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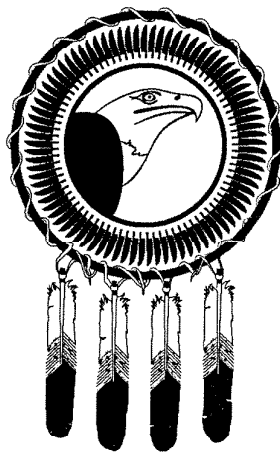
*Developing Restitution as an Alternative Sanction  
for the Tuba City Family Court*

by

Stewart Wakeling

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Harvard Project on  
American Indian Economic Development  
John F. Kennedy School of Government  
Harvard University

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**DEVELOPING RESTITUTION**  
**AS AN ALTERNATIVE TO INCARCERATION**  
**FOR THE NAVAJO FAMILY COURT**

**EXECUTIVE SUMMARY**

**INTRODUCTION:** Like courts in many areas, the Navajo Family Court is struggling to cope with dramatic increases in crime by youth in the face of severely limited resources.

- First, the Court doesn't *have enough staff, programs, and facilities* to deal with all the young people who come before it.
- Second, it doesn't have *enough kinds of sanctions*--like intensively supervised probation or day reporting centers--to deal with young offenders who are beginning to get into trouble a lot or have committed moderately serious crimes.
- Finally, because the Court's financial resources are limited, solutions to these problems must be *affordable* .

**WORKING TOWARD A SOLUTION:** Intermediate sanctions are a good solution to the Court's problems because:

- Intermediate sanctions employ community-based treatment programs that effectively address young offenders' problems and satisfy community desires for accountability.
- Many young offenders can be adequately monitored in community settings--and, therefore, within the net of supervision and support provided by families, schools, and others who play important roles in these young people's lives--without compromising public safety.
- Intermediate sanctions are *less expensive than jail* (per person) and they enable the Court to maximize the effectiveness of its limited resources.

**RECOMMENDATIONS:** I recommend two intermediate sanctions: a simple restitution program and an intensively supervised restitution program. *Each is inexpensive, effective, can be implemented without a large investment in new facilities or additional staff, and embodies many Navajo values. In addition, they contain many common elements, which will ease implementation and enhance their cost-effectiveness.*

**(1) The Simple Restitution Program:** This program, designed for less serious offenders, requires offenders to do chores--for example, yard work or home repairs--for elderly members of the community, preferably for members of their family or clan. This would strengthen or restore important family bonds and support and draw on the natural sense of obligation elders feel toward young relatives. In return for chores, elders would share their knowledge of Navajo values and culture.

**(2) The Intensively Supervised Restitution Program:** This program grows out of the simple restitution program but is designed for more serious offenders. Participants are, therefore, much more closely supervised than in the simple restitution program. This program would carefully structure most of the participant's free time around work projects and related educational and counseling activities.

**Additional Advantages of the Recommended Restitution Programs:**

- **Education:** Through investing time and effort in paying the victim back, offenders learn the extent of the damage they caused.
- **Accountability:** Offenders are held accountable for what they have done; indeed, they may have to work long and hard to satisfy the court's order.
- **Healing:** Victims' losses may be ameliorated by the services or payment they receive from offenders. Offenders' work toward restoring the damage they have done brings them back into harmony with their families and social world.

**PROGRAM IMPLEMENTATION:** In the final section of the paper, I present an implementation plan with detailed advice on pursuing completing the following tasks.

<b>STEP 1</b>	<b>BEGIN THE PROGRAM PLANNING PROCESS.</b>
<b>STEP 2</b>	<b>CONTINUE PROGRAM PLANNING, AND BEGIN LOOKING FOR FUNDING</b>
<b>STEP 3</b>	<b>CONTINUE WORK ON PROGRAM FUNDING</b>
<b>STEP 4</b>	<b>HIRE A PROGRAM DIRECTOR</b>
<b>STEP 5</b>	<b>CONTINUE PLANNING, AND BEGIN IMPLEMENTING THE RESTITUTION PROGRAMS</b>
<b>STEP 6</b>	<b>DESIGN AND IMPLEMENT EVALUATION PLANS</b>
<b>STEP 7</b>	<b>BEGIN RECRUITING AND TRAINING VOLUNTEERS</b>



## INTRODUCTION

The client for this paper is the Family Court for the Tuba City Judicial District of the Navajo Nation. The Tuba City Judicial District serves most of the 38,000 people living in the rural western areas of the Navajo Nation. The Family Court deals with a wide range of problems, including divorce, custody matters, child neglect and abuse, and juvenile delinquency. Like courts in many other areas, the Family Court is struggling to cope with dramatic increases in crime by youth in the face of severely limited resources. This paper recommends affordable programs to ensure that young people found guilty of committing crimes are held accountable for their offenses and receive enough supervision and assistance to prevent them from getting into trouble again. I explain my approach in six steps.

**Part 1 Describing the Problem:** I begin by describing the extent and character of juvenile delinquency in the Western Agency and how this growing problem contributes to the Family Court's difficulties.

**Part 2 Looking at the Options:** I discuss what these problems suggest about general guidelines for developing and evaluating solutions. And I introduce several programs and sanctions for the Court to review.

**Part 3 Choosing a Solution:** I then recommend two of these sanctions--a simple restitution program and an intensively supervised restitution program--and explain why I think they are the best choices for the Court.

**Part 4 Fitting these Proposals in with Existing Programs:** Next, I show how these restitution programs can be combined with sanctions like probation and jail to increase their overall value to the Court.

**Part 5 Thinking About these Programs and the Family Court's Future:** I then discuss what these restitution programs suggest about long-term changes in the Court's perspective, practice, and purpose.

**Part 6 Implementing these Restitution Programs:** Finally, in a step-by-step action plan, I describe how the Court can work out the nuts and bolts problems of implementing these restitution programs.

## **PART 1: DESCRIBING THE PROBLEM**

In the first part of this section I describe the extent and character of juvenile delinquency in the Western Agency. Is delinquency a big enough problem to really worry about? How serious are the crimes young people commit? Are most kids who get into trouble one-time offenders or chronic offenders? Answers to these kinds of questions help us understand the pressures on the Court. In the second part of this section I map out how these pressures affect the operation of the Court. Mapping this out provides general guidelines for determining what options will be useful to the Court.

**The Extent of Juvenile Delinquency in the Western Agency.** Juvenile delinquency is a serious problem in the Western Agency. The most recent estimate of annual offenses per capita is at least four times the national rate.<sup>1</sup> In addition, rapid increases in the size of the Navajo youth population suggest that juvenile delinquency is likely to increase over the next several years.<sup>2</sup> The Tuba City community has acknowledged the significance of this problem by developing the Western Navajo Juvenile Services Center, a carefully planned, state-of-the-art treatment and detention facility, on which construction will begin in the summer of 1993.

**The Character of Delinquency in the Western Agency.** Last year roughly 300 offenses by juveniles were reported in the Western Agency. These crimes break down into the categories in Figure 1 below.<sup>3</sup> Notably, offenses that grow out of substance

abuse (DUIs, liquor law violations, drunkenness, and others) make up the largest category.

#### **PROPORTION OF CRIME BY CATEGORY**

- About 8% of all offenses were serious crimes, for example, murder, attempted murder and rape.
- About 35% were related to substance abuse, mostly alcohol abuse (though my interviews and other evidence suggest abuse of other controlled substances is increasing).
- About 25% were for property crimes like criminal damage and burglary.
- About 15% were for threatening, assault/battery, and resisting arrest.
- About 12% were for status offenses.
- About 5% were for "other" offenses.

**Figure 1**

**The Court's Operational Problem.** *The lack of resources to deal with juvenile delinquency is the most difficult problem the Family Court currently faces on a day-to-day basis.* The first aspect of the problem is capacity; the Court does not have enough staff, programs, and facilities--for example, probation officers or jail cells--to deal with all the young people who come before it. The second aspect of the problem is that there are not enough different kinds of sanctions or dispositions available to the Court.

**Capacity:** In practice, the Family Court has only two formal sanctions available to it: probation and jail. Probation is a useful sanction for many less serious offenders; it is cost-effective and flexible. *However, the Court has only one probation officer and his case load is continually full.* Therefore, many young people who could benefit from the extra supervision and assistance a probation

officer provides are left to their own devices. Criminal justice professionals in the area note that these young people often end up getting in trouble again, and for more serious crimes.

*At the other extreme, there are too few cells to jail those young people who have committed really serious crimes and who might pose a danger to the community.* Indeed, there is only one secure facility for youth on the reservation and it is located far from Tuba City in Tohatchi. The Court has been reluctant to use this facility because its location makes travel inconvenient and expensive for law enforcement agencies, makes it hard for families to visit their children, and makes it difficult for the Court to use programs that require community involvement and resources. In any event, the facility in Tohatchi is small, and competition between the seven judicial districts on the reservation for its few cells makes regular use of the facility difficult.

*This lack of capacity has eroded the Court's authority and credibility.* Youthful offenders know there is little chance the Court will order them to be jailed, so they have little incentive to obey the terms of their probation or to refrain from illegal activities. On the other hand, members of the community feel the Court is "soft on crime" because offenders seem to go unpunished. In addition to the problems the Court experiences, dedicated probation officers, prosecutors, and police officers are demoralized by their inability to do their jobs well: they feel young offenders with real problems don't get the help they need; many are not held accountable for their offenses; and the community is left vulnerable to dangerous offenders.

**Dispositions:** *The Court's effectiveness is also limited by having only two kinds of sanctions--probation and jail.* Probation is most effective when the crime is not serious, the risk the offender presents to the community (and to himself) is

limited, and the offender's problems can be readily addressed with existing community programs, agencies, and other resources. On the other hand, though the threat of jail has value as a deterrent, jail itself is often considered appropriate only for habitual or serious offenders; for example, when the crimes committed are very serious or when offenders may be dangerous to the community. In fact, many experts assert that incarcerating juveniles for less serious crimes does more harm than good; they believe jailing juveniles does little to reduce recidivism, tends to stigmatize or label them as delinquents, and exposes juveniles to more serious offenders who may prey on them or introduce them to criminal lifestyles.<sup>4</sup>

In short, it is useful to think of a range of sanctions, from probation, which works best with less serious offenders, to jail, which is appropriate only for the most serious offenders. Part of the Family Court's problem is that it doesn't have any mid-range sanctions--like intensively supervised probation, day reporting centers, or work camps--to use in dealing with young offenders who are beginning to get into trouble a lot or have committed moderately serious crimes.

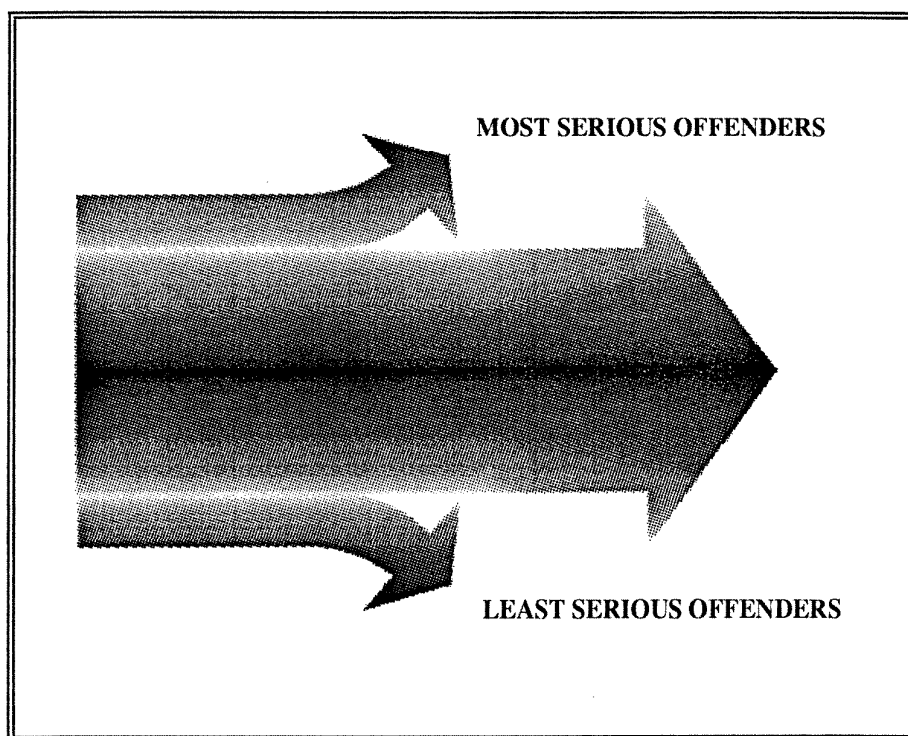
## **PART 2: LOOKING AT THE OPTIONS**

The above discussion of the Court's operational problems suggests two things about the sorts of solutions that will be helpful: first, the Court needs solutions that will increase its *capacity* to deal with offenders; second, the Court needs solutions that provide a greater *range* of sanctions for dealing with offenders. In addition, because the Court's financial resources are limited, any solutions must be *very inexpensive*.

The Tuba City community has already made substantial progress toward a solution by forming the Western Navajo Juvenile Services Coordinating Council. The Council has developed--and obtained funding for--a treatment and detention center, which features treatment facilities and secure housing for over 30 young offenders.

Voorhis Associates' P.O.N.I. assessment of the extent and character of juvenile delinquency on the reservation indicates the treatment and detention center will satisfy the Tuba City area's need for secure facilities for the foreseeable future. However, there is still a large number of offenders for whom the Court does not have cost-effective and appropriate sanctions. Figure 2 below illustrates the Court's situation:

**CATEGORIES OF OFFENDERS AND INTERMEDIATE SANCTIONS**



**Figure 2**

The top arrow represents serious or chronic offenders for whom jail is an appropriate sanction. The bottom arrow represents offenders who will benefit from minimal supervision--say, regular probation. Together these groups account for 30 percent to 40 percent of offenders who come before the Family Court. The lighter shading at the edges of these arrows reflects that it's not clear how big these groups are. The arrow in the center represents offenders who are beginning to get into trouble a lot or have committed moderately serious crimes. Even with a good deal of uncertainty about its size, it is clear

that this middle group of moderately serious offenders is substantially bigger than the other two. The Family Court should use intermediate sanctions with this group for the following reasons.

**Intermediate sanctions employ community-based treatment programs that effectively address these young offenders' problems.** For example, as Figure 1 on page 3 illustrates, many of the offenses these adolescents commit grow out of substance abuse, which makes them appropriate candidates for treatment programs rather than incarceration. Research shows that community-based treatment programs are at least as effective as and often more effective than treatment provided in secure settings.<sup>5</sup>

**These young offenders can be adequately monitored in community settings without compromising public safety.** Research in states (for example, Massachusetts and Utah) that have deinstitutionalized juvenile corrections shows that placing juvenile offenders in community settings does not increase the incidence of crime or endanger the public.<sup>6</sup>

**Intermediate sanctions are *less expensive than jail* and they enable the Court to maximize the effectiveness of its limited resources.** Research indicates that intermediate sanctions cost less than jails do and are no less effective than jail for dealing with recidivism.<sup>7</sup> For example, it will cost approximately \$40 per day to house a young person in the treatment and detention center, whereas an intermediate sanction like restitution is likely to cost around \$13 per day, at most.<sup>8</sup>

**Comparing Intermediate Sanctions:** What kinds of intermediate sanctions will help the Court with its operational problems, complement treatment programs to be offered at the rehabilitation and detention center, and serve the overall needs of the community? In

this section, I describe several programs that may meet these goals and evaluate them on the basis of cost and ease of implementation. Key points are summarized below.

**COMPARING INTERMEDIATE SANCTIONS<sup>9</sup>**

<b>PROGRAM</b>	<b>PROGRAM COST</b>	<b>DIFFICULTY OF IMPLEMENTING</b>	<b>COMMENTS ON EFFECTIVENESS</b>
<b>INCARCERATION</b>	Minimum of \$40 per day (\$15,000-\$50,000 per year).	Requires an extensive investment in staff and facilities.	Has value as deterrent and for incapacitating dangerous offenders, but often considered appropriate only for chronic or serious offenders
<b>BOOT CAMP OR HIGH-IMPACT PROGRAMS</b>	Expensive, more than jail on a <u>daily</u> basis. Can reduce <u>overall</u> costs by replacing long sentences with very intensive programs.	Until the juvenile center is complete, the expense of staff and facilities needed for a high-impact program would make implementing a high-impact program very expensive.	Have not lived up to expectations--little evidence that boot camps are more effective in reducing recidivism than regular probation.
<b>DAY REPORTING CENTERS</b>	From \$7-\$19 per day, depending on the amount of services provided (\$2500-\$7000 per year).	Require an existing facility, especially if they provide a range of services.	By centralizing many treatment and monitoring activities, DRCs can save money and increase compliance with probation orders.
<b>ELECTRONIC MONITORING</b>	Around \$25 per day (\$8000-\$10,000 per year).	Set-up costs are fairly high, requires a large staff to operate, and untested in rural areas.	Has the advantage of ensuring fairly close supervision while permitting offenders to remain close to their families and community--effective for <u>specific</u> problems.
<b>INTENSIVELY SUPERVISED PROBATION</b>	From \$8-\$10 per day (\$3000-\$4000 per year).	Relatively easy--little investment in facilities or program development required to start.	Findings on the effectiveness of ISPs are mixed. Some report that they can be more effective than regular probation, while others show little difference.
<b>RESTITUTION</b>	About \$13 per day (\$4000-\$5000).	Relatively easy, but not as easy as probation--program development costs are higher.	Some research suggests that these sanctions reduce recidivism among juvenile offenders.

**Figure 3**

**Boot camp or shock incarceration programs:** There are many variations of high-impact or shock incarceration programs. Some are modeled on military boot camps, while others focus on education and still others resemble wilderness survival programs like Outward Bound. However, all these programs focus on developing discipline and self-reliance. While high-impact programs are expensive to operate on a daily basis--they require heavy staffing and secure residential facilities--they can reduce overall costs by replacing long sentences with intensive, demanding regimens.

Unfortunately, high-impact programs have not lived up to expectations; there is little evidence that boot camps are more effective in reducing recidivism than regular probation is, though very recent findings are more optimistic.<sup>10</sup> While high-impact programs often improve offenders' motivation and attitude, critics argue they are too brief to provide participants with the learning and job skills they need to pursue education or employment opportunities after they are released. However, experimenting with different forms of high-impact programs--for example, combining them with aftercare programs that sustain and build on the changes made in high-impact programs--may increase their effectiveness. If carefully planned, a high-impact program could be an affordable and useful complement to other sanctions the Family Court might use--especially if such a program took advantage of the treatment and detention facilities available at the new juvenile services center. However, until the juvenile services center is complete, the expense of staff and facilities needed for a high-impact program make implementing a boot camp or shock incarceration program prohibitively expensive.

**Day reporting centers:** Day reporting centers (DRCs) centralize monitoring functions and social services.<sup>11</sup> For example, offenders might be required to report to a DRC every day and take a drug test or provide other evidence that they were fulfilling the terms of their probation. In the same visit, they might also receive educational, vocational or life skills classes. By centralizing these activities, DRCs can save money and increase compliance with probation orders. Another benefit of day reporting centers is that they shift responsibility for compliance from probation officers to offenders. This also saves money and frees probation officers to perform support services.

DRCs have some limitations, though: first, they require an existing facility, especially if they provide a range of services; second, for young people in a rural setting, regular transportation to a DRC might be difficult; and, third, they have not yet been tested with youthful offenders. Nevertheless, DRCs can be a cost-effective sanction. Because of the wide range of services provided at the Juvenile Treatment and Detention Center, it could easily function as a full-service day reporting center, in addition to its other roles.

**Electronic monitoring:** This sanction uses a portable electronic device—for example, a bracelet—to monitor offenders in the community. While the idea of electronic monitoring is unsettling to some people, it has the advantage of ensuring fairly close supervision while permitting offenders to remain close to their families and community. It also allows offenders to maintain employment, go to school, or attend treatment programs. The disadvantages of electronic monitoring are that set-up costs are fairly high, it requires a large staff to operate, and it is untested in rural areas.<sup>12</sup>

**Intensively supervised probation:** The basic difference between regular and intensively supervised probation (ISP) is the number of times the probation officer and offender are in contact each week. In some programs, they are in contact daily; for example, they might meet three or four times a week and speak by telephone other days. Caseloads for ISP probation officers range from 30 to 50 offenders. Findings on the effectiveness of ISPs are mixed. Some report that they can be more effective than regular probation, while others show little difference in results.<sup>13</sup> The Family Court presently employs a form of ISP. This program suffers from two problems: program compliance is poor and treatment options are difficult to arrange. These conditions may improve, however, when the treatment and detention center is completed.

**Restitution programs:** Restitution programs require offenders to make restitution to victims or to perform community service. Offenders might have part of their salary deducted from their regular paycheck or they might work on community service projects, like refurbishing public housing, until restitution is complete. Some research suggests that these sanctions reduce recidivism among juvenile offenders.<sup>14</sup> A notable strength of restitution is that it serves several correctional purposes, including punishment, rehabilitation, and deterrence. Moreover, restitution programs, like probation programs, can be linked to treatment, education, and other services to maximize their effectiveness. Finally, supporters of restitution assert that restitution programs can have a healing effect on offenders, victims, and communities—a goal that most other sanctions do not pursue. Restitution programs are less costly than incarceration, but their greater administrative costs make them more expensive than probation programs. For example, while ISPs may have a staff/offender ratio of one to thirty or more, restitution programs have a staff/offender ratio of around one to twenty.

### **PART 3: CHOOSING A SOLUTION**

None of these sanctions is dramatically more effective than any other. *Indeed, most experts believe that the kind of program is less important to success than the way a program is designed and run.*<sup>15</sup> They point to program evaluations that indicate, among other things, that successful programs carefully tailor their approach to fit local problems and develop strong partnerships with clients, staff, and the community to ensure strong program support.

Three other considerations are important in evaluating the usefulness of these programs:

- First, some programs may work with certain kinds of problems but not with others. For example, electronic monitoring has successfully discouraged offenders from driving while drunk, but has not reduced actual alcohol abuse.
- Second, some programs may work better when combined with others. As I mention above, high-impact programs may work better if linked with aftercare programs.
- Finally, it may be difficult to get support for "soft" programs (for example, treatment programs) unless you also use some "tough" programs (for example, boot camps).

**Program Recommendations:** With these considerations in mind, I recommend two programs to the Family Court: a simple restitution program and an intensively supervised restitution program. Each is inexpensive, effective, can be implemented without a large investment in new facilities or additional staff, and embodies many Navajo values. In addition, these programs contain many common elements, which will ease implementation and enhance their cost-effectiveness. This section begins with a brief explanation of what restitution is and then describes each program in detail. The nuts and

bolts aspects of implementing these programs are explained in detail in Part 6 of this paper.

**How Restitution Works:** Restitution is the act of returning something that has been taken away from a rightful owner. Criminal justice restitution programs usually require offenders to perform services directly for or to make payments directly to victims. However, this simple act may accomplish more than repayment. In the context of juvenile delinquency, something serious has gone wrong in the relationships among a young person, his family, and others in the community, with the result that eventually the youth commits a crime that brings him before a court. After adjudication, the court holds a hearing, during which it determines the extent of the victim's loss and orders the offender to make appropriate restitution. In some cases, the victim may be present at the hearing to testify about his loss. Beginning with this hearing and during the course of making restitution, several things are accomplished:

**Education:** Through investing time and effort in paying the victim back, the offender learns the extent of the damage he caused. The offender may even meet the victim and learn first-hand about the effect of his actions.

**Accountability & Deterrence:** Offenders are held accountable for what they have done; indeed, they may have to work long and hard to satisfy the court's order. And the prospect of going through the same experience again, perhaps working even longer hours, may deter offenders from committing other crimes.

**Healing:** Victims' losses (and resentment) may be ameliorated by the court's careful consideration of their situation and by the services or payment they receive from offenders. When contact between victims and offenders is constructive and continued, victims may even come to understand the difficulties the young person is experiencing.

**Recommendation 1--The Simple Restitution Program:** This program, designed for less serious offenders, would employ two approaches. The first approach is modeled after the straightforward restitution programs described above. This approach is appropriate when the crime has a clear victim and either it is easy to identify services the offender could perform to provide restitution to the victim or the offender has or is able to secure employment. However, this combination of circumstances may be rare in the Western Agency. Unemployment among youth is very high. Even shifting the burden of restitution to offenders' families may be unproductive because they usually can't afford cash restitution either. In addition, many crimes, such as those related to substance abuse or disorderly conduct, don't have a clear victim; the damage is done more to the community as a whole than to any easily identifiable victim.

In light of these considerations, I propose a second approach that would require offenders to perform services or chores for elderly members of the community. The kinds of chores they might perform include yard work or minor home repair. Preferably, they would do these chores for members of their family or clan, which would strengthen or restore important family bonds and support. This family tie would also draw on the natural sense of obligation elders feel toward young relatives. In return for chores, elders would share their knowledge of Navajo heritage, values, and culture. The length of time offenders spend doing these chores would be tied to the extent of the damage they had caused, just as would be the case in the more conventional program. The amount of restitution would be determined by the Court with input from the victim, the offender's family, caseworkers and others who play important roles in the young offender's life.

**Additional arguments in favor of the simple restitution program:** In addition to the correctional benefits this program provides--accountability, education, deterrence, and healing--are the following benefits and advantages:

- (1) This program is unique and distinctively Navajo and, therefore, may be more likely to attract funding and support than conventional or "generic" interventions.
- (2) This program does not require a large initial investment in facilities or staff.
- (3) It provides services elderly members of the tribe need.
- (4) It works toward restoring the role of elders within Navajo society.
- (5) It provides a way to transmit Navajo values, culture, and heritage to troubled youth.
- (6) It improves community life by increasing mutual respect between generations.
- (7) Offenders' work toward restoring the damage they have done brings them back into harmony with their world.

**Possible disadvantages of the program:**

- (1) In many ways the second version of this program resembles a mentoring program. And research on mentoring programs shows that managing the developing relationship between the young person and, in this case, the elder requires intense supervision. This would reduce the number of clients the program can serve and increase its cost.
- (2) Until the detention facility is open, young offenders may still not take the authority of the Court seriously and may defy restitution orders.

**Recommendation 2--The Intensively Supervised Restitution Program:** This program grows out of the simple restitution program described above but is designed for more serious offenders. Participants are, therefore, much more closely supervised than in the simple restitution program. This program would carefully structure most of the

participant's free time around work projects and related educational and counseling activities.

Like the simple restitution program, the intensively supervised program could have both conventional and community-based versions. In the conventional program, restitution is achieved through either work done directly for the victim or payments made directly to the victim. As with the simple restitution program, this approach would be used when the crime has a clear victim and either it is easy to identify services the offender could perform to provide restitution to the victim or the offender has or is able to secure employment. However, since these circumstances may not come together very often, the second approach would achieve restitution through community service. That is, offenders' work on community projects would make up for the damage they have caused to the community.

This program shares the correctional goals of the simple restitution program--accountability, education, deterrence, and healing. But in order to reach these goals with more serious offenders, three elements of the program require special attention: the additional supervision and control more serious offenders require, the character of the projects offenders work on, and the additional educational and counseling support more troubled young offenders need.

**Increased supervision and control:** This program combines aspects of restitution programs and conventional intensively supervised probation programs. Intensively supervised probation programs require as many as four "contacts" between the offender and the probation officer each week. The intent is to provide more assistance to the offender and more effective monitoring of the offender. The intensively supervised restitution program shares these objectives,

but it achieves them by filling the offender's free time with meaningful and worthwhile work and related activities. It stretches the limited contacts of intensively supervised probation into full work days or, if the offender is going to school, afternoons and weekends.

**The design of work projects:** Because work projects form the core of this program, they should be carefully designed. The benefit projects provide should be clear and substantial enough so that the point of restitution is obvious to offenders. *Careful thought should also be given to the character of work and how it relates to program goals.* If the work is interesting and challenging, it may improve participants' attitudes toward work. And work that is dignified and purposeful will improve a person's self-esteem and general motivation. Some projects that satisfy these objectives include erosion control projects and refurbishing rundown housing and public buildings. In contrast, work like picking up trash by the side of the road may be shaming, even humiliating, and in that way serves as a powerful deterrent for some offenders to recommit.

**Associated program activities:** Not only do serious or chronic offenders often have greater needs than less serious offenders, they tend to have fewer sources of support. Therefore, to keep them from continuing to get into trouble it is necessary to carefully assess their needs and arrange for appropriate support and assistance. A central question is how to integrate such assistance into the overall program design. I recommend a case management approach to this problem. Case management begins with a comprehensive needs assessment and uses this assessment to design a program or plan that includes realistic goals for the offender and the services the Family Court and other agencies will provide. This restitution program could also be designed to pursue broader goals like sharing Navajo values and culture or providing vocational training. For example, classes

could be held that dealt with disputes that arise on the work site and how they can be resolved using mediation techniques like those developed by the Peacemaker Court. Or, if you wanted to develop offenders' vocational skills, you could assign them to work on an erosion control project and hold classes that used simple engineering principles to explain how the project was designed.

**Additional advantages of the intensively supervised restitution program:** In addition to the correctional and other advantages described above, several features of this program recommend it:

- (1) The longer contacts enable program staff to get to know their clients' weaknesses and strength and help staff to better monitor offenders.
- (2) This program can use the same administrative base as the simple restitution program and can take advantage of the expertise and experience gained from implementing that program. This saves money and allows the program to be implemented gradually without a large new financial investment.
- (3) Program organizers can cite the "track record" of the simple restitution program when developing financial, political, and community support.
- (4) Finally, work projects build community and political support for the program.

**Possible disadvantages of the program:**

- (1) It may be hard to identify and develop worthwhile work projects.
- (2) The logistics of setting up work projects are complicated. For example, tools and materials may be expensive or hard to borrow.
- (3) As with the simple restitution program, until the detention facility is built, young offenders may not take the authority of the Court seriously and may defy restitution orders.

## PROGRAM SUMMARIES

<p style="text-align: center;"><b>SIMPLE RESTITUTION PROGRAM COMMUNITY SERVICE VERSION</b></p> <p><b>Program Description:</b> Less serious offenders perform <u>services or chores for elders</u>. In return, elders share their knowledge of Navajo values and culture. Length of time offenders spend doing chores is tied to extent of damage they cause.</p> <p><b>Conditions for Use:</b> Crime does not have clear victim or victim is the "community," as with drunk driving. Offender is unemployed.</p> <p><b>Advantages (also see advantages under conventional program, to right):</b></p> <ul style="list-style-type: none"> <li>•Transmits Navajo values and culture to troubled youth.</li> <li>•Teaches offenders about effects of their crime by having them repair that damage.</li> <li>•Holds offenders accountable for what they have done by requiring them to work, sometimes long and hard, to complete restitution.</li> <li>•Improves family and community life by increasing respect between generations.</li> <li>•Brings offenders back into harmony or balance with their community and world by creating a way for them to restore the damage they have done.</li> <li>•Unique--better for attracting funds than conventional interventions.</li> </ul> <p style="text-align: right;"><b>Page Reference: 13-14</b></p>	<p style="text-align: center;"><b>SIMPLE RESTITUTION PROGRAM CONVENTIONAL VERSION</b></p> <p><b>Program Description:</b> Less serious offenders perform <u>services directly for or make payments directly to victims</u>. For example, if crime is vandalism, offender repairs damage or pays to have it fixed.</p> <p><b>Conditions for Use:</b> Crime has a clear victim, and it is possible to identify services the offender could perform to provide restitution or offender is or can be employed.</p> <p><b>Advantages:</b></p> <ul style="list-style-type: none"> <li>•Does not require a large initial investment in facilities or staff.</li> <li>•Improves community life by increasing offenders' respect for victims.</li> <li>•Teaches offenders about effects of their crimes by having them repair that damage.</li> <li>•Holds offenders accountable for what they have done by requiring them to work, sometimes long and hard, to complete restitution.</li> <li>•Brings offenders back into harmony or balance with their community and world by creating a way for them to restore the damage they have done.</li> </ul> <p style="text-align: right;"><b>Page Reference: 13-14</b></p>
<p style="text-align: center;"><b>INTENSIVELY SUPERVISED RESTITUTION PROGRAM COMMUNITY SERVICE VERSION</b></p> <p><b>Program Description:</b> Designed for more serious offenders. Participants are closely supervised, and program carefully structures most of their free time around <u>community service work projects</u> and related educational and counseling activities.</p> <p><b>Conditions for Use:</b> Crime does not have clear victim or victim is the "community." Offender is unemployed.</p> <p><b>Form of Restitution:</b> Community service work projects (for example, rehabilitating housing, landscaping public buildings, erosion control projects).</p> <p><b>Advantages (also see conventional program to right):</b></p> <ul style="list-style-type: none"> <li>•Teaches offenders about effects of their crime by having them repair that damage.</li> <li>•Holds offenders accountable for what they have done by requiring them to work, sometimes long and hard, to complete restitution.</li> <li>•Work projects build community and political support for the program.</li> </ul> <p style="text-align: right;"><b>Page Reference: 15-18</b></p>	<p style="text-align: center;"><b>INTENSIVELY SUPERVISED RESTITUTION PROGRAM CONVENTIONAL VERSION</b></p> <p><b>Program Description:</b> Designed for more serious offenders. Participants are closely supervised, and program carefully structures most of their free time around <u>direct service to victim or employment</u> and treatment.</p> <p><b>Conditions for Use:</b> Crime has a clear victim, and it is possible to identify services the offender could perform to provide restitution, or offender is or can be employed.</p> <p><b>Form of Restitution:</b> Cash restitution or direct service to victim.</p> <p><b>Advantages (also see community service program to left):</b></p> <ul style="list-style-type: none"> <li>•Staff spend more time with offenders than in probation programs. This makes it easier both to help and to monitor offenders.</li> <li>•Uses the same administrative base as the simple restitution program and can take advantage of the experience gained in implementing that program, so can be started without a large new financial investment.</li> <li>•Program organizers can cite the "track record" of the simple restitution program when developing financial, political, and community support.</li> </ul> <p style="text-align: right;"><b>Page Reference: 15-18</b></p>

Figure 4

**PART 4: FITTING THE PROPOSALS IN WITH EXISTING PROGRAMS**

These restitution programs are the first steps the Family Court can take toward solving the operational problems it faces when dealing with juvenile offenders. In this section I describe how they can be coordinated with probation, jail, and other sanctions in order to maximize their overall value to the Court.

**Graduated Corrections:** The proposed restitution programs can be added to probation and incarceration to form a series of increasingly serious responses to increasingly serious criminal behavior. The figure below illustrates how this might work--sanctions are matched to the seriousness of the crime and the profile of the offender.

<b>Sanction</b>	Reprimand	Simple Restitution	Simple Probation	Intensively Supervised Restitution	Education Boot-camp	Jail
<b>Crime</b>	Least serious crime and/or first offender		Moderately serious crime and/or first or second offender		Serious crime and/or repeat offender	

**Figure 4**

This is just a simple example; in practice, each offender's background is complex and unique and the Court would customize these sanctions to fit the offender and offense. The real value of this approach comes from coordinating the use of a range of sanctions. Here are some of the ways coordinating the use of sanctions can enhance their value to the Court:

- (1) **Graduated corrections provide a framework the Court can use to educate offenders.** If offenders understand that continued criminal behavior will be matched with increasingly severe sanctions, they may be less inclined to commit new crimes. And the prospect of severe sanctions, including jail, motivates offenders to take intermediate sanctions more seriously, thereby enhancing their rehabilitative value.

**(2) Graduated corrections enable the Court to use sanctions more effectively.**

The chance of being jailed and serving long sentences for serious crimes is increased because the use of intermediate sanctions for less serious offenders preserves expensive cell space for the most serious offenders. This works as a deterrent because offenders know that cells are available for the Court's use. Also, these practices maintain the cell space needed to keep the most serious offenders off the street for long periods.

**(3) Graduated corrections enable the Court to better manage young offenders.** Using graduated corrections enables the Court to place offenders who violate probation in settings with more supervision (and assistance) without placing them in jail. This process also works in reverse; the Court can use gradually reduce supervision and control to ease motivated offenders back into the community.

**(4) Graduated corrections can help the Court gain community support.** When graduated corrections are used, community groups with differing views about what is just and effective are more likely to feel that the Court respects their concerns. For example, conservative community groups may be more inclined to support a new program that focuses on treatment if they know the Court would use a traditional sanction like jail when appropriate. On the other hand, liberal groups may support the use of jail if the Court also employs treatment programs.

## **PART 5: THINKING ABOUT THESE PROGRAMS AND THE FAMILY COURT'S FUTURE**

These restitution programs suggest a number of important changes in the way the Navajo Family Court might work in the future.

**A Change in Perspective:** The restitution programs proposed here not only address the particular crime that brings the young person before the Court, they also address the relationships and other conditions that have contributed to the young person's situation. For example, the simple restitution program tries to enhance the young person's relationship with elders in his family or clan and tries to use this relationship to communicate important Navajo values. And the intensively supervised restitution program paves the way for "reintegrating" alienated young offenders back into the community by having them participate in the life of the community through work on projects that benefit the needy and handicapped. These kinds of efforts are only small steps in helping a troubled offender, but they suggest an important shift in perspective-- from looking at a crime as a problem in itself to looking at a crime as a sign that something serious has gone wrong in the way a family and community has cared for and supervised this young person.<sup>16</sup> Indeed, because the Family Court deals with abuse and neglect, divorce, custody and support problems, and status offenses, it is in a unique position to see how important this broader perspective is in understanding why young people get in trouble, and what must be done to prevent its re-occurrence.

**A Change in Practice.** As the Family Court's focus shifts to the broader context of the offender's life at home and in the community, the Court may want to change the way it works with families, caseworkers, teachers, and others who play important roles in the offender's life. For example, involving families in court proceedings would emphasize the responsibility they have for the offender's problem and for making sure the young person obeys court orders. And working closely with teachers and caseworkers would

help to ensure that treatment programs are realistic and effective. Just the fact that these parties would collect around the youth could be a forceful expression of concern and support. Indeed, the Court has long been interested in forming these kinds of partnerships, but a lack of money and time on the part of all these parties has proven to be a formidable obstacle to such arrangements.

**A Change in Purpose:** These changes in perspective and practice suggest important changes in the Family Court's purpose. The Court would not just pursue specific goals like crime control and rehabilitation, but would integrate these goals into a broader and deeper purpose, "that of establishing more just and effective relationships among those responsible for the tasks of child-rearing."<sup>17</sup> This shift in the Court's purpose would complement perfectly the mission of the planned treatment and detention facility, which is to focus attention on problem identification and solving rather than on punishment and to accomplish this task in partnership with children and families.<sup>18</sup>

**How to Build on these Changes:** One way to think of how these changes could be realized is to think of the Family Court not as a criminal court for juveniles but as a sort of bankruptcy court.<sup>19</sup> Instead of businesses, families would be the object of this court and evidence of bankruptcy would include events like the abuse and neglect of a child, or a status offenses or crime by a young person. If this evidence were present, the court would step in to address the conditions that contributed to the problem. Just as a bankruptcy court has the authority to supervise and rearrange the relationships between businesses and creditors, this court would have the authority to bring families, social service agencies, healers or members of the clergy together in an effort to address the young person's situation. This family court would be like a bankruptcy court that, instead of liquidating a struggling business, knitted together a network of creditors to support the enterprise until it got back on its feet.

The reach of this new court would extend further than the Family Court now does into the lives of families and the work of other agencies and programs. This greater authority could be implemented and managed through an office similar to, but more powerful than, the one being discussed by the Family Court, the Juvenile Services Coordinating Council, and other agencies. This office would be like those in some large cities that have criminal justice "czars" or deputy mayors who coordinate the work of several agencies in order to ensure productive working relationships, avoid duplication of efforts, and save money. Under such an arrangement, authority would flow from this new office and not from the Family Court, but the Court could use this authority in the service of deeply troubled young offenders. One way to work out how this office might look and operate would be to form a special committee or commission of representatives from social service, law enforcement and other agencies and members of the community to design it. This committee could also consider other means of empowering this new version of the Family Court. Certainly, the importance of families in Navajo life presents a powerful argument for increasing the authority and importance of the *Family* Court.

## PART 6: IMPLEMENTING THE RESTITUTION PROGRAMS

<b>STEP 1</b>	<p><b>BEGIN THE PLANNING PROCESS.</b></p> <ul style="list-style-type: none"> <li>✓ Recruit a working group for the project.</li> <li>✓ Write a mission statement.</li> </ul>
<b>STEP 2</b>	<p><b>CONTINUE PLANNING, AND BEGIN LOOKING FOR FUNDING</b></p> <ul style="list-style-type: none"> <li>✓ Begin working on key planning documents.</li> <li>✓ Figure out a way to get this work done.</li> <li>✓ Set up a schedule for getting this work done.</li> </ul>
<b>STEP 3</b>	<p><b>CONTINUE WORK ON PROGRAM FUNDING</b></p> <ul style="list-style-type: none"> <li>✓ List the unique and important features of these programs that may be attractive to funders.</li> <li>✓ Identify potential funders.</li> <li>✓ Explore the possibility of a relationship with the treatment and detention center.</li> <li>✓ Develop a funding strategy and apply for funding.</li> </ul>
<b>STEP 4</b>	<p><b>HIRE A PROGRAM DIRECTOR</b></p>
<b>STEP 5</b>	<p><b>CONTINUE PLANNING, AND BEGIN IMPLEMENTING THE PROGRAMS</b></p> <ul style="list-style-type: none"> <li>✓ Determine how restitution plans for offenders will be designed.</li> <li>✓ Develop classification systems.</li> <li>✓ Prepare program rules.</li> <li>✓ Develop policies and procedures for training and supervising elder volunteers.</li> <li>✓ Address liability issues.</li> </ul>
<b>STEP 6</b>	<p><b>DESIGN AND IMPLEMENT EVALUATION PLANS</b></p> <ul style="list-style-type: none"> <li>✓ Develop an evaluation plan to manage cases.</li> <li>✓ Develop an evaluation plan to manage the program.</li> <li>✓ Develop an evaluation plan to manage the system.</li> </ul>
<b>STEP 7</b>	<p><b>BEGIN RECRUITING AND TRAINING VOLUNTEERS</b></p>

Figure 6

## **PART 6: IMPLEMENTING THE RESTITUTION PROGRAMS**

This section outlines how to plan and implement the restitution programs (see Figure 6). It includes explanations of the work involved in each task, ways to approach particularly difficult issues, and resources the Court can use. Steps 1-3 in the outline are more detailed because this work gives the proposal the substance and momentum it needs for funders and other potential supporters to take a serious look at it. The work involved in Steps 4-7 is too complex and time-consuming to address fully in this context, so the outline for these steps serves as a detailed checklist, highlighting important issues and pointing out key resources.

Most of this section is relevant to both restitution programs, though some is directed specifically to the simple restitution program. By implementing the intensively supervised restitution program after the simple program is up and running, you can draw on the experience gained in starting the simpler program and on the financial, political, and community support that program will generate. However, this action plan will be helpful regardless of the order in which the restitution programs are implemented. With a little modification it could also be used as a guide for implementing other intermediate sanctions.

**STEP 1 BEGIN THE PLANNING PROCESS:** The planning process starts with two tasks: first, assembling a working group to guide and help with the work involved in the early stages of planning; and, second, having this group write a mission statement that will focus their efforts.

√ **Recruit a working group.** Members of the working group should represent those parties whose input and support are important to the success of the program. Their contributions are important in two ways. First, they help with program design by providing first-hand information on the needs, abilities, and desires of the groups they represent. For example, a representative from the Tuba City Senior Citizen Center can provide information on what kinds of services the elderly really need and want. Second, people are more likely to support a program if they know it reflects their needs and values. For example, if business people know their concerns about security and supervision have been addressed, they are more likely to sponsor work projects.

**GROUPS THAT SHOULD BE INVOLVED  
IN PLANNING**

- |   |
|---|
| <p>(1) SENIOR CITIZENS</p> <p>(2) OFFENDERS AND THEIR FAMILIES</p> <p>(3) REPRESENTATIVES FROM BUSINESSES, THE BIA, AND OTHER ORGANIZATIONS THAT COULD SPONSOR WORK PROJECTS</p> <p>(4) WESTERN NAVAJO JUVENILE JUSTICE COORDINATING COUNCIL</p> <p>(5) ADMINISTRATORS AND STAFF FROM THE TREATMENT AND DETENTION CENTER</p> <p>(6) POLICE DEPARTMENT</p> <p>(7) PROSECUTOR'S OFFICE</p> <p>(8) SOCIAL SERVICE AGENCIES</p> <p>(9) FAMILY COURT</p> <p>(10) EDUCATORS</p> |
|---|

**Figure 7**

√ **Write a mission statement.** The first task for the working group is to frame the program's goals in a mission statement. This will create agreement on the purpose of the program, guide early planning efforts, and prevent misunderstandings. Like the mission and goals written by the Juvenile Services Coordinating Council, this statement should briefly describe: **1)** the people behind the program; **2)** the program's purpose; **3)** who the program serves; **4)** what the program does for them; and **5)** how it intends to do it. Basically, a mission statement is a short program description that emphasizes the program's purpose.

**Resources:** See Appendix I for a draft mission statement.

## **STEP 2 CONTINUE PLANNING, AND BEGIN LOOKING FOR FUNDING:**

Without a full- or part-time staff person, it's hard to find the time to prepare documents that describe a program's strategy, policies and procedures, and budget. But many funders require more than a mission statement before they will seriously consider funding a program. They are looking both for detailed information on the program and for evidence that the people behind the program are serious and competent. These documents will be useful whether the Court looks for funding from federal or state sources, from the tribal government, or from private sources like foundations.

- √ **Begin working on key planning documents.** Funders focus on a few critical planning documents, especially those described in Figure 8 below.

### **BASIC PLANNING DOCUMENTS**

**PROGRAM DESCRIPTION:** This is like a detailed mission statement; it includes the program's mission and history, who the program serves, program staffing, board structure, and current programs and achievements. I strongly recommend including information on the Juvenile Services Coordinating Council to show the professionalism and dedication with which the community has addressed juvenile delinquency.

**PROBLEM STATEMENT:** This describes the problem the program is addressing. The problem statement could borrow from the P.O.N.I. Assessment by Voorhis Associates and from the problem statement in this paper.

**PROGRAM GOALS AND OBJECTIVES:** This lists program objectives for the first year or so of operation. Objectives should be clear, measurable, realistic, and plainly related to the overall purpose of the program. For example, specific objectives could include recruiting 10 elders, placing 10 offenders in relationships with them, and seeing 80% of these relationships last for their full probation terms (see Appendix 2).

**AN IMPLEMENTATION PLAN:** This describes how the program will be carried out. A version of the attached action plan (Figure 6) could be used as a basis for this document.

**PROGRAM BUDGET:** A simple budget for the first year of operation (see Appendix 2).

**Figure 8**

- √ **Figure out a way to get this work done.** One way to get this work done is to form committees or small working groups and ask each of them to prepare one or more of these documents. The sample documents provided should make the work of these committees easier.
- √ **Set up a schedule for getting this work done.** Setting up a timetable will keep the project on track and help in monitoring overall progress.

**Resources:** See Appendix 2 for resources and for drafts (or samples) of both a program budget and a set of program "goals and objectives."

**STEP 3 CONTINUE WORK ON PROGRAM FUNDING:** Once you know what you want to do, how you are going to do it, and how much money you will need to do it, you can begin looking for funding.

- √ **List the unique and important features of these programs that may be attractive to funders.** These restitution programs will interest organizations and agencies that fund groups working in the following areas: substance abuse, crime control, services to senior citizens, restitution, victim-offender reconciliation, violence prevention, poverty, mentoring, and Native American issues. You will probably think of other program features that are unique, important, and interesting.
- √ **Identify potential funders.** The next step is to identify organizations and agencies with interests in the areas listed above. A good place to begin your search is with tribal, state, and federal agencies (see Appendix 3). You can

search for private funding in two ways: by using reference materials like the *Foundation Directory* or by having an organization like the Foundation Center to do a computer search for potential funders (see Appendix 3). They provide a printout that lists these organizations' funding priorities, how much they give, application requirements, restrictions on the grants, and how to contact them. Write or call the organizations that most closely match your interests and qualifications to get more detailed information.

- √ **Explore the possibility of a relationship with the Juvenile Treatment and Detention Center.** The promise of an arrangement with the juvenile treatment and detention center to provide office space, administrative support, and even partial funding for the program, will serve as strong evidence of the planning and commitment that are behind these programs. Funding organizations are, therefore, likely to view such an arrangement favorably when deciding whether these programs are worth supporting in their early stages.
  
- √ **Develop a funding strategy, and apply for funding.** It is unlikely that any single organization will fully fund these programs. A patchwork of funding from several different sources is the rule rather than the exception. Two strategies can help you put such a patchwork together. First, categorize funders from most to least likely, and use early successes to increase the credibility of the program with other funders. Second, provide a detailed account of how funds will be used so that funding organizations can identify the (cost of) program components they feel are important and worthwhile.

**Resources:** See Appendix 3 for funding sources and for additional sources of advice.

**STEP 4 HIRE A PROGRAM DIRECTOR:** Hopefully, the search for funding will have resulted in sufficient funds to hire a program director. If so, a director should be hired at this point so he or she can assume responsibility for the development of program policies and procedures. Though you may want to work on remaining tasks with the director, this work is sufficiently demanding that it requires a part- or full-time staff person. Some considerations to keep in mind during the hiring process are listed in Figure 9 .

### HIRING A DIRECTOR

**JOB DESCRIPTION:** Write a job description to be clear about what you want this person to do and to make sure expectations regarding this person's responsibilities and functions are realistic.

**REPORTING RELATIONSHIPS:** How much responsibility and authority will this person have? Who will they report to? Will they report directly to the Court or to administration at the treatment and detention center?

**WORKING RELATIONSHIPS:** What kind of working relationship should they have with the Police Department, Prosecutor's Office, Juvenile Services Coordinating Council and other key groups?

**STAFF PLANNING:** A staff-to-program participant ratio of one to twenty is roughly appropriate for this program during its first year of operation; if program growth is more rapid than anticipated, planning for additional staff will be necessary.

**Figure 9**

**Resources:** See Appendix 4 for additional resources regarding hiring and personnel.

## STEP 5 CONTINUE PLANNING, AND BEGIN IMPLEMENTING THE

**PROGRAMS:** Once you've gotten your proposal off the ground, you will find plenty of resources designed especially to help with the implementation of restitution programs. Several of these resources are listed in **Appendix 5**. Here are some of the most important program issues you will need to address.

- √ **Determine how Restitution Plans for offenders will be designed:** There are several steps involved in developing a restitution plan for an offender. Some of the most important are: determining the kind of treatment, if any, that will accompany restitution; determining the kind of restitution; determining the amount of restitution; determining the overall design of the work plan for the offender; and holding a hearing imposing the restitution plan.

**Determining *the kind of treatment* offenders need:** Restitution achieves a number of correctional goals but, by itself, can't always address the psychological, learning, family, or other problems offenders have. So, it's necessary to complement restitution plans with other kinds of interventions; for example, counseling or treatment of learning handicaps. Case management is a step-by-step process for addressing the needs of offenders. The process begins with a comprehensive assessment of the offender's needs, continues with the formulation of a service plan based on these needs, follows planning with the delivery of these services, and ends with the monitoring of service delivery. Integrating service needs into each offender's overall restitution plans should be a primary program goal.

**Determining which *type of restitution* is appropriate for an offender:**

Figure 10 below lists the three most popular types of restitution. The programs I recommend feature versions of all three types but could be easily changed to emphasize any of them methods over the others, as long as the circumstances of a given case permit. The Court could choose among these methods as circumstances dictated. For example, in the case of vandalism, victim service might be appropriate because the work involved shows the offender how much time, effort, and money goes into repairing the damage he has done. However, if the offense was disorderly conduct or drunk driving--offenses that don't have a single, clear victim--then general community service might be more appropriate.

**THREE TYPES OF RESTITUTION**

<p><b>CASH RESTITUTION:</b> Usually ordered when the offender is employed or can be placed in a paying job, the dollar value of the damage can be assessed, and a victim can be identified.</p>
<p><b>COMMUNITY SERVICE:</b> Usually ordered when the offender is unemployed or when a victim cannot be clearly identified.</p>
<p><b>VICTIM SERVICE:</b> Usually ordered when the offender is unemployed, when services useful to the victim can be identified, when this arrangement can be a productive learning experience, and when direct service is acceptable to the victim.</p>

**Figure 10**

Determining the appropriate *amount* of restitution: Figure 11 below describes the three most common ways of determining restitution.

### **THREE WAYS OF DETERMINING RESTITUTION**

**THE JUDICIAL METHOD:** The court determines restitution based on evidence that includes testimony and documentation.

**THE INSURANCE METHOD:** Victims document their losses just as they would an insurance loss. Restitution staff, defense attorneys, and prosecutors process and evaluate claims.

**VICTIM-OFFENDER MEDIATION:** The Court or other mediators (perhaps representatives from the Peacemaker's Court) mediate an agreement between the victim and the offender on the amount of restitution.

Figure 11

Regardless of the general method used in determining the amount of restitution, several specific guidelines should be considered. For example, is the offender employed? Does he have a record? A useful way of working with these guidelines is illustrated in Figure 12, which is modeled after a grid developed by the Dallas County Juvenile Department in Texas.<sup>20</sup> This grid could be modified to serve other purposes as well—for example, to reflect activities more important in the lives of Navajo youth or to provide motivation for participating in treatment programs by reducing the hours of restitution required in exchange for completing treatment. In addition, the grid helps caseworkers, probation officers and others apply these considerations uniformly.

**SAMPLE RESTITUTION GRID**

<b>Baselines for Categories of Offenses</b>	<b>Minimum Offenses (24-50 hours)</b>	<b>Moderate Offenses (51-100 hours)</b>	<b>Serious Offenses (101-150 hours)</b>
<b>Maximum Assigned</b>	50 hours	100 hours	150 hours
<b>In school full-time</b>	-4 hours	-5 hours	-5 hours
<b>Working</b>	-4 hours	-5 hours	-10 hours
<b>Involved in extra-curricular activities</b>	-4 hours	-5 hours	-5 hours
<b>No prior record</b>	-4 hours	-10 hours	-15 hours
<b>All of the above</b>	-4 hours	-5 hours	-10 hours
<b>Total hours of community service</b>			

**Figure 12**

**Designing the overall "restitution plan":** The product of these efforts is a preliminary restitution plan designed especially for a specific offender and offense. This plan would include general recommendations on the kind of restitution, the amount of restitution, and any important treatment needs that should be addressed as restitution is performed. The core of this design process is integrating these general recommendations and the more specific considerations listed in Figure 13 (on the following page) into a coherent and practical restitution plan.

### TESTS RESTITUTION PLANS MUST PASS

- ✓ **Is the plan practical?** Can the youth get to the site? Is he capable of doing the work alone or will he require supervision?
- ✓ **Is the work scheduled so that the point is not lost on the offender?** For example, one hour a week for three months may dilute the experience so much that it is lost in the shuffle of day-to-day activities.
- ✓ **Does the plan include appropriate supports and incentives?** For example, does the plan call for meetings between the offender, family members, the elder volunteer, and the probation officer to reward progress, work out difficulties, and answer questions?
- ✓ **Does the plan include an orientation session with the offender?** Time should be spent with offenders to help them understand the point of restitution and to explain how their restitution plan was developed.
- ✓ **Does the plan include a closing conference?** The closing conference provides an opportunity to draw attention to successes, raise problems, discuss how the program could better work, and help the offender plan for the future.
- ✓ **Does the plan include penalties for non-compliance?** Does it clearly describe the sanctions the offender will face if he doesn't complete the program?

**Figure 13**

As the final step, the Court would hold a hearing with the offender and their family and impose the restitution plan. You may want to request relatives, teachers, and even healers or members of the clergy to attend restitution hearings and to meetings that mark progress. This can be a very productive way to draw on the support and expertise of people who play important roles in the life of youth.

√ **Develop Classification Systems:** The introduction of the restitution programs and the completion of the treatment and detention center will probably require the implementation of new and more elaborate classifications system. The types and purposes of classification are described in Figure 14. Classification is a difficult but important task; *it is the tool you will use to integrate the service needs of an offender into an overall restitution plan that also recognizes the difficulty of working with a particular offender and the danger that offender presents to the community.* This process is so difficult because it requires two sorts of balancing acts: first, it requires balancing security and management concerns against treatment concerns; second, it requires balancing objective criteria concerning the offender against the subjective but expert knowledge of caseworkers and probation officers.

#### **TYPES OF CLASSIFICATION SYSTEMS**

**OBJECTIVE RISK CLASSIFICATION:** The purpose of this type of classification is to determine the probability the juvenile will reoffend. Risk classification is used to decide whether offenders should be housed in community or secure settings.

**TREATMENT CLASSIFICATION:** The purpose of this type of classification is to assess a juvenile's problems and needs. Treatment classification systems are used to determine the degree and kind of services the young person will receive.

**CONTROL CLASSIFICATION:** The purpose of this type of classification is to identify offender behavior that might affect institutional or program management. The kind of information control classification systems are interested in is, for example, whether the offender is in a gang or has known enemies.

**Figure 14**

- √ **Prepare Program Rules:** Most of the hands-on manuals listed in **Appendix 5** deal with program rules in detail. A few things to remember as you set up program rules are listed in Figure 15.

### **DESIGNING PROGRAM RULES**

**Rules should be easy to understand:** Rules should be simple and clear. There should be no more rules than are absolutely necessary. Having too many rules is confusing for offenders (and staff) and leads to situations where rules are ignored.

**Rules should be widely distributed:** Everyone involved in the program (offenders, volunteers, staff) should receive a copy of the program rules. Offenders should read and understand all program rules and should sign a form indicating so before they begin performing restitution.

**Use rules to serve program goals:** If offenders break program rules, use penalties that are part of the program--for example, more work--before moving offenders into more restrictive programs. If offenders continue to break program rules, consider transferring them to more restrictive programs or using more severe intermediate sanctions before resorting to jail. However, it may be productive to use short jail sentences to remind offenders' of their obligation to obey program rules.

**Figure 15**

- √ **Develop policies and procedures for training and supervising elder volunteers:** The enthusiastic participation of elders is the key to making the simple restitution program work. Also, elders are much more likely to support a program that really works for them. Experts on volunteering offer the advice described in Figure 16 on the following page (also see **Appendix 7**).

## WORKING WITH VOLUNTEERS

**Not everyone will make a good volunteer:** Think about what you want out of elder volunteers ahead of time. Elders should be good storytellers or communicators, responsible and committed, patient with active teenagers, and non-judgmental. Also, consider how to turn down elders who don't have these qualifications without hurting their feelings.

**Pay careful attention to orientation, training, and supervision:** Volunteers need to know what will be required of them and how they will do it. Some volunteers need continuing training and support, while others develop relationships with offenders with ease.

**Accommodate volunteers:** Training should be designed around volunteers' day-to-day needs. These needs may vary widely, and it may be necessary for you to go out of your way to meet them.

**Use a training manual:** A training manual should be developed to ensure all volunteers receive the same thorough training. Ongoing refinement of the manual is a good way of collecting knowledge about what works and what doesn't work with volunteers.

**Figure 16**

- √ **Address liability issues:** Liability issues are often exaggerated. Few suits or claims against are filed against restitution programs, especially considering their widespread use. **Appendix 5** refers to resources that provide more detailed discussion. However, most programs employ two approaches. First, they ask participants (including offenders and volunteers) to read and sign disclaimers and waivers of claim. This doesn't establish a defense if a claim or suit is filed, but alerts them to the risks involved in participation and may discourage nuisance suits. Second, they obtain commercial insurance (see **Appendix 5**) and defray some costs by charging offenders a few dollars a day to participate.

**Resources:** See **Appendix 5** for organizations that can help with program planning and implementation.

**STEP 6 DESIGN AND USE EVALUATION PLANS:** Evaluation plans are essential in order to know whether these programs are really working for offenders and for the community.

- √ **Develop an evaluation plan to manage cases:** An evaluation plan will enable staff to monitor service to the offender, to the volunteer, and to sponsors of work projects. For example, if a program isn't working for a particular offender, the Court can modify offenders' restitution plan or place them in a different program.
- √ **Develop an evaluation plan to manage the program:** An evaluation plan will help identify program strengths and weaknesses and enable program management or staff to shore up weak spots.
- √ **Develop an evaluation plan to manage the system:** An evaluation plan will enable the Family Court to compare the restitution programs to other programs like probation. Dollar for dollar is the restitution program better than probation? Are offenders benefiting from this program more than they are from other programs? Also, establishing a record of the program's success is necessary for securing and maintaining funding.

**Resources:** See Appendix 6 for sources of information and advice on program evaluation.

**STEP 7 RECRUIT VOLUNTEERS:** Before you begin recruiting, think about where you will get volunteers from. Will you need to advertise? Will you need a poster or brochure? Who can put you in touch with good volunteers?

**Resources:** See Appendix 7.

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<sup>1</sup> The data on the extent and character of juvenile delinquency in this paper come from three sources;

- (1) An assessment of juvenile delinquency prepared by Voorhis Associates for planning a treatment and detention center to serve the Western Agency.
- (2) Records kept by the Police Department for planning first-offender and other programs.
- (3) Records kept by the Family Court for planning and administration purposes.

Because the reasons for keeping these records differs from agency to agency and because detailed and comprehensive records of youth crime (for example, the FBI's Uniform Crime Reports) aren't maintained for the Navajo Nation, the figures often do not agree or offer only a partial picture. Therefore, the relevance and usefulness of the proposals I make depend only on a rough approximation of the extent and character of juvenile delinquency in the western areas of the reservation.

The figure I use here may be conservative. Law enforcement officials in the Western Agency estimate the rate of offenses may actually be higher. They feel the number of reported offenses is depressed by the limited court capacity and scarcity of detention and correctional facilities for youth. Members of the Police Department and the Prosecutor's Office describe the problem in this way: About 600 kids commit reportable offenses. Officers handle about 200 of these informally because they know the system can't handle them all. Of the 400 that come in the door, the police let another 100 or so go with a lecture. They send about 300 over to the Prosecutors' Office, who throw about half of these out because they know the Court can't handle that many. And the Court continues this process because they know there are no correctional facilities to deal with even this much smaller group.

<sup>2</sup> Between 1960 and 1990 the Navajo population more than doubled. Tribal and Indian Health Service estimates suggest population growth will continue to be vigorous.

<sup>3</sup> Unfortunately, records on the percentage of offenses committed by chronic offenders are not kept.

<sup>4</sup> Schwartz, Ira, editor, 1992, *Juvenile Justice and Public Policy*, Lexington Books, New York.

<sup>5</sup> Austin, James, Barry Krisberg, William Elms, and Patricia Steele, 1989, *Unlocking Juvenile Corrections: Evaluating The Massachusetts Department of Youth Services*, National Council on Crime and Delinquency, San Francisco, California.

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- <sup>6</sup> See Austin, James, Barry Krisberg, William Elms, and Patricia Steele, *Unlocking Juvenile Corrections: Evaluating The Massachusetts Department of Youth Services*.
- <sup>7</sup> Armstrong, Troy, editor, 1991, *Intensive Interventions with High Risk Youth*, Criminal Justice Press, Monsey, New York.
- <sup>8</sup> See Armstrong, Troy, editor, 1991, *Intensive Interventions with High Risk Youth*.
- <sup>9</sup> See Armstrong, Troy, editor, 1991, *Intensive Interventions with High Risk Youth*.
- <sup>10</sup> See, for example, Morash, Merry and Lila Rucker, "A Critical Look at the Idea of Boot Camp as a Correctional Reform," *Crime and Delinquency*, April, 1990, pages 204-223.
- <sup>11</sup> Parent, Dale, 1990, "Day Reporting Centers for Criminal Offenders--A Descriptive Analysis of Existing Programs," *Issues and Practices in Criminal Justice*, September 1990.
- <sup>12</sup> See Armstrong, Troy, editor, *Intensive Interventions with High Risk Youth*.
- <sup>13</sup> See Armstrong, Troy, editor, *Intensive Interventions with High Risk Youth*.
- <sup>14</sup> McDonald, Douglas C., "Restitution and Community Service," *Crime File Study Guide*, National Institute of Justice, 1988.
- <sup>15</sup> Petersilia, Joan, "Conditions that Permit Intensive Supervision Programs to Survive," *Crime and Delinquency*, January 1990, pages 126-145.
- <sup>16</sup> Moore, Mark H., 1990, *Superintending "Bankruptcies" in Child Rearing: A Family Court Model of Juvenile Justice*, Paper Prepared for Presentation at the Meeting of the American Society of Criminology, Baltimore MD.
- <sup>17</sup> See Moore, Mark H., 1990, *Superintending "Bankruptcies" in Child Rearing: A Family Court Model of Juvenile Justice*.
- <sup>18</sup> This is from the Western Navajo Juvenile Services Coordinating Council's mission and goals as described in their "Introduction and Background Information."
- <sup>19</sup> See Moore, Mark H., 1990, *Superintending "Bankruptcies" in Child Rearing: A Family Court Model of Juvenile Justice*.

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20 Restitution Education, Specialized Training, and Technical Assistance Program, 1985, *Guide to Juvenile Restitution*, U.S. Department of Justice.

**APPENDICES 1-7**



**WESTERN NAVAJO JUVENILE SERVICES COORDINATING COUNCIL, INC.  
P.O. Box 1702  
Tuba City, AZ 86045**

**RESTITUTION PROGRAM MISSION STATEMENT  
(DRAFT)**

**WHO WE ARE:** This program is a partnership between the Family Court of the Tuba City Judicial District Court and the Western Navajo Juvenile Services Coordinating Council. The Coordinating Council was formed by parents, teachers, health professionals, and others to develop effective and innovative responses to the problems of troubled adolescents living in the western areas of the Navajo Nation. The Council incorporated as a NonProfit in April 1992 to pursue funding which our community desperately needs for new program initiatives. Recently, the Council designed and obtained the funding for a state-of-the-art juvenile treatment and detention center, on which construction will begin in mid 1993.

**WHO WE SERVE:** We serve at-risk adolescents and juvenile offenders. It is a time of rapid change for young Navajo and the challenge this change creates has been increased by poverty and the difficulty of growing up in two often conflicting cultures. Juvenile delinquency here is four times greater than in most American cities.

**OUR PHILOSOPHY:** We look at crime not as a problem in itself but as a sign that something serious has gone wrong in the way a family and community has cared for and supervised young people. Therefore, we seek sanctions and complementary programs that heal our youth, strengthen families, and affirm our culture while holding young offenders accountable for their criminal behavior.

**WHAT THIS PROGRAM DOES:** The first sanction we are developing is a program that requires offenders to perform restitution by doing chores for elderly members of the community. Whenever possible these elders will be members of the youths' families or clans. In return for chores, elders will share their knowledge of Navajo values, and culture. We believe this program will:

- Transmit Navajo values and culture to troubled youth.
- Teach offenders about the effects of their crimes by having them participate in the repairing the damage they have done.
- Hold offenders accountable for what they have done by requiring them to work, sometimes long and hard, to complete restitution.
- Improve family and community life by increasing respect among generations.
- Bring offenders back into harmony or balance with their community and world by creating a way for them to restore the damage they have done.

**STEP 2: RESOURCES FOR PLANNING AND FUNDING**

<b>Resource</b>	<b>Comments</b>
<p><b>National Restitution Resource Center</b>            Juvenile Justice Clearinghouse/NCJRS            Box 6000            Rockville, MD 20850            (800) 638-8736</p> <p><b>Office of Juvenile Justice and            Delinquency Prevention (OJJDP)</b>            633 Indian Avenue NW            Washington D.C., 20531            (202) 724-5921</p>	<p>These offices have published a wealth of information on designing and implementing restitution programs for youth (and adults). Some of their publications are listed below.</p>
<p><i><b>Guide to Juvenile Restitution</b></i>            U.S. Department of Justice            Office of Juvenile Justice and Delinquency            Prevention,            Restitution Education, Specialized            Training, and Technical Assistance            Program (RESTTA),            July 1985</p> <p><i><b>The Restitution Experience in Youth            Employment</b></i>            U.S. Department of Justice            Office of Juvenile Justice and Delinquency            Prevention,            RESTTA,            September 1989</p>	<p>These are comprehensive guides to designing and implementing a restitution program. They are available from OJJDP at the address above or call (800) 638-8736.</p>

<p><b>Native American Youth Alcohol Education: Youth Elders Program,</b> Turtle Mountain Band of Chippewa, P.O. Box 900 Belcourt, ND 58316 (701) 244-5082</p>	<p>The Chippewa have started a widely recognized program in which at-risk adolescents do chores and favors for elderly and handicapped tribal members in exchange for storytelling and instruction about Chippewa heritage. They might be a good source of advice on a number of issues.</p>
<p><b>Thomas Wolf's Managing A Nonprofit Organization</b> (1990), Simon &amp; Schuster</p> <p>The Grantsmanship Center's <i>Program Planning and Proposal Writing</i> (1980) by Norton J. Kiritz</p>	<p>These books have good discussions of most program planning issues. The Wolf book is popular and should be available from the library at Northern Arizona State University or at the Flagstaff and Phoenix public libraries. The Grantsmanship Center's book should be available through the <b>Albuquerque Community Foundation</b> (see Step 3 resources).</p>

**RESTITUTION PROGRAMS  
FIRST-YEAR GOALS AND OBJECTIVES<sup>1</sup>  
(SAMPLE/DRAFT)**

Program Area	Program Goal	Program Objectives January-June 1994 <sup>2</sup>	Required Funds <sup>3</sup>	Program Objectives July-December 1994	Required Funds
Simple Restitution Program	Reduce recidivism of less serious offenders who participate in program by ___%.	Obj. 1: Recruit 10 Elders Obj. 2: Match 10 offenders with elders. Obj. 3: Monitor 10 offenders not placed in restitution program. <sup>4</sup>	Obj. 1: \$ ____ Obj. 2: \$ ____- \$ ____ Obj. 3: \$ ____	Obj. 1: Maintain at least 80% of cases from Obj. 2 from previous six months. <sup>5</sup> Obj. 2: Recruit 10 more elders. Obj. 3: Match another 10 offenders with elders. Obj. 4: Monitor outcomes of 10 less serious offenders not placed in restitution program.	Obj. 1: \$ ____  Obj. 2: \$ ____ Obj. 3: \$ ____  Obj. 4: \$ ____
Intensively Supervised Restitution Program	Reduce recidivism of more serious offenders who participate in program by ___%.	Final program planning--no program activity		Obj. 1: Develop a "pilot" community service work project for five offenders to work out final program design. Obj. 2: Place five offenders in community service work project.	Obj. 1: \$ ____  Obj. 2: \$ ____

<sup>1</sup> This is an example--your goals and precise objectives might differ.

<sup>2</sup> I use six-month periods here, but any period that suits your needs could be used.

<sup>3</sup> It's helpful to break down your program costs by activity so you can see where your money is going (fundors like it, too).

<sup>4</sup> This is your "control" group. Comparing program participants with this group will enable you to answer questions like the following. Is the program working any better than simple probation? Is it working better than no program at all?

<sup>5</sup> You will have to pick an outcome or target that is a realistic improvement over present practices--it might be very different than this figure.

**WESTERN NAVAJO JUVENILE SERVICES COORDINATING COUNCIL, INC.**  
P.O. Box 1702  
Tuba City, AZ 86045

**RESTITUTION PROGRAM DRAFT BUDGET<sup>1</sup>**  
January - December 1994

Expenses	Approximate Cost	Comments <sup>2</sup>
<b>Personnel</b>		
Salaries	\$30,000	Program Director
Benefits	\$ 5,400	18% of salary
<b>Administrative Costs</b>		
Office Space	\$ 1,200	
Travel	\$ 400	Automobile travel on reservation and nearby areas.
Telephone	\$ 600	
Office Supplies	\$ 500	Includes binders and other materials for training manuals, program policies, etc. for volunteers, offenders, and staff.
Printing Costs	\$ 1,000	Brochures and advertisements for recruiting volunteers and sponsors for work projects.
Computer & computer software.	\$ 2,500	Project will require use of computer for monitoring service to offenders, monitoring "restitution accounts," and for preparing program training manuals, etc.
<b>Total</b>	<b>\$41,600</b>	
<b>Amount Requested<sup>3</sup></b>	<b>\$ ,__</b>	

<sup>1</sup> All these figures are just for working off--actual amounts you will want to budget for these items may vary widely.

<sup>2</sup> The comments column lets funders know what justifies your cost figures.

<sup>3</sup> This entry lets funders know how much of the total budget you are seeking from them.

**STEP 3: RESOURCES ON PROGRAM FUNDING**

<b>Resource</b>	<b>Comments</b>
<p><i>The Foundation Directory</i> Published by the Foundation Center (see below).</p>	<p><u>Excellent</u> reference for identifying potential funders. This and other useful reference materials on grants and foundations can be found at the following libraries (the Albuquerque Community Foundation serves as a reference library for nonprofits seeking funding):</p> <p><b>Phoenix Public Library</b> Business &amp; Sciences Dept. 12 East McDowell Rd. Phoenix, AZ 85275 (602) 262-4636</p> <p><b>Albuquerque Community Foundation</b> 6501 America's Parkway N.E., Suite 665 Albuquerque, NM 87710 (505) 827-3824</p>
<p><b>The Foundation Center</b> 312 Sutter St., Rm. 312 San Francisco, CA 94108 (415) 397-0902 (800) 424-9836</p>	<p>The <b>Foundation Center's</b> services are fairly expensive, but they can be cost-effective, simply because they can do a lot of leg work for you very quickly. Also, you could ask them to do a computer search that might benefit not only this project but others the WNJSCC and other local agencies might be interested in.</p>
<p>The Grantsmanship Center's <i>Program Planning and Proposal Writing</i> (1980) by Norton J. Kiritz</p>	<p>Also an excellent reference. Focuses on how to prepare persuasive proposals. Should also be available at the above libraries.</p>

**National Restitution Resource Center**  
Juvenile Justice Clearinghouse/NCJRS,  
Box 6000  
Rockville, MD 20850  
(800) 638-8736

**Office of Juvenile Justice and  
Delinquency Prevention**  
633 Indian Avenue NW  
Washington D.C., 20531  
(202) 724-5921

These offices are both potential sources of funding and technical assistance. They will be contacting the Family Court independently regarding their services.

#### STEP 4: RESOURCES ON HIRING

Resource	Comments
Thomas Wolf's <i>Managing A Nonprofit Organization</i> (1990), Simon & Schuster	This book has a good discussion of how to approach hiring and personnel issues (see pages 57-113). As mentioned above, it's a popular book and should be available from the library at Northern Arizona State University or at the Flagstaff and Phoenix public libraries (see Step 3 resources).



**STEP 5: RESOURCES FOR IMPLEMENTING THE PROGRAM**

<b>Resource</b>	<b>Comments</b>
<p><b>National Restitution Resource Center</b>            Juvenile Justice Clearinghouse/NCJRS,            Box 6000            Rockville, MD 20850            (800) 638-8736</p> <p><b>Office of Juvenile Justice and            Delinquency Prevention (OJJDP)</b>            633 Indian Avenue NW            Washington D.C., 20531            (202) 724-5921</p>	<p>As mentioned above, these offices have published a wealth of information on designing and implementing restitution programs for youth (and adults). Some are listed below.</p>
<p><i><b>Guide to Juvenile Restitution</b></i>            U.S. Department of Justice            Office of Juvenile Justice and Delinquency Prevention,            Restitution Education, Specialized Training, and Technical Assistance Program (RESTTA),            July 1985</p> <p><i><b>The Restitution Experience in Youth Employment</b></i>            U.S. Department of Justice            Office of Juvenile Justice and Delinquency Prevention,            RESTTA,            September 1989</p>	<p>These are comprehensive guides to designing and implementing restitution programs. Call (800) 638-8736 for ordering information..</p>

<p><b><i>Balancing Custody and Care</i></b>  A Resource Book for Case Management In  Juvenile Detention Systems,  City of New York,  Department of Juvenile Justice  365 Broadway, New York, NY  (212) 925-7779</p>	<p>This provides an excellent introduction to case management. It focuses on using case management as a tool for helping juveniles who are being detained or who have already been sentenced.</p>
<p><b>The National Council on Crime and Delinquency,</b>  685 Market St., San Francisco, CA 94105  (415) 896-6223</p>	<p>The NCCD publishes several good guides on how to deal with <u>classification</u> issues.</p>
<p><b>Native American Youth Alcohol Education: Youth Elders Program,</b>  Turtle Mountain Band of Chippewa,  P.O. Box 900  Belcourt, ND 58316  (701) 244-5082</p>	<p>As mentioned under Step 1, the Chippewa have started an excellent program in which at-risk adolescents do chores and favors for elderly and handicapped tribal members in exchange for storytelling and instruction about Chippewa heritage. They might be a good source of advice on a number of issues.</p>
<p><b><i>Intensive interventions with High Risk Youths</i></b> edited by Troy Armstrong and published by the Criminal Justice Press (1991), Monsey, NY 10952  (914) 354-9139</p>	<p>This book has a good chapter on restitution programs for serious and hard to manage offenders by Andrew Klein of the Quincy Court in Quincy, MA. Mr. Klein can be reached at (617) 471-7653</p>
<p><b><i>Memorandum on Insurance Coverage for Juvenile Restitution Programs</i></b> by Ted Rubin and Howard Feinman, Institute for Court Management, Denver CO, 1985.  (Available through OJJDP)</p>	<p>Good discussion on how to address insurance issues. (Available through OJJDP)</p>

<p>Thomas Wolf's <i>Managing A Nonprofit Organization</i> and Norton J. Kiritz's <i>Program Planning and Proposal Writing</i>. (See Step 4 resources).</p>	<p>Helpful for designing and planning the final pieces of these restitution programs.</p>
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**STEP 6: RESOURCES ON EVALUATION**

<b>Resource</b>	<b>Comments</b>
<p><i>Guide to Juvenile Restitution</i>  Restitution Education, Specialized  Training, and Technical Assistance  Program (RESTTA),  July 1985</p> <p><i>The Restitution Experience in Youth  Employment</i>  RESTTA,  September 1989</p>	<p>Both have good discussions on evaluation and setting up management information systems (see Step 5 Resources regarding ordering information).</p>
<p><i>Knowing You've Made a Difference</i>  by MacGregor Kniseley, Ed.D.  Education Commission of the States  707 17th street, Suite 2700  Denver, CO 80202-3427  (303) 299-3600</p>	<p>This has a good hands-on discussion of how to evaluate a working program without a lot of money. It's written for mentoring programs, but is relevant for any nonprofit.</p>
<p><i>Balancing Custody and Care</i>  (see Step 5 Resources)</p>	<p>Has a short but helpful discussion of evaluation issues.</p>
<p><i>Managing A Nonprofit Organization and Program Planning and Proposal Writing.</i> (See Step 4).</p>	<p>Both discuss evaluation issues.</p>



**STEP 7: RESOURCES ON RECRUITING VOLUNTEERS**

<b>Resource</b>	<b>Comments</b>
<p><i>The Kindness of Strangers</i> Pubic/Private Ventures 399 Market Street Philadelphia, PA 19106 (215) 592-9099</p> <p><i>Managing A Nonprofit Organization</i> (see Step 4 resources).</p>	<p>These publications deal with the difficulties involved in recruiting, training, and supervising volunteers.</p>
<p><b>Native American Youth Alcohol Education: Youth Elders Program,</b> Turtle Mountain Band of Chippewa, (see Step 5 resources)</p>	<p>The Chippewa had a lot of success recruiting elders, their experience could be very helpful.</p>