  
 Legislative Sponsor  
 Impacted Agency (ies)

Requestor: (S) HESS  
 Office of Management and Budget

ANALYSIS

Assumptions:

Department of Corrections will develop a pilot Correctional Restitution Center by changing the mission of the Ridgeview Correctional Center. Ridgeview will be converted from a 60 person holding facility to a 100 person Correctional Restitution Center.

The Department of Corrections will continue to lease the Ridgeview facility and will contract for operation of the Correctional Restitution Center. This contract will include all administrative, security, program, culinary, clerical, and maintenance operations.

It can be assumed that approximately 50% of the 100 inmates will be employed immediately while the remaining inmates are developing resumes' and other work search skills. The Department would retain 25% of a prisoner's income to off-set the cost of care. Most of those employed will earn close to the minimum wage, although some may be expected to earn slightly more.

Therefore, we calculate 50 inmates working full-time (40 hours per week) at \$4.50 per hour (the minimum wage of \$4.35 per hour plus a \$ .15 adjustment for the few that could earn more) would mean a total cost of care reimbursement to the state of \$117,000.00.

50 inmates X 40 hours X 52 weeks = 104,000  
104,000 hours X \$4.50 per hour = \$468,000.00  
\$468,000.00 X .25 = \$117,000.00

A cost of living increase of 5% per year was assume to increase revenues in subsequent years.

Program Summary

The Department of Corrections estimates that a contract to operate this Correctional Restitution Center would cost \$1,074,701. These costs were calculated using FY 85 costs for similar services and adding a 5% inflation factor to estimate FY 86 costs. A break down of these costs follows:

Personal Services

1 - Director	= \$ 29.5
1 - Assistant Director	= 24.2
12 - Security Staff @ \$17,825	= 213.9
5 - Counselors @ \$20,700	= 103.5
2 - Job Development Specialists @ \$23,00	= 46.0
1 - Education Coordinator	= 23.0
4 - Security Supervisors @ \$23,460	= 93.8
2 - Cooks @ \$19,550	= 39.1
2 - Clerk Typists @ \$12,000	= 24.0
1 - Maintenance/Janitorial	= 19.6
TOTAL	\$616.6

Care

Food (\$7.50 per day X 100 = \$750.00 X 365)	=	\$273.8
Supplies	=	22.0
Lab Expenses	=	12.0
Miscellaneous Resident Needs	=	<u>3.0</u>
TOTAL		\$310.8

Maintenance and Operation

Utilities	=	\$ 31.2
Telephone	=	9.0
Insurance (liability, auto, bonding)	=	12.0
Equipment/Maintenance (vehicles)	=	16.5
Travel (local)	=	27.4
(250 miles/day X .30 miles = \$75.00 X 365)		<u>27.4</u>
TOTAL	=	\$ 96.1

Total Costs (FY 85)	=	\$1,023.5
+ 5% Inflation	=	<u>51.2</u>
CONTRACTUAL COSTS		\$1,074.7

Adjustments to FY 86 Operating Budget Request

01 Personal Services	(984.0)		(984.0)
02 Travel	(3.8)		(3.8)
03 Contractual	(95.7)	+ \$1,074.0 =	979.0
04 Commodities	(102.6)		(102.6)
07 Grants/Claims	<u>(7.8)</u>		(7.8)
TOTAL	(1,193.9)		

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TOTAL GENERAL FUND (FY 86) (119.2)

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

FISCAL NOTE: 2 of 2

Revision Date: February 6, 1985

REQUEST:

Bill: CS SB 4 (H.E.S.S.)  
 Title: "An Act relating to correctional  
 restitution centers."  
 Sponsor: Senator Kelly  
 Requestor: (S) H.E.S.S.  
 Date of Request: February 1, 1985

FISCAL DETAIL:

Agency Affected: DEPARTMENT OF CORRECTIONS  
 Program Category Affected: Administration of Justice  
 BRU, Program or Subprogram(s) Affected: Offender Confinement, Reformation and  
 Supervision

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
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300 CONTRACTUAL		* 864.8	1128.4	1184.8	1244.0	1306.2
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TOTAL OPERATING	-0-	* 864.8	1128.4	1184.8	1244.0	1306.2

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POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary.

See attached.

Prepared By: William W. Ladwig  
 Division: Deputy Commissioner - Administration

Phone: 465-3376  
 Date: February 6, 1985

Approved by Commissioner: [Signature]  
 Agency: DEPARTMENT OF CORRECTIONS

Date: February 6, 1985

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency (ies)

ANALYSIS

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Therefore, we calculate 50 inmates working full-time (40 hours per week) at \$4.50 per hour (the minimum wage of \$4.35 per hour plus a \$.15 adjustment for the few that could earn more) would mean a total cost of care reimbursement to the state of \$117,000.00.

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A cost of living increase of 5% per year was assume to increase revenues in subseouent years.

Program Summary

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1 - Maintenance/Janitorial	= 19,550
TOTAL	\$616,500

Care

Food (\$7.50 per day X 100 = \$750.00 X 365)	=	\$273,750
Supplies	=	22,000
Lab Expenses	=	12,000
Miscellaneous Resident Needs	=	<u>3,000</u>
TOTAL		\$310,750

Maintenance and Operation

Utilities	=	\$ 31,400
Telephone	=	9,000
Insurance (liability, auto, bonding)	=	12,000
Equipment/Maintenance (vehicles)	=	16,500
Travel (local)	=	27,375
(250 miles/day X .30 miles = \$75.00 X 365)		<u>          </u>
TOTAL	=	\$ 96,275

Total Costs (FY 85)	=	\$1,023,525
+ 5% Inflation	=	<u>51,176</u>

TOTAL CONTRACTUAL COSTS \$1,074,701

\* Reductions for FY 86 Operating Budget Request  
 Minus Personal Services Costs

02 Travel	3.8	
03 Contractual	95.7	
04 Commodities	102.6	
07 Grants/Claims	<u>7.8</u>	
TOTAL	209.9	[209,900]

TOTAL CONTRACTUAL COSTS (FY 86)	<u><u>\$ 864,801</u></u>
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## CS SB 4 (HESS)

Prisoner Profile Summary of the 180 prisoners who meet the criteria of offenses not involving violence or use of force.

	<u>Work History at time of arrest</u>
165 (92%) Felony	119 (66%) Unemployed
<u>15 ( 8%) Misdemeanor</u>	38 (21%) Employed by business or agency
	<u>23 (13%)</u>
180 (100%)	180 (100%)
	<u>Place of Residence</u>
	59 (33%) Anchorage
<u>Employment Skills</u>	29 (16%) Fairbanks
58 (32%) General Labor	9 ( 5%) Juneau
17 ( 9%) Mechanics	<u>83 (46%) Other</u>
17 ( 9%) Fishermen	180 (100%)
19 (11%) Carpenters	
53 (30%) Misc. other skills	
<u>16 ( 9%) No job skills</u>	
180 (100%)	

Projected population profiles and growth rates indicate that the population of sentenced offenders who meet this criteria will remain constant at 15%. This will result in the following population being eligible for Correctional Restitution Center placement.

December '84 - 180  
 December '85 - 220  
 December '86 - 250  
 December '87 - 280  
 December '88 - 310  
 December '89 - 340

CALIFORNIA

JOINT COMMITTEE FOR REVISION OF THE PENAL CODE

# PRISON OVERCROWDING

## Emergency Measures And Alternative Forms Of Punishment



SENATOR KENNETH L. MADDY  
CHAIRMAN

ASSEMBLYMAN BYRON SHER  
VICE CHAIRMAN

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ASSEMBLYMAN TERRY GOGGIN  
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SENATOR ROBERT G. BEVERLY  
SENATOR JOHN DOOLITTLE  
SENATOR ROBERT PRESLEY  
SENATOR DAVID ROBERTI

## CHAPTER II

### ALTERNATIVE FORMS OF PUNISHMENT

Another approach to prison overcrowding is to adopt alternative sanctions that can meet the public's need for punishment and safety. The four alternative forms of punishment discussed in this chapter are not experimental or theoretical ideas, but programs successfully in use in other states.

#### RESTITUTION CENTERS

Restitution/diversion centers are generally set up as community-based residential facilities serving three main purposes:

- 1) To provide for restitution to the victim of a crime by the offender;
- 2) To divert "marginal risk" offenders from state prison commitments; and
- 3) To relieve prison overcrowding.

Example states are:

- a. Texas (1983), Texas Statutes Chapter 237;
- b. Florida (1983), F.S. §921.187;
- c. Georgia (1975), General authority of probation, G.C. §42-835;
- d. Iowa (1974), I. C. 1983 §§217.24, 905.1 et seq.;

- e. Mississippi (1976), M.C. §47-7-49;
- f. Maryland (1976), ACM Art. 27 §710C;
- g. Ohio (1980), O.R.C. 2929.51A; and
- h. Minnesota (1973), Chapter 401, Minnesota Statutes.

How does restitution meet the criminal justice system's primary goals of punishment and deterrence, and the secondary goal of rehabilitation? When the state takes the responsibility for punishment and the care and housing of offenders, the personal accountability which the defendant owes the victim is often lost. The usual sentence diffuses accountability. There is little direct connection to the victim or the crime committed. The offender does not have to face or pay back his or her victim. If the victim is compensated at all, he or she usually receives compensation from an anonymous general restitution or victim's fund and some psychological satisfaction from the anonymous punishment. By requiring the offender to make direct restitution to the victim as an integral and primary part of sentencing, accountability is instilled in the system and the victim's fiscal and psychological losses are more likely to be compensated. In other words, direct restitution allows the victim retribution, as well as compensation, and helps rehabilitate by making the offender directly responsible to the victim for his or her own actions. Direct restitution overcomes much of the anonymity and depersonalization of traditional sentencing.

There are two kinds of restitution: community service and monetary. Under community service restitution, the offender is sentenced to perform a service without compensation for the benefit of the community. A monetary restitution program requires that the offender either make direct monetary restitution to the victim of the crime for which he or she was convicted, or to a restitution fund which distributes the monetary restitution to victims of crimes. California has made provisions (PC §1203.04) for the court to order either monetary restitution, community service, or both, and uses both direct restitution and a restitution fund.

California began as the leader in community service restitution through the model Alameda Court Referral Program in 1966. In 1977, the California Department of Corrections attempted to implement a monetary restitution program involving parole violators. This program failed primarily due to the selection process. Eligibility was treated as a privilege; only those who volunteered were eligible. The screening process was so selective that after the parole board finished screening potential "clients", there weren't enough parolees eligible to make the program work. In 1978 the Legislature required restitution for motor vehicle thefts as a condition of probation (AB 3487 - Assemblymen Antonovich and Maddy, Chapter 118<sup>9</sup>, 1978 Stats.).

In 1979, Senate Bill 71 (Senator Roberti, Chapter 200, 1979 Stats.) expanded the concept of mandatory restitution to require restitution as a condition of probation for adults and juveniles convicted of vandalism, unless the court found that restitution was inappropriate. In those cases where monetary restitution was found inappropriate, community service had to be substituted.

In 1981, Senate Bill 589 (Senator Rains, Chapter 566, 1981 Stats.) required restitution or community service as a condition of probation for persons found guilty of assault committed on school grounds during school hours.

In 1982, Senate Bill 2060 (Senators Boatwright, Garamendi, & Keene, Chapter 1413, 1982 Stats.), amended PC§1203.04 to require restitution or community service as a condition of probation in all criminal cases and juvenile cases where the juvenile was not made a ward of the court. All three bills, SB 71, SR 589, & SB 2060, were developed by the Joint Committee for Revision of the Penal Code.

Senate Bill 2060 made three changes in the criminal law. First, it established the Legislature's intent that restitution be appropriate in all cases where there is a victim of the crime for which the defendant is convicted (PC§1203.04 (b)(1)). Second, it required the judge to order restitution or community service as a condition of probation in all criminal cases, unless the court makes a finding on the record that both are inappropriate (PC§1203.04(a)). Third, the bill for the first time statutorily defined restitution in PC§1203.04(b)(3).

In 1983, AB 306 (Assemblyman Hauser, Chapter 568, 1983 Stats.), part of the Assembly Committee on Criminal Law and Public Safety's package to implement the restitution required by Proposition 8, amended PC §1203.04 to require restitution or community service, unless the judge made an on the record finding that there exists compelling or extraordinary reasons why restitution is inappropriate. It also required that the restitution be paid to the victim of the crime for which the defendant was convicted, or to the Restitution Fund if there was no victim, and it added PC§1203.04(e) to create a schedule of restitution fines. AB 1485 (Assemblyman Sher, Chapter 1092, 1983 Stats.), established the Restitution Fund.

A problem with direct restitution by those incarcerated is that they often have insufficient assets to pay the restitution order. Restitution Centers are a partial answer. They provide for the "marginal risk" offender's incarceration, intensive supervision, and a means of earning money to pay the court-ordered restitution directly to the victim.

#### MINNESOTA

The Minnesota Restitution Center began as an experimental program in 1972, randomly selecting property offenders who had been committed to Minnesota State Prison and diverting them to the center in the fourth month of their sentence. Restitution contracts were developed while the eligible

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## GEORGIA

In 1974 the Georgia Department of Corrections, without new legislation, developed a restitution/diversion program (for implementation in 1975) in an effort to relieve prison overcrowding which had reached crisis levels. Under this program, the Department established restitution and diversion centers which provided judges with a third option for sentencing "marginal" cases other than the traditional probation or prison. The program is set up to provide 24-hour supervision, community contact, victim involvement, training, educational assistance, and restitution to victims. There are two ways in which an offender may be sentenced to the program:

- 1) Direct Sentence Diversion where the judge sentences the offender to the community based center as a condition of probation; and
- 2) Post-Sentencing Diversion where the offender is sentenced to state prison and is recommended for placement and sentence modification after a post-sentence investigation (recommended by either the judge or Department of Offender Rehabilitation).

Once in the program, the offender is required to maintain full-time employment and all earnings are turned directly over to the center's business manager. The money is then distributed to several categories: room and board, restitution and fines, family support, and personal items. This

- e. Tennessee (1974), TCA §4-3-603, Restitution Industries Program at the State Prison, monetary, residential, last part of sentence (3 - 5 years);
- f. Virginia (1977), SCV Title 53.1 Chapter 5, Community Diversion Incentive Act - pre/post sentence diversion/restitution, nonviolent offenders;
- h. Maryland (1976), M.C. Article 27 §700A; and
- i. Ohio (1980), O.R.C. 2929.51A.

Last year, Florida (F.S.Code §921.187) and Texas T.S. Chapter 237) passed legislation authorizing restitution/diversion centers and are currently implementing their own programs based on the Georgia model. (See Chart III, pages 29 - 35)

## ENACTMENT

The 68th Texas Legislature was confronted with a crowded prison system which would require an extensive building program to accommodate projected growth. Additionally, Legislators were faced with decreased state revenues, causing them to seek more cost-effective alternatives to incarceration. Finally, whatever solutions were proposed would need to comply with the provisions of a federal court order previously issued regarding the prison system.

After reviewing programs in Georgia and Mississippi, where restitution centers had been established, Texas legislators drafted and passed legislation which would allow local adult probation departments to establish restitution centers. The centers would be available to the courts and communities to divert non-violent felony offenders from the state's prisons. The purpose of the restitution centers would be to have the offender repay the victim and the community, while continuing to work and pay taxes.

On May 25, 1983 the Governor signed House Bill 658, the legislation enabling the establishment of restitution centers, into law. The law, later codified into the Texas Code of Criminal Procedure, placed the responsibility of administration and funding of restitution centers with the Texas Adult Probation Commission and operation of the centers with local adult probation departments. To financially support the new program, the Legislature appropriated state-wide \$4.9 million in fiscal year 1984 and \$7.2 million in fiscal year 1985 to the Texas Adult Probation Commission.

A new era in Texas community-based corrections had begun.

## ELIGIBILITY

The district judge, with the help of the local probation department, will determine which offenders will become residents of the center.

Under Texas law, residents must, at a minimum, meet the following criteria:

- be a felony offender;
- not have committed a violent offense, caused bodily injury, or used a deadly weapon;
- not have committed an offense under the Controlled Substance Act;
- be employable; and
- otherwise would have been sentenced to the Texas Department of Corrections.

While in the center, the resident's progress is evaluated by the court every 3 months. If the judge determines the resident has demonstrated an acceptance of responsibility, the court may order the resident released from the center. The first two months following release, the former resident will be intensively supervised before being transferred to a regular probation caseload.

If the resident does not make what the court determines is satisfactory progress, the court may revoke the offender's probation and have the offender incarcerated at the Texas Department of Corrections. Should this occur, the offender would not receive any credit for the time served in the restitution center.

## COOPERATION

The restitution center program is a cooperative effort of both the state and local areas.

The Texas Adult Probation Commission has adopted standards to guide the implementation and operation of a restitution center. The Commission's staff offers both technical assistance and training to those local adult probation departments establishing centers. Through an application process, the Commission awards funds to the local departments for planning and implementation of the actual centers. Finally, accountability for the restitution center program is assured through the Commission's fiscal and program auditing functions.

While the majority of the staffwork involved in establishing and operating a restitution center is the responsibility of the local adult probation department, community input and participation are important to the success of the centers. Local adult probation departments desiring to establish a restitution center must have a community advisory council. The council, appointed by the district judge(s), must consist of not less than seven representatives of the community. The council's role is to advise the probation department in the planning, establishment, and maintenance of the restitution center.

The cooperation and support of judges, community leaders, legislators, probation departments, and others are making the restitution center program an effective alternative for the courts, the offender, and the community.

## RESPONSIBILITY

A restitution center is a facility usually designed to accommodate from 30 to 60 persons. Usually a center is located in areas other than residential, often in light industrial zones for access to employment.

The center does not have locked doors or bars on the windows like jails and prisons. However, resident activity is carefully monitored by the center's staff and adult probation department.

Typically, an offender will be ordered by the court to reside in the center for a period of up to one year. During the day, the residents go to work in the community and return to the center afterwards.

The resident's wages are given directly to the center's director, who in turn disburses portions for payment of:

- restitution to the victim;
- court costs, fines, and fees;
- commuting expenses of the resident, and
- support for the resident's dependents.

During off-work hours, the resident is required to perform community service work for governmental or non profit community agencies, as a way to pay restitution to the community.

## EFFECTIVE

The approximate daily operating cost of punishing an offender in the Texas Department of Corrections is estimated to be \$18.00. If capital costs (construction and equipment) are included, the daily cost would rise above \$20.00.

An offender serving two years in the Texas Department of Corrections would cost the state approximately \$15,000. No restitution would be paid to the victim, no taxes would be paid by the offender, and the dependents of the offender may need to rely on public assistance.

Placing the non-violent offender into a restitution center for six months at \$25.00 per day and then on regular probation for 18 months at \$1.00 per day would cost a little more than \$5,000. Restitution would be paid to the victim, the offender would continue to work and pay taxes, support their dependents, and perform community service work.

For more information about the Texas Restitution Center Program contact:

Texas Adult Probation Commission  
812 San Antonio, Suite 400  
Austin, Texas 78701

(512) 475-1374

## RESTITUTION CENTERS



AN  
ALTERNATIVE  
FOR TEXAS

## EXHIBIT I

MAJOR ASPECTS OF THE "DIVERSION/RESTITUTION CENTERS OF THE PROBATION DIVISION,  
THE (GEORGIA) DEPARTMENT OF OFFENDER REHABILITATION", - JANUARY 1980.

### ELIGIBILITY CRITERIA

#### Requirements

- Determination that placement in center is only alternative to state prison
- Suitable health and capable of holding full time job
- Willingness to enter into treatment contract to establish behavioral objectives (Release date is earned according to contract established by offender and counselor)
- No violent or sex offender
- No offender who poses high risk to community safety
- No chronic alcoholic or hard drug abuser

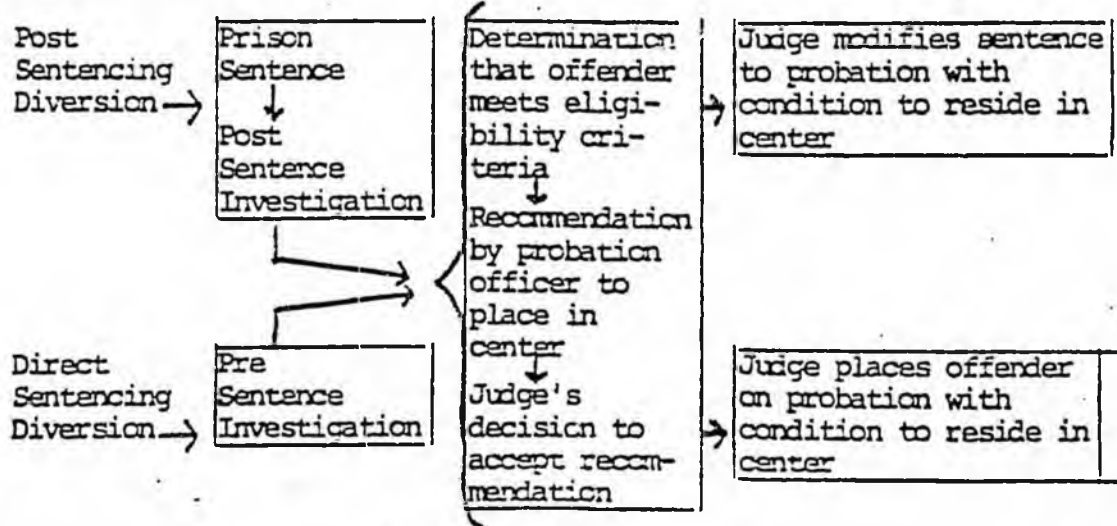
#### Primary Consideration

- Felons who would have served time in prison
- Property offenders who require closer supervision than probation

#### Secondary Consideration

- Non-property offenders
- Misdemeanants on case-by-case basis (Ex. Those convicted of non-payment of child support, passing bad checks, those with large court fines who require heavily structured supervision to insure payment)

### SENTENCING METHODS



### REVOCACTION

- Rule violators: Returned to judge for revocation. Serves remaining sentence in prison.
- Away without leave: Law enforcement agencies notified. Warrant issued for arrest. Offender taken to jail to await revocation.

## OFFENDER ACTIVITIES

Orientation Period: Tests for social, physical, emotional problems.  
Explanation of rules and regulations.

Employment: Within seven days, offender secures full time job in community with help from counselor and employment office.  
(Ex. carpentry, painting, food service, local industries)

Transportation: Some may drive own cars. Others use public transportation. If state cars used, \$1 per day is charged.

### Self-Help Activities/Programs

Comprehensive work/training program	Adult basic education
Job skills	High school equivalency preparation
Work ethics	Religious activities
Compulsory hours of public service	Recreation
Individual/group counseling	Music appreciation
Consumer education	Other community programs
Communication group	
Center maintenance (offenders clean own areas, maintain grounds and building)	

## CENTER CHARACTERISTICS

Major Emphasis: Development of responsible behavior and strong work ethic in offender; Financial responsibility for offense and upkeep.

Length of Stay: Minimum four months, average five months.

Residents per Center: 35

Facilities: Conversion of motels, dormitories and large houses into restitution centers leased by state.

Staff: Use of volunteers and professionals in community to reduce staff needed and to prevent duplication of services.

Superintendent	Business Manager
2 Counselors	Food Service Manager
5 Correctional Officers	2 Secretary/Typists
Probation Officer	

Security: 24 hour per day supervision; Security officer on each shift makes rounds and locates each resident each hour, and maintains appropriate conduct of residents.

### Visitors

During first three weeks in center, visiting hours on weekends, 1-4 pm.  
Weekend passes earned as follows:

<u>Weeks in Center</u>	<u>Weekend Passes</u>
4	12 hours
5	24 hours
7	48 hours

Food: Served in center or lunches packed to take to job.

FINANCIAL INFORMATION

FY 1979 Earnings and payments of Offenders in 12 Restitution Centers:

Residents' Earnings

Gross earnings*	\$1,455,594
Taxes/deductions	<u>251,131</u>
Net earnings	\$1,204,463

\* Residents earn from  
\$3.25-\$6 per hour.

Residents' Payments

Room/board assessments (\$5 per day, \$35 per wk)	\$371,054
Food, clothing, medical, personal items (\$15 per wk), transportation	316,013
Court costs, fines	146,102
Payments to family	115,003
Restitution	80,445
Mandatory savings	<u>45,839</u>
	\$1,074,456

FY 1980 Budget for 12 Restitution Centers: \$2,013,444

Average per center: \$200,000

COST SAVINGS OF RESTITUTION CENTER, 2-12-79

<u>Cost of Prison</u>		<u>Cost of Diversion/Restitution Center</u>	
Maintenance cost	\$4,505	Residential phase (120 days)	\$1,440
Administrative/capital outlay	<u>934</u>	Probation phase (245 days)	<u>123</u>
TOTAL PER YR PER INMATE	\$5,440	TOTAL PER YR PER OFFENDER	\$1,563

Prepared by: Shirley R. Pope, Senior Research Associate  
Correctional Institution Inspection Committee  
Ohio State Legislature

C H A R T III

STATES THAT HAVE IMPLEMENTED RESTITUTION CENTERS

<u>STATE</u>	<u>TYPE OF PROGRAM</u>	<u>RESIDENTIAL, OF FELONS</u>	<u>%</u>	<u>ADMIN. AGENCY</u>	<u>ENABLING LEGIS</u>	<u>EFFECT ON CORRECTIONAL SYSTEM</u>	<u>ELIGIBILITY CRITERIA</u>
<u>ALABAMA</u>							
House Bill 22 Chap 83-83H	Supervised Intensive Restitution Program	NO	100%	DOC	YES	Reduce prison time (after 60 days in prison)	Must be within 3 yrs. of release date, nonviolent offenders, no drug sales, good conduct, must have sponsor.
<u>ARIZONA</u>							
	Pima Co. Project Work (Community service)	NO	100%	Co. DA	NO	In lieu of prison	Offenders ranked by offense, etc.
ARS §13-901	Mandatory restitution	NO	**Both	Prob.	YES	In lieu of prison	Nonviolent offenders
<u>CALIFORNIA</u>							
CRS§17-27-101	Community Corrections (State)	YES/(*) (up to 2 yrs.)	100%	DOC & local Comm.	YES	In lieu of prison	Nonviolent offenders. Clients required to pay part of costs. Restitution to victim may be required if client is employed. Public service & restitution.
<u>CONNECTICUT</u>							
	Correctional Institution Incl. monetary & community service restitution with victim contracts	YES	Both	DOC	NO	Reduce prison time	All convictions
	Connecticut Restitution Service	NO	100%	Court	NO	In lieu of jail/prison	Nonviolent offenders

NOTE: \*For purposes of continuity and definition "DOC" means Department of Corrections or equivalent agency.  
\*\*For purposes of definition "Both" means both misdemeanants & felons.

C H A R T III

STATES THAT HAVE IMPLEMENTED RESTITUTION CENTERS

<u>STATE</u>	<u>TYPE OF PROGRAM</u>	<u>RESIDENTIAL</u>	<u>OF FELT/RS</u>	<u>ADMIN. ENAILING</u> <u>AGENCY LEGIS</u>	<u>EFFECT ON</u> <u>CONFECTIONAL SYSTEM</u>	<u>ELIGIBILITY CRITERIA</u>
<u>FLORIDA</u>						
FSF921.187	Restitution Centers (Comm. Resid/Nonresid. Centers, including community service)	YES/NO	100%	DOC/ YES contract	Residential in lieu of prison; nonresidential for pretrial diversion	Nonviolent, no drug offenses.
<u>GEORGIA</u>						
	Diversion/Restitution Centers	YES	100%	DOC NO	In lieu of prison or reduce prison time	Offenders who "need" short-term supervision on a 24-hour a day basis. Must work full time in community.
<u>INDIANA</u>						
	Elkhart County Pact Community Service Restitution Program	NO	Both	County NO	In lieu of jail	For Class A misdemeanors & lesser felonies
	Elkhart County Pact Victim Offender Reconciliation Program	NO	Both	County NO	In lieu of jail	Referred by court & probation. Victim must be willing. Mainly for property offenses.
AIC 11-12-1-1 et. seq.	Community Corrections Act	YES/NO	Both	DOC/ YES Contract	In lieu of prison	Nonviolent offenses, primarily 1st time some drug allowed, no previous violations in community corrections program.
<u>IOWA</u>						
I.C. (1983) §§217.24, 905.1 et. seq.	Community Corrections Act (incl. monetary and community service restl.)	YES	Both	DOC/ YES Contract	In lieu of prison / reduce prison time	Pre-sentence investigation
<u>KANSAS</u>						
KSA 75-5290 et. seq.	State Community Corrections Act	YES/NO	100%	DOC/ YES Contract	In lieu of prison	Nonviolent/nonchronic offender, no more than two adult felony offenses.
<u>LOUISIANA</u>						
	New Orleans Parish Resti- tution (monetary and community service)	YES	100%	Sheriff NO	Reduce prison time	Screened, no drugs, escape, mental disorder & must work.

C H A R T III

STATES THAT HAVE IMPLEMENTED RESTITUTION CENTERS

<u>STATE</u>	<u>TYPE OF PROGRAM</u>	<u>RESIDENTIAL OF FINES</u>	<u>%</u>	<u>ADMIN. AGENCY</u>	<u>ENAILING LEGIS</u>	<u>EFFECT ON CORRECTIONAL SYSTEM</u>	<u>ELIGIBILITY CRITERIA</u>
<u>MAINE</u>							
MSA 17A §1330 & MSA 15§1791	Work Release/Restitution	NO	100%	DOC	YES	Reduce prison time	Good conduct in prison, 6 months before release.
	Community service & restitution (County)	NO	4%	DA	NO	In lieu of jail/prison	Nonviolent - nonsophisticated offenders
<u>MARYLAND</u>							
ACH ART 2/5/80A	Community Corrections Act	YES	Both	DOC/ Contract	YES	Reduce prison time	Less than 6 months remaining on sentence or to parole date
<u>MASSACHUSETTS</u>							
	Quincy Judicial District Earn It Program (Restitution & diversion)	NO	Both	Earn-It	NO	In lieu of prison	Approved by court screening panel, less serious offenses
<u>MINNESOTA</u>							
MS CIAP 401	Community Corrections Act	YES/NO	Both	DOC	YES	In lieu of prison / reduce prison time	Less serious offenders
"	a) SAVE Project (community service)	NO	Both	*	YES	In lieu of prison pretrial diversion 40%	Less serious offenders, usually not felons
"	b) Alternative Serv. Program	NO	Both	*	YES	In lieu of prison	Less serious offenders
"	c) Financial Restitn. adult courts	NO	Both	*	YES	In lieu of prison	Less serious offenders
"	d) Winona Program (mixed \$ restitn/ comm. serv. proj.)	NO	Both	*	YES	In lieu of prison	Less serious offenders
"	e) N.W. Regional Alter. Sent. Prog. (\$ restitution & comm. service)	No	Both	*	YES	In lieu of prison	Less serious offenders

NOTE: \*Under Minnesota's Community Corrections Act, the SAVE Project is administered by the Dakota County Court Services, the Alternative Service Program, the Winona Program and the N. W. Regional Alternative Sentencing Program are administered by the County Corrections Agency, and the Financial Restitution program in the adult courts is administered by the Regional Correction Agency.

C H A R T    I I I

STATES THAT HAVE IMPLEMENTED RESTITUTION CENTERS

<u>STATE</u>	<u>TYPE OF PROGRAM</u>	<u>ESSENTIAL OF PRISON</u>	<u>%</u>	<u>ADMIN. AGENCY</u>	<u>ENAILING LEGIS</u>	<u>EFFECT ON CORRECTIONAL SYSTEM</u>	<u>ELIGIBILITY CRITERIA</u>
<u>MISSISSIPPI</u>							
MC 47-7-49	Restitution Centers (adjud. monetary restit/comm. serv. project)	YES	100%	DOC	YES	In lieu of prison	Nonviolent crimes, no drug or alcohol abuse, no long criminal history, must work.
MC 9-15-101 et. seq.	Pre-trial Intervention Act (Diversn., restit. to the victim)	NO	100%	DA	YES	In lieu of prison	Nonviolent/burglary/substance abusers, no significant history of prior delinquency or criminal act; must agree to restitution to victim, screened by DOC & DA approved.
<u>MISSOURI</u>							
	Alternative Community Services Program	NO	0%	County Corr. Agency	NO	In lieu of prison	Less serious offenders
<u>NEW HAMPSHIRE</u>							
RSA 651:62 et. seq.	Front end restitution diversion.	NO	Both	DOC	YES	In lieu of prison	Discretion of court
RSA 651:62	Post-sentence restitution House of Corr. admn. by counties.	YES	Both	County	YES	While incarcerated	Mostly misdemeanors, discretion of court
RSA 657:25	Work-release with restitution	YES	100%	DOC	YES	Reduce prison time	Violent & sex offenders within 6 months of release, nonviolent must have less than 2 years, appropriate adjustment in jail.
<u>NEW JERSEY</u>							
	County Pretrial Intervn. Proj. (monetary/comm. serv restit.)	NO	100%	Court	NO	In lieu of prison	Less serious offenders

C H A R T    III

STATES THAT HAVE IMPLEMENTED RESTITUTION CENTERS

<u>STATE</u>	<u>TYPE OF PROGRAM</u>	<u>RESIDENTIAL OF FELONS</u>	<u>%</u>	<u>ADMIN. AGENCY</u>	<u>ENABLING LEGIS.</u>	<u>EFFECT ON CORRECTIONAL SYSTEM</u>	<u>ELIGIBILITY CRITERIA</u>
<u>NEW MEXICO</u>							
	Pre-Prosecution Diversion Program, San Juan & McKinley County DA ( \$ & comm. service restitution)	NO	100%	DA	NO	In lieu of prison	Nonviolent property offender; no major priors; admit guilt; no drugs, good candidate.
NMS §31-17-1	State Restitution Program (\$ &/or community service)	NO	Both	*	YES	In lieu of prison	Discretion of judge or parole board (no guidelines)
<u>NEW YORK</u>							
NYCL §72-a	Community Corrections Leg.	YES/NO	100%	DCC	YES	In lieu of prison / reduce prison time	Nonviolent offenders
<u>NORTH CAROLINA</u>							
NCGS §15A-13-43	Restitution (3501) (monetary)	NO	Both	DCC	YES	In lieu of jail/ prison	Discretion of court
NCGS §148-33.2(a) & (b)	Restitution (3502) (monetary)	YES	Both	DCC	YES	Reduce prison time	Discretion of court
<u>OHIO</u>							
ORC §2929.51A	Community Corrections Act	YES	Both	DCC/ Contract	YES	In lieu of prison / Reduce prison time	Less serious felons
	Monday Program, including restitution & comm. serv.	YES	100%	DCC/ Contract	Proposed	In lieu of prison	Nonassaultive
	Night Prosecutors Program (monetary restit.)	NO	Both	City Prosecutor	NO	Informal mediation	Less serious offenders
<u>OKLAHOMA</u>							
O.S. 22§991a et. seq.	Restitution Accounting Program	NO	100%	DCC	YES	In lieu of prison	Discretion of the court

NOTE: \*New Mexico's State Restitution Program is administered by the Department of Criminal Justice.

C H A P T E R III

STATES THAT HAVE IMPLEMENTED RESTITUTION CENTERS

<u>STATE</u>	<u>TYPE OF PROGRAM</u>	<u>RESIDENTIAL</u>	<u>% OF FILERS</u>	<u>ADMIN. AGENCY</u>	<u>EMERGING LEGIS.</u>	<u>EFFECT ON CORRECTIONAL SYSTEM</u>	<u>ELIGIBILITY CRITERIA</u>
<u>OREGON</u>							
ORS§423.500	Community Corrections Act	YES/NO	Both	County	YES	In lieu of prison / Reduce prison time	Varies
ORS§137.103 ORS§135.846	Restitution (monetary)	NO	Both	IA	YES	In lieu of prison / Reduce prison time	Nonviolent offenders
<u>RHODE ISLAND</u>							
	Adult Diversion Program (monetary)	NO	100%	State Prosec.	NO	Pre-trial diversion	Nonviolent felonies 1st time offenders
	Warwick Police Department Program (county)	NO	6%	PD	NO	In lieu of jail/prison	Nonviolent felonies
<u>SOUTH DAKOTA</u>							
	County 7th Circuit Court Services	NO	Both	County Court	NO	In lieu of prison / Reduce prison time	Nonviolent less sophisticated offender
<u>TENNESSEE</u>							
TCA §41-6-102	Community Service Centers Restitution Program	YES	100%	DOC	YES	Reduce prison time	No Murder, rape & manslaughter, 3 to 5 years left, family in state, able to work
TCA §4-3-003	Work release/restitution (85% monetary)	YES	100%	DOC	YES	Reduce prison time	Must be at release eligibility date, 3 time offender not eligible.
<u>TEXAS</u>							
TS CIAP 237	Restitution Centers	YES	100%	DOC	YES	In lieu of prison Reduce prison time	Nonviolent, no drug abuse, employable, would have been in prison.

C H A R T    I I I

STATES THAT HAVE IMPLEMENTED RESTITUTION CENTERS

<u>STATE</u>	<u>TYPE OF PROGRAM</u>	<u>RESIDENTIAL OF FEARS</u>	<u>%</u>	<u>ADMIN. AGENCY</u>	<u>ENABLING LEGIS</u>	<u>EFFECT ON CORRECTIONAL SYSTEM</u>	<u>ELIGIBILITY CRITERIA</u>
<u>UTAH</u>							
UC 577-18-1	Restitution & community service (\$ to victim)	NO	Both	Prob.	YES	In lieu of jail/prison	Completely discretionary
<u>VERMONT</u>							
	Monetary & Community Service (Return It Prog.)	NO	Both	Local	YES	In lieu of jail	Nonviolent offenders
<u>VIRGINIA</u>							
SCV Title 53.1 Chapter 5	Community Diversion Incentive Act	YES/NO	100%	DOC/Local	YES	In lieu of prison	Nonviolent offenders, not if given mandatory sentence.
"	a) Pre/post-sentence diversion/restitution	YES/NO	100%	"	YES	In lieu of prison	Nonviolent offenders
"	b) Community service	NO	100%	"	YES	In lieu of prison	Nonviolent offenders
<u>WASHINGTON</u>							
RCW 9.91A.140	Restitution/Community Service	NO	100%	DOC/Local	YES	In lieu of prison	Nonviolent offenders
<u>WISCONSIN</u>							
	Restitution	NO/YES	50%	Local	NO	In lieu of prison	Nonviolent offenders



## TEXAS ADULT PROBATION COMMISSION

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812 San Antonio, Suite 400, P. O. Box 12427, Austin, Texas 78711 -Telephone (512) 475-1374

RESTITUTION CENTER  
PROGRAM DESCRIPTION

## INTRODUCTION

The ability of a criminal justice system to provide for community protection in a cost effective manner increases substantially when correctional options exist. In recognizing this fact, the Texas Legislature has provided funding for Intensive Supervision Probation and Restitution Centers as alternatives to incarceration in the maximum security institution of the Texas Department of Corrections. This funding has been provided to the Texas Adult Probation Commission (TAPC) for distribution to Judicial District Adult Probation Departments which choose to implement these correctional options in accordance with TAPC guidelines. Many adult probation departments have received state aid for the implementation of Intensive Supervision Probation Programs since the autumn of 1981. The Restitution Center Program was passed into law by the 68th Legislature of Texas for implementation during the fiscal years of 1984 and 1985. This program is experimental. Its continuation beyond the FY84-85 biennium depends upon its success in diverting offenders from TDC.

## BACKGROUND

The Texas Judiciary and Adult Probation Officers recognize that in order to provide for public safety, adult probationers who do not comply with their conditions of probation must be disciplined. Therefore, during the period from April of 1982 through March of 1983, 7,439 adult probationers were revoked and incarceration at the Texas Department of Corrections followed. During this same period, the Texas District Courts sentenced (and did not grant probation) approximately 10,000 offenders to incarceration at the Texas Department of Corrections.

A portion of these approximately 17,000 inmates were persons convicted of non-violent property offenses. In all cases the Courts determined that given the options of street supervision in caseloads approaching two hundred probationers per probation officer in metropolitan areas or incarceration in the maximum security institutions of the Texas Department of Corrections, the public would be better served if these offenders would be incarcerated.

In planning to respond to the increased demand for its services, the Texas Department of Corrections submitted an appropriations request for approximately \$1.5 billion for the FY84-85 biennium. The Texas Legislature, faced with declining revenues and the public demand for a more cost effective corrections system, listened to the Judiciary and other Criminal Justice Professionals who said non-violent property offenders can be corrected in community-based correctional programs other than jails. Their listening resulted in House Bill 658 by Representatives Keller, Rudd and others which authorized the establishment of Restitution Centers being signed into law by Governor Mark White. The authorization was accompanied by an appropriation of \$12.1 million for the biennium. This funding will enable Judicial District Adult Probation Departments, which choose to do so, to establish approximately thirteen forty-bed Restitution Centers in FY84. In FY84 these thirteen Centers could continue and an additional six Restitution Centers could commence operation. The expected impact of the Restitution Centers is to correct approximately two thousand non-violent property offenders who would have been incarcerated at the Texas Department of Corrections if it were not for the existence of the Restitution Centers.

#### PROGRAM DESCRIPTION

Being tough on offenders is the purpose of the Restitution Centers. The offenders in Restitution Centers are not given a free ride. They must work. Their earnings are to be delivered to the Restitution Center Director. The Director disburses part of the earnings as restitution to the victims of the crime. The Director withholds a portion of the earnings for room and board at the Restitution Center. The Director uses the earnings to pay for fines, attorney fees, and other court costs. If the offenders have dependents, the Director sends part of the earnings to support the family so that the family does not have to depend on public assistance.

The probation officer at the Restitution Center works with the offenders in developing their restitution plans so that each offender will become more financially responsible for their actions. Finally, after restitution payments are made, a portion of the earnings are placed into a savings account enabling the offenders to realize that work not only enables them to pay their debts but also enables them to become more secure financially,

without resorting to criminal behavior. The probationers are to leave the Restitution Center employed and with a sufficient amount of saved earned income to live independently.

Offenders are eligible to be placed in a Restitution Center if they:

- (1) were not sentenced for a felony offense under Title 5, Penal Code (violent offenses), or under the Texas Controlled Substances Act, Article 4476-15, Vernons' Texas Civil Statutes (production, distribution or sale of drugs);
- (2) did not cause bodily injury as a result of the commission of the offense;
- (3) did not use a deadly weapon during the commission of or flight from the offense;
- (4) do not have extensive histories of drug or alcohol abuse;
- (5) are employable; and
- (6) would have been incarcerated at the Texas Department of Corrections if it were not for the availability of the Restitution Center.

While residing in a Restitution Center, the probationers are not at liberty to come and go as they please. They must remain at the Center at all times except for:

- (1) time spent at work and travelling to and from work;
- (2) time spent attending and travelling to and from an education or rehabilitation program approved by the Restitution Center Director;
- (3) time spent attending and travelling to and from a community service project; and
- (4) time spent on emergency furlough.

These non-violent property offenders are different from offenders who are alcoholics or drug addicts. These latter types of offenders need treatment in order to change their behavior. Such treatment can be provided in

a Residential Treatment Center or in a substance abuse recovery program. Alcoholics and drug abusers are not immediately employable and therefore are not appropriate placements in Restitution Centers.

Programs offered to probationers while they are in the Center are all to be aimed at enabling the probationer to seek and maintain employment. Employment placement, life skills courses and basic educational programs are appropriate.

Security is one of the main features of a Restitution Center. A condition of each resident's probation will be to obey the rules of the Restitution Center. Not abiding by these rules could be grounds for revocation. Security in the Restitution Center will not result in bars on windows and the presence of correctional officers. Restitution Centers are not to be jails if they are to be funded by the Texas Adult Probation Commission. Staffing patterns at the Restitution Centers will be sufficient to provide a level of surveillance necessary to prevent rules' infractions, including the prevention of the introduction of drugs or alcohol to the Restitution Center or use of such substances while at work. To this end the staff's surveillance efforts may be complemented by breathalyzer or urinalysis capabilities.

Written evaluation reports about the probationer's progress made toward compliance with the court ordered conditions of probation are to be presented to the court so that the court can be more informed when making a decision to terminate a probationer at a Restitution Center. It is anticipated that a probationer will reside at a Restitution Center for a period of six to twelve months.

A Restitution Center may be established and maintained by an Adult Probation Department and be an alternative sentence for those District Courts which the adult probation department serves. If the volume of court cases resulting in commitments to the Texas Department of Corrections is not sufficient to warrant one Judicial District Adult Probation Department to establish and maintain a Restitution Center, then a regional Restitution Center can be established and provide services to as many Judicial Districts as needed or will use the alternative sentence.

A Restitution Center is to have a community advisory council appointed by the District Judge or Judges. This council is to advise the department in the establishment and maintenance of the Center. The members of the council can be resources to the department, not only in fostering community support for probation, but also in developing jobs for the residents of the Restitution Center.

A Restitution Center may be department managed or the Judicial District Adult Probation Department may contract with local providers to operate a Restitution Center. In either case, the Restitution Center must adhere to the standards of the Texas Adult Probation Commission.

JULY PROGRESS REPORT  
TEXAS RESTITUTION CENTER PROGRAM

TEXAS ADULT PROBATION COMMISSION

Prepared by Renita Bankhead  
with assistance from Malcolm MacDonald  
Program Service Division

August 24, 1984

## INTRODUCTION

There are two sections to the application for Restitution Center Funding. The first section is the Narrative section in which you are asked to address the following eight topics.

- A) Target Diversion Population
- B) Availability of Employment
- C) Operations Procedure Manual
- D) Diversion Documentation
- E) Community Advisory Council
- F) Program Description
- G) Measurable Objectives
- H) Technical Assistance Needs
- I) Signature Page

The second section is the Budget section consisting of the Budget Summary and the detailed Budget Schedules.

If an application is received by the TAPC Program Services staff one month prior to a Commission meeting (TAPC 323.2d), it will be presented to the Commission for its consideration at that meeting. However, Chief Adult Probation Officers are encouraged to submit to the Program Services Division, at their earliest convenience, a draft of the first section, or of any part of the first section, of the application. This will enable TAPC to review and comment on the draft Narrative. This process should allow for a sufficient amount of time for Chief Adult Probation Officers to respond to any questions prior to submission of the formal application to the Commission for its consideration.

SECTION 1 - NARRATIVE

A. Target Diversion Population

You are asked to review the previous activity of the courts which will be sentencing offenders to the Restitution Center. In particular, you are to determine the number of offenders incarcerated at TDC as a direct sentence or as a result of a revocation proceeding who are:

1. non-violent property offenders;
2. employable;
3. do not have an extensive history of alcohol or drug abuse;
4. did not use a weapon in the commission of the offense or flight from the offense; and
5. did not cause bodily injury.

Departments in highly populated areas may need to only review the court activity for one month to demonstrate that there are a sufficient number of eligible offenders who could have been diverted from TDC to a Restitution Center of the capacity proposed. Departments in less populated areas may need to review the court activity for several jurisdictions (if they are proposing a regional Restitution Center) for the previous six month period in order to demonstrate that there is a sufficient number of eligible offenders who could have been placed into a Restitution Center if one were available to the Court. The more recent the court data, the more relevant it will be to documenting your need for a Restitution Center.

The Target Diversion Population Worksheet is to be completed. In addition to this, you are to provide a brief narrative explaining: 1) the number of TDC commitments who would have been eligible for Restitution Center placement; 2) the types of crimes these eligible offenders committed; 3) how you determined that they did not have an extensive history of substance abuse; 4) how you determined that they were employable; and 5) how you determined that they met the other eligibility requirements. Attach the completed Target Diversion Population Worksheet to the Narrative. This material will assist your department and the TAPC in demonstrating that diversions from TDC to Restitution Centers are feasible. We anticipate that this type of documentation will also assist the Legislature in reviewing the Restitution Centers' impact on diverting felony offenders from TDC.

Please note that ISP probationers typically are not to be considered as part of the target population for a Restitution Center.

B. Availability of Employment:

This narrative is to provide information demonstrating that the residents of a Restitution Center will have employment opportunities available to them. Indicating the county unemployment rate is appropriate, plus any community resources, such as Texas Employment Commission, Texas Rehabilitation Commission, etc., which will be utilized in securing employment for probationers in the Restitution Center. Indicate how you plan to use these community resources.

If you plan to utilize Advisory Council Members as employment resources, this should be explained. Also, any involvement of the department (including Restitution Center) staff with the Private Industry Council (PIC) established through the Job Training Partnership Act of 1982 should be identified. Each Restitution Center is to have a staff person responsible for employment placement. This person should be identified and his/her responsibilities explained.

C. Operations and Procedure Manual

If you have not developed an Operations Procedure Manual, the TAPC can provide you with Guidelines and Elements for the Operation of a Restitution Center. This document will be only a guide and is intended to be useful in the development of the Restitution Center program itself as well as the operations procedure manual. The TAPC has other additional supportive information geared toward the development of a Restitution Center and the operations procedure manual.

D. Diversion Documentation

The continuation of Restitution Centers as sentencing alternatives will depend on how well the TAPC, in cooperation with the Judicial District Adult Probation Departments, documents that all of the offenders who were placed into Restitution Centers would have been incarcerated at TDC if the Restitution Center were not available to the Court. In this narrative, describe how you will document diversion from TDC.

E. Advisory Council Members

The law mandates that a Community Advisory Council is to be appointed by the District Judges. These persons are to advise the department in the "establishment and maintenance" of the Restitution Center. The Advisory Council is to have at a minimum seven members. Representation should include at least the following: county or city government; law enforcement; civic groups; and private industry. List the persons appointed, their profession, employer, and also what segment of the community they represent. Also provide the date and time of the Advisory

Council's next scheduled meeting. Advisory Council members are used for various roles, such as securing employment for residents, site selection, or being involved in the day to day operation of the Restitution Center. How do you foresee your advisory council functioning?

#### F. Program Description

This section should include an overall program description of your Restitution Center program. Content should include, but not limited to site selection, number of residents, co-ed, department operated or contracted, public hearing, unique features and other relevant information. There is no need to repeat information that is already contained in the operation procedure manual.

#### G. Measurable Objectives

Please list your specific measurable objectives that you plan to accomplish in the next fiscal year. A form has been provided for this purpose. These objectives will be used as part of the basis for monitoring the Restitution Center. Add as many additional pages as you need.

#### H. Technical Assistance Needs

You are welcomed to identify in this narrative what type of technical assistance or training you need from the TAPC. Please identify time frames in which you would like this assistance to be provided.

#### I. Signature Page

This signature page of the application should be signed by the Presiding District Judge and the Chief Probation Officer. This will demonstrate to the TAPC that the budget and narrative have been approved by the Chief Officer and Presiding Judge.

### SECTION 2 - BUDGET SCHEDULES

Budget schedules on the following line items must be provided:

- A. Salaries
- B. Fringe Benefits
- C. Travel
- D. Furnished Transportation
- E. Contract Services for Probationers
- F. Professional Fees
- G. Supplies and Operating Expenses
- H. Facilities
- I. Equipment

You are requested to complete the budget schedules and the projected budget summary page. Each Budget Schedule has instructions on how to complete the Schedule.

CONCLUSION

You are asked to contact the Program Services Division for technical assistance if that would be helpful to you. All application materials should be sent to the attention of Mr. Malcolm MacDonald, Program Services Division.

Other technical assistance can be obtained from the TAPC's Restitution Center Program Coordinator, Den Freaney.