
Source: www.donnylaw.com/restitution-forfeiture



Restitution Practices in Minnesota

*Roadblocks and Recommendations
to Maximizing Collection*

Karla Bigham • Lara Bauer • Leah Palmer • Danielle Ross

University of Minnesota
Humphrey School of Public Affairs
August 2013

Table of Contents

EXECUTIVE SUMMARY	3
INTRODUCTION	5
LITERATURE REVIEW	9
DATA ANALYSIS: COLLECTION PRACTICES IN FOUR MINNESOTA COUNTIES	17
METHODOLOGY OF RESEARCH	17
QUANTITATIVE DATA	17
ACADEMIC RESEARCH & STATE-TO-STATE COMPARISON	18
QUALITATIVE DATA: INTERVIEWS	18
COUNTY SELECTION	19
RESEARCH RESULTS: FOUR MINNESOTA COUNTIES	23
INTERVIEW FINDINGS	23
POLICY	23
RESTITUTION COLLECTION PROCESS	25
DELINQUENCY OF PAYMENTS	26
RESTITUTION ORDERED VERSUS COLLECTED	28
PRIORITY OF RESTITUTION & COURT FINES	30
PAYMENT PLAN PROCEDURES	31
PROBATION EXTENSION OR REVOCATION	33
CIVIL JUDGMENT & COLLECTIONS	35
IMPROVING RESTITUTION COLLECTION	36
ROADBLOCKS OF RESTITUTION COLLECTION	38
CONCLUSION	40
RECOMMENDATIONS FOR IMPROVING RESTITUTION COLLECTION	40
FURTHER RESEARCH DEVELOPMENT	42
BIBLIOGRAPHY	44
APPENDICES	47
APPENDIX A: INTERVIEW GUIDE	
APPENDIX B: INTERVIEW SUMMARY WORKSHEET	
APPENDIX C: BROWN COUNTY POLICY 4280	
APPENDIX D: BROWN COUNTY RESTITUTION COLLECTION POLICY	
APPENDIX E: BROWN COUNTY PAYMENT EVALUATION	
APPENDIX F: DAKOTA COUNTY POLICY	
APPENDIX G: LE SUEUR COUNTY FACE SHEET	
APPENDIX H: MINNESOTA DOC RESTITUTION POLICY	
APPENDIX I: GRCA STATEMENT ON SOFTWARE	
APPENDIX J: EMAIL FROM THE MINNESOTA STATE COURT ADMINISTRATOR’S OFFICE	

Executive Summary

Restitution, or the practice of a criminal offender making financial reparation to the offended, is a concept that dates back at least as far as the Roman Empire. Over the centuries, law evolved and crime became seen as an act against society, rather than individuals; as a result, restitution lost its place of importance and was replaced with court-ordered fines and fees. In the 1980's, victims' rights surged forward in the United States, and the concept of restitution was re-established in federal law. Today, all fifty states have restitution laws on the books.

This project was brought to the University of Minnesota's Humphrey School of Public Affairs by the Minnesota Alliance on Crime (MAC), a coalition of criminal justice professionals based in St. Paul, Minnesota. MAC requested we examine restitution practices in four counties in Minnesota, report findings, and make recommendations for improving collection. This report is the result of that research.

Based on a sample of four Minnesota counties that span three judicial districts, we were able to ascertain that restitution collection practices vary greatly, but that the common theme is that they are believed to be largely disorganized and relatively ineffective. Unfortunately, we were unable to collect any quantitative data, despite requests for such information. Without concrete data to analyze, we are not able to comment specifically on the efficacy of current collection practices in Minnesota.

Ultimately, we developed four recommendations for improving restitution collection in Minnesota: 1. Track restitution collection data; 2. Increase collaboration among restitution

process stakeholders; 3. Offer more tools for collection of restitution such as wage garnishment and asset seizure; and 4. Host a statewide conference on restitution to engage professionals and share ideas.

It is our belief that these suggestions will improve restitution collection in the state. We cannot emphasize enough the importance of collecting and publishing data regarding restitution collection; without it, there is no way to gauge the success of policies and practices. In an age when government resources are at a premium and accountability is the rule of the day, the criminal justice system has a duty to provide stakeholders and the public with quality information regarding restitution practices. In addition, quantitative data analysis allows policy makers to assess progress and make corrections where needed to address gaps and shortcomings.

We are proud to present this report to the Minnesota Alliance on Crime and their partners. We hope that it is useful and the recommendations are taken into consideration when discussing improvements to restitution collection practices.

Introduction

The passage of the Victim and Witness Protection Act of 1982 officially placed criminal restitution into the sentencing structure of the federal system – and brought the concept of restorative justice to the forefront of the American justice system. Prior to that, restitution was infrequently ordered and hardly enforced. In 1996, an effort to place a priority on victims’ restoration in the criminal justice system resulted in the passage of the federal Mandatory Victim Restitution Act (MVRA), making “...restitution mandatory in almost all cases in which the victim suffered an identifiable monetary loss...” (Dickman, 2009).

One of the most significant distinctions of the 1996 legislation was the removal of “judicial discretion from the imposition of restitution orders” (Dickman, 2009). Instead, judges are mandated to order the full amount of restitution that is disclosed as a loss by the victim, with the offender’s *ability to pay* only being considered for the scheduling of the payment, not the amount ordered. But can the expected outcome truly be that victims will then receive the full amount of restitution? As Eugene Bardach admits in his book, *A Practical Guide for Policy Analysis, The Eightfold Path to more Effective Problem Solving*, Step Five - Project the Outcomes is “the hardest step in the Eightfold Path” (Bardach, 2012). *Excessive optimism* can cause even a great policy to fail. In this case, the optimism that full-amount owed restitution is collectable exceeds the reality that a victim more than likely will never see a full restitution payment. The unintended consequence is a victim left feeling re-victimized by the criminal justice system that made the promise of restitution. In his review, “Should Crime Pay?: A Critical Assessment of the Mandatory Victims Restitution Act of 1996,” Mathew Dickman addresses a key finding in a published study on victim satisfaction with restitution orders:

...the factor that was most highly correlated with victim satisfaction was the percentage of the restitution award paid by the offender, regardless of the size of the award. This factor correlated with victim satisfaction to a greater extent than whether restitution had been ordered in full... Additionally, the study found that neither the total dollar amount awarded nor the payment time...influenced victim satisfaction (Dickman, 2009).

Despite these findings, MVRA “was enacted under the assumption that, with regard to victim satisfaction, the imposition of full restitution is more important than compliance rates” (Dickman, 2009).

When considering the idea of restitution, often the stereotypical question becomes, “How can offenders pay restitution when they don’t have it in the first place?” Dickman’s paper review of the MVRA provides a quantitative base for our collective stereotype: “Over 85 percent of federal criminal defendants are indigent at the time of their arrest, and nearly half of offenders made less than \$600 during the month to their offense” (Dickman, 2009).

Yet, the federal MVRA law remains, and victim advocates, such as MAC, are calling for a higher priority on improving restitution collection. Minnesota has defined statutes and case law (referenced later in this paper) that establish the parameters of restitution collection; however, advocates believe collection rates are ultimately too low. A statewide taskforce was authorized by the legislature during the 2013 session to examine restitution practices. As a precursor to this group’s more in-depth work, we partnered with MAC to determine the state of restitution collection methods in Minnesota by examining practices in selected counties. The goals of the project were:

- Determine the amount of restitution ordered versus collected statewide and on an individual county basis.
- Determine the consequences for a defendant who fails to pay restitution.
- Consider what statutes are not being followed or have not been implemented.
- Provide recommendations for a more effective enforcement of restitution orders.

The collection of restitution is an important factor in ensuring that victims feel justice has been carried out in a meaningful way. When victims feel that an effort toward fairness and justice has been made, they are more likely to cooperate in proceedings and support positive outcomes (Ruback, 2008). What's more, perceptions of fairness create trust, which in turn leads to a citizenry that is more likely to comply with the law (Ruback, 2008). Restitution is one way of sending a message to victims that they matter, and that justice is being sought on their behalf. But an empty order, or one that is only partially fulfilled, leaves victims dissatisfied with a broken promise.

There are also benefits to offenders who meet their restitution obligation. One study, conducted in Pennsylvania by Barry Ruback, noted that "offenders who paid a lower proportion of their ordered restitution" were more likely to be arrested again in the future (Ruback, 2004). Another study from 1999 had the same results, indicating that offenders who completed all the terms of their probation, including full restitution payment, were less likely to re-offend (Outlaw, 1999).

Ultimately, justice is the end goal; therefore, collection of restitution must be a priority and whoever is charged with that feat not only must treat it as the priority it is, but must also

be given the tools necessary to achieve that goal. This report seeks to analyze existing restitution collection practices in four Minnesota counties, make observations regarding barriers, and provide recommendations for improving procedures.

LITERATURE REVIEW

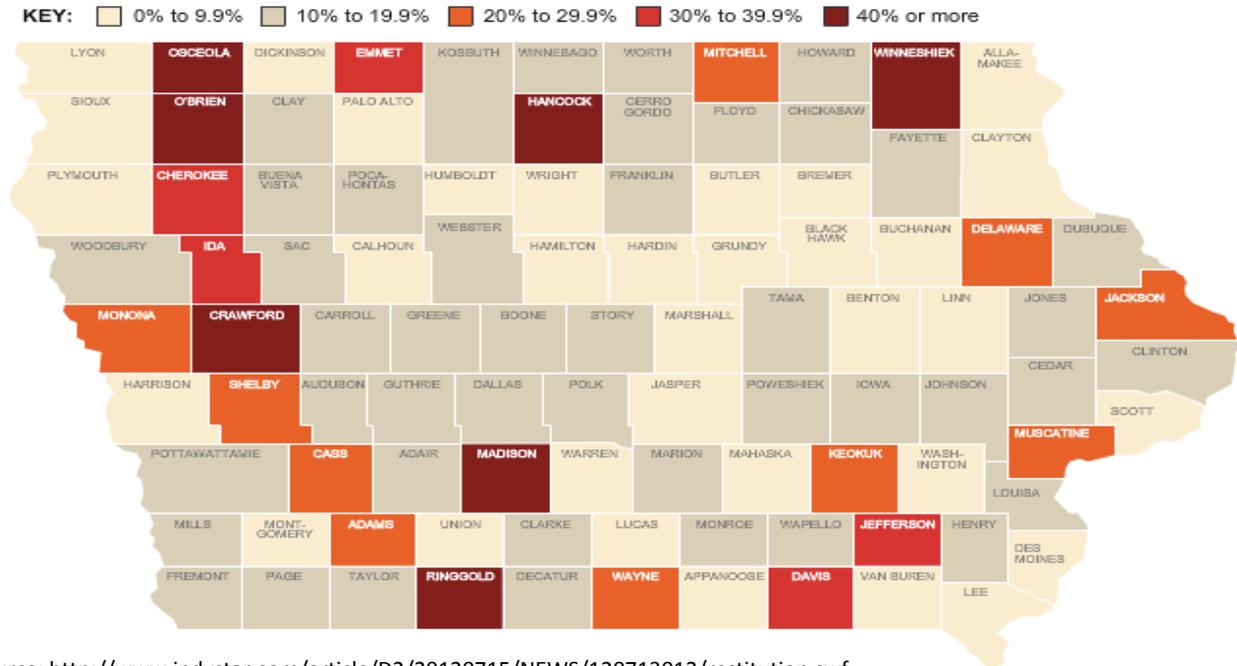
In searching out studies and articles related to restitution practices, we decided to focus our efforts on gathering information about other states' procedures and policies. We wanted our literature review to mirror our own research focus. As we sorted through the data, we found that *collection* is the keyword that binds together the reviewed states.

IOWA – MAC was the first to bring Iowa's practices to our attention. The *WCF Courier* (Waterloo-Cedar Falls daily newspaper) published several pieces in July 2012 regarding their staggering amount of outstanding restitution debt. The paper reported that while judges had ordered \$159 million in restitution between 2007 and 2011, offenders paid in \$19 million, or just 12 percent (Eckhoff, 2012). Another study, published by the Wyoming Law Review, reported that offenders in Iowa owed \$533 million in "court-ordered obligations, including restitution" (Fetsco, 2012). While these numbers are undoubtedly disappointing and leave much room for improvement, the most remarkable thing was the availability of data that benchmarks where they're at – both statewide and by county. The graphic below, published by the Indianapolis Star, shows the percent of restitution paid by offenders in each county in the state between 2007 and 2011. Of note:

- Wright County had a collection rate of five percent between 2007-2011
- Hancock County, directly to the north of Wright County, had a collection rate of 52 percent over the same time period

According to the US Census Bureau, these two counties have similar population sizes, unemployment rates, median incomes, and other demographic information. It is therefore

reasonable to believe that their collection policies must account for a major portion of the difference in rate.



Source: <http://www.indystar.com/article/D2/20120715/NEWS/120713012/restitution.swf>

It is important to note that we provide this graphic and summary to highlight that Iowa has a tracking system showing restitution ordered versus collected and it can be reported on a per county basis. The data we were able to identify on Iowa is fairly recent; therefore we have not been able to identify trends in restitution collection. With that said, Trish Mehaffey, a journalist for the Cedar Rapids newspaper, *The Gazette*, who covers state and federal criminal and civil courts in Eastern Iowa, has recently published an article on the collection of restitution for East Iowa crime victims. She wrote that the national push to make restitution a priority has driven the aggressiveness of collecting practices in Iowa. In 2011, legislation was approved to utilize private collection agency vendors “in counties where court attorneys don’t have the personnel to handle 90-day past-due collections” (Mehaffey, 2012).

CALIFORNIA – In 2004, following a heightened awareness of the delinquency of court-ordered fines and obligations, the California state legislature created a working group to develop recommendations for improving collection of fines, fees, and restitution (Sanora, 2011). By 2006, the group made a number of suggestions that were put into law, but none that specifically addressed restitution collection. The legislature addressed that gap in 2007 by passing law that added restitution as a type of court debt that is subject to the collection efforts put in place by the working group (Sanora, 2011).

As required by the new legislation, the first annual report was sent to the California legislature for fiscal year 2008-2009. Following the statewide initiative to collect on monies owed, California's Franchise Tax Board-Court Ordered Debt (FTB-COD) program brought in \$6.5 million between 2004-2009, compared to just \$1.4 million between 1993 and 2004, a 364 percent increase (Sanora, 2011).

This fund's projections, however, put it in the red when the *2010 California Restitution Summit* was convened in November 2010. The California Victim Compensation and Government Claims Board and the California District Attorneys Association hosted the event attended by various stakeholders including victim advocates, district attorneys, judges, defense attorneys, probation officials and other restitution collection administrators. Although there is statewide quantitative data to explain the dire situation, Jim Miller reported "there is no data about which counties are doing the best jobs collecting on restitution fines. Counties are not required to report fines imposed or fines collected to the state. 'Nobody knows what anybody is doing.'" (Miller, 2011). Jessica Sanora, Senior Manager for the Enhanced Collections Unit of

California's Judicial Council, stated that "while developing a collections program, it is critical to designate one entity to be responsible for enforcing policies, procedures, and legislatively-mandated requirements" (Sanora, 2011).

COLORADO – The state of Colorado places a high priority on the collection of restitution and other court-ordered financial obligations from offenders. A statewide program places a collections investigator office in local courts and probation departments and has provided tools to staff that include investigating offenders' assets, monitoring payments, locating offenders who haven't paid, and seizing/garnishing assets such as tax returns, lottery winnings, property, and wages (Litschewski, 2011).

The state court administrator's office credits the revenue recapture process, known as the State Income Tax Refund Intercept Program, with providing the most success while also being the most efficient of the tools available. Created in 2004 with bipartisan legislative support, the program is a partnership of the judiciary and the department of revenue. The two departments share information and accounting procedures to match court records with tax records in order to claim any state tax refund an offender may be eligible to receive (Litschewski, 2011). In its first year, the program collected \$3.2 million; by 2010, the amount collected annually grew to \$6.3 million—an increase of 98 percent (Litschewski, 2011).

Colorado is extremely transparent and accessible with regard to restitution information. The Judicial Branch hosts an entire webpage, available in both English and Spanish, for crime victims regarding restitution that answers common questions. Additionally, a PDF link provides

additional snapshot data on restitution collection rates and amounts. This type of communications effort should be considered a model for other jurisdictions.

VERMONT – In 2001, a special report was made to the state legislature in Vermont, detailing the problems and gaps in the restitution collection process. Many of the roadblocks identified in this paper as problems for Minnesota were also identified as hindrances in Vermont, including the low priority placed on restitution collection and a lack of coordination among partners (Fetsco, 2012). To address these and other shortcomings, Vermont passed Act 57 to provide the following:

- A fifteen percent surcharge is now assessed on criminal and traffic fines. This money deposited into a Restitution Fund (Fetsco, 2012).
- Restitution collection is now tasked to a special Restitution Unit, removing responsibility from the Department of Corrections. Overhead costs for this unit also come from the Fund (Fetsco, 2012).
- The Fund provides payment directly to crime victims (up to \$10,000) at the time the court order is made, removing any lag time between payment from the offender and reissuance of same to the victim. Since its inception, the Fund has advanced \$6 million to over 5600 crime victims (Boyce, 2011).

The fund averages between \$1.5 and \$2 million each year from the surcharges collected, and another \$1 million per year from offenders (Boyce, 2011). The Restitution Unit reports that they collect on approximately 24 percent of court-ordered restitution each year (Boyce, 2011).

Vermont also cites its tax intercept program as its most successful tool for restitution collection from offenders. The Vermont Tax Offset program allows the Restitution Unit to collect offenders' tax returns when they are delinquent in their payment plans (Boyce, 2011). Between 2002 and 2011, this program netted over \$1.1 million from tax collections (Boyce, 2011).

MICHIGAN, FLORIDA & TEXAS - Donna Rogers, editor of *Courts Today*, writes how courts have begun to strengthen programs that enforce payment obligations in Michigan, Florida, and Texas. One strategy that has become popular has been for "legislation to mandate that state clerks begin taking over the coordination of these duties" (Rogers, 2012). The idea is to free up smaller jurisdictions that may not have the resources or manpower to effectively run a collection process. This illustrates the relationship of various levels of government that can be found in different states throughout the country.

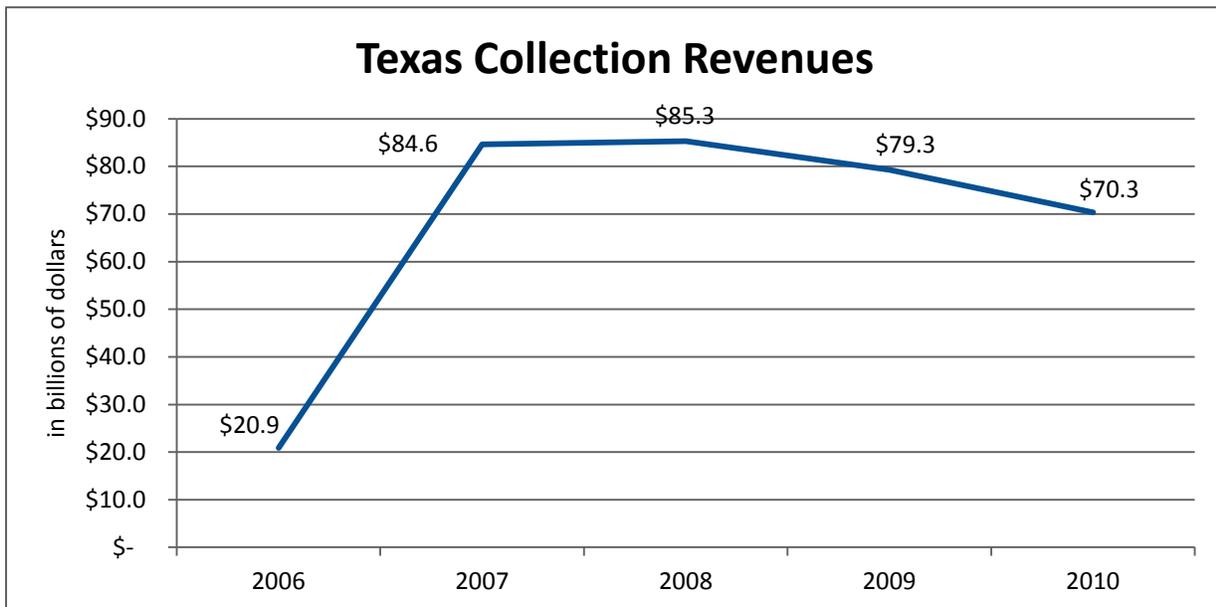
The State Court Administrative Office (SCAO) in Michigan has strengthened its collections process through judicial leadership. A Collections Advisory Committee made up of circuit, district and probate court judges, along with a court administrator work to create statewide strategies (Rogers, 2012). Interestingly, she notes that the strategies are not mandatory in implementation. Leadership recognizes that recommendations made by the Collections Advisory Committee may not be a good fit for each individual court; therefore it is up to each court whether they implement a policy.

In 2003, Florida legislatures made changes to the funding for the court system and created the Florida Clerks of Court Operations Corporation (FLCCOC) to oversee all 67 counties

in the state. Counties remain autonomous, as the FLCCOC does not have authority over them. A FLCCOC compliance/collections specialist is charged with traveling the state of Florida, going from county to county, and sharing “good practices” among them. This sharing has created collaborating efforts for improving collection compliance among various counties (Rogers, 2012).

Texas is another example of how a management over individual jurisdictions created a collaborative effort in improving collection programs. The Office of Court Administration’s (OCA) program is mostly voluntary, though it is mandatory in some areas, based on city or county populations (Rogers, 2012). Elements of the program include set times fees are due, a set of guidelines to follow for payment timelines, and “applying standard business collections rules and processes – including phone calls, letters, and statutory remedies (such as driver’s license and car registration denial)” (Rogers, 2012).

Texas provided quantitative data to back up the implemented policies, showing a positive effect on collection revenues:



Interestingly, whether the program was mandatory or voluntary made a difference. “While those participating in the voluntary program saw the inherent value to compliance, the mandatory process was slower to gain acceptance” (Rogers, 2012). Much training, hard work and dedication of staff was credited for the success of the program.

Data Analysis: Collection Practices in Four Minnesota Counties

METHODOLOGY OF RESEARCH

Our research included interviews, quantitative data from Minnesota, comparative data from other states, and academic research of previous studies. We were aware that the data we compiled from the sampled counties was not representative of data from across the state of Minnesota. For example, we know that primarily urban counties such as Ramsey and Hennepin collect restitution differently from the sampled counties.

QUANTITATIVE DATA - One of the goals of the research was to determine and then compare Minnesota’s rate of collection of restitution to other states. We discovered that Minnesota does not track the amount of restitution owed or collected in a format that allows for analytics.

The advancement of technology appears to have played a role in increasing the amount of ordered restitution collected. For example, in 1990, the Economic Sanctions unit of the Westchester County Probation Department in White Plains, New York, developed a computerized system of restitution collection. The system’s capabilities included sending automatic letters to victims informing them of restitution they can expect to receive, and warning letters to offenders when they failed to make their payments. “Field probation officers can directly access system information, such as offender’s current account balances and payment history...”(Frank, 1992). Prioritizing restitution collection and “creating a streamlined management system” caused incoming restitution payments to increase dramatically.

“In the first half of 1991, the Economic Sanctions Unit [NY]collected almost a million dollars – more than **triple the amount** collected during that period in the previous year” (Frank, 1992).

ACADEMIC RESEARCH & STATE-TO-STATE COMPARISON – Through the literature review, we discovered that some states across the nation are keeping track of restitution statistics and programs implemented to increase the collection rates. We were able to locate detailed information related to restitution collection in several states nationwide.

QUALITATIVE DATA: INTERVIEWS - We conducted phone and e-mail interviews with stakeholders. These included court administration, probation, and victim services. In addition, through personal contacts within the field of criminal justice, we were able to get answers about general practices by using primarily open-ended questions. The primary purpose of the interviews was to get input from those in the field who are involved with the restitution collection process. It was important to get perspective from those working with the victims in addition to those working with the offenders to see if there were variations in their duties and in their answers. We also wanted to find out about the current practices for restitution collection and see how and if they varied.

Our client provided key contacts for each of the counties at the beginning of the process, which helped start the process of collecting qualitative data related to restitution collection. These stakeholders were able to provide additional contact information for other stakeholders that provided information or answered questions. Our goal was to get an answer for each question we had regarding the process of collecting information. We were able to find someone who knew the answer to any question we had or arose because of an interview.

We compiled a series of questions, known as the interview guide, to inquire about their current restitution collection practices were and how they could be more efficient (refer to appendix for full list of questions). The questions were answered through phone interviews and

electronically in some cases. We asked the same series of questions to each of the stakeholders to ensure consistency in the topics explored. We also wanted their personal responses to a question regarding trends, roadblocks, similarities, or differences.

COUNTY SELECTION - In order to examine the restitution collection process in Minnesota, MAC asked us to evaluate four Minnesota counties regarding their restitution collection practices. We followed the advice of Michael Patton, author of *Qualitative Evaluation and Research Methods*, when considering the provided sample of counties. We realized the selection was made “purposefully” (Patton, 169). Patton says there is no rule for sample size in qualitative analysis. He says, “Depends on what you want to know, the purpose of the inquiry, what’s at stake, what will be useful, what will have credibility, and what can be done with available time and resources (Patton, 186). Keeping in mind the limited timeframe to make comparisons and recommendations from information to be gathered through research and interviews, and considering potential stakeholder cooperation that would be available, Executive Director Kelly Moller from MAC and Suzanne Elwell, Director of the Crime Victim Justice Unit for the Minnesota Department of Public Safety (DPS), chose the four counties for our sample. Additionally, the counties were chosen because they were each unique in their correctional delivery system and three of the four were located in different judicial districts. MAC advised us that one of the counties was known for having an extensive policy for restitution collection and held restitution as a high priority. This is an example of Patton’s “choosing a sample with credibility” (Patton, 186). Through discussion, we felt this sample of counties fulfilled a desire for comparative and contrasting evaluation.

Correctional delivery systems - Minnesota's Department of Corrections has set up three systems that determine which agency or agencies are responsible for community supervision of offenders: the Community Corrections Act (CCA), Department of Corrections (DOC), and County Probation Officers (CPO). Of the 87 counties in the state, 32 use the CCA system, 27 use the DOC/CPO system, and 28 use the DOC system.

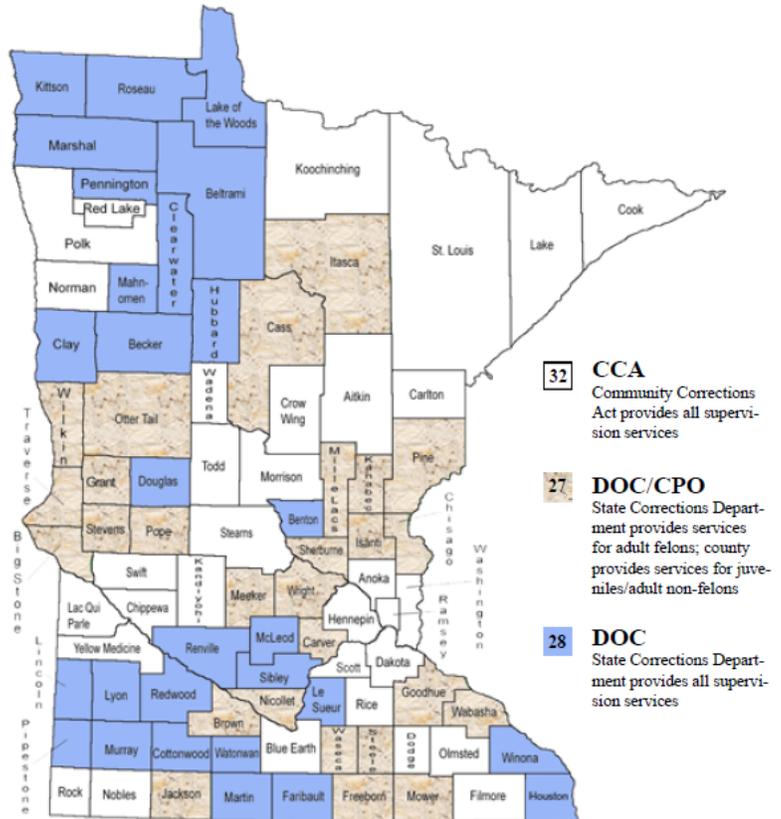
The CCA is for any Minnesota county or neighboring counties with a population over 30,000. Under the CCA, the county provides community supervision services. This system is overseen by a local Corrections Advisory Board. Rice and Dakota County are two of the 32 counties in the state that use the CCA system.

The DOC provides adult felony probation and supervised release supervision in the remaining 55 counties that are not part of the CCA system. They also provide juvenile and misdemeanor services to the court in 28 counties, referred to as contract counties. Le Sueur County uses the DOC system.

County Probation Officers work under the direction of the county's chief judge and are supervised by the county's court services director. CPO's supervise juvenile and most adult misdemeanor offenders. Brown County is one of the 27 counties that use this system, which is then combined with the DOC who provides adult felony probationary supervision.

Judicial districts – Minnesota's 87 counties are organized into ten judicial districts across the state. Each judicial district has court system for hearing criminal and civil cases. The judges are elected in general elections and serve for a term of six years.

CORRECTIONAL DELIVERY SYSTEMS

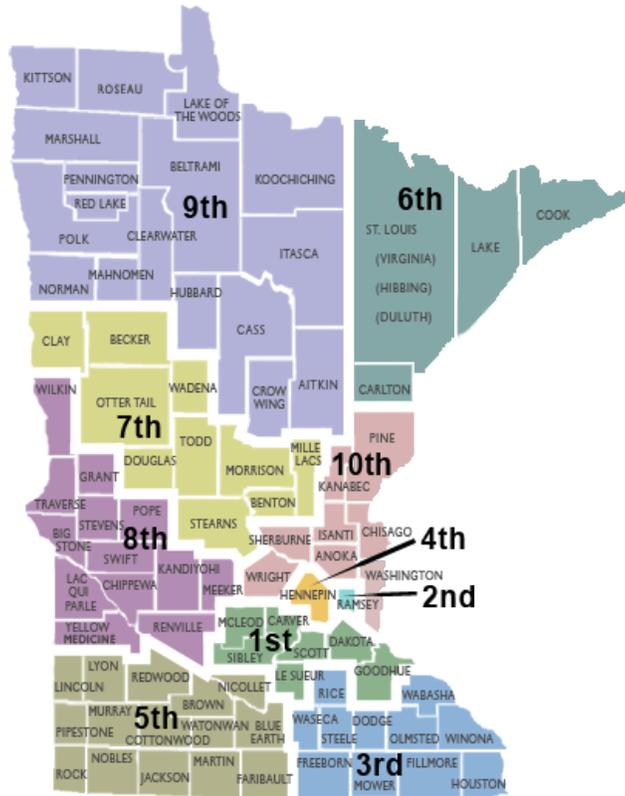


December 2012

Minnesota Department of Corrections
 1450 Energy Park Drive, Suite 200
 St. Paul, Minnesota 55108-5219
 651/361-7200
 TTY 800/627-3529
www.doc.state.mn.us

For this report, the counties were purposefully chosen to span several judicial districts.

As illustrated in the map below, Dakota and Le Sueur Counties are part of the First District, Rice is in the Third, and Brown County is in the Fifth.



Sampled Counties: At a Glance

	Population/persons per square mile (2012 est) ¹	Median Household income (2007-2011) ²	Part I & II crime rate per 100,000 people (2010) ³
Brown County	25,425 / 42.4	\$48,149	3,562
Dakota County	405,088 / 709.0	\$73,723	5,756
Le Sueur County	27,677 / 61.7	\$58,074	2,469
Rice County	64,854 / 129.4	\$59,533	5,975
State of Minnesota	5,379,139 / 66.6	\$58,476	6,607

¹ Data from the US Census Bureau: <http://quickfacts.census.gov/qfd/states/27000.html> Accessed 8/5/2013

² Ibid.

³ Data from the 2010 State Crime Book (MN Department of Public Safety): <https://dps.mn.gov/divisions/bca/bca-divisions/mnjs/Pages/uniform-crime-reports.aspx> Accessed 8/5/2013

Research Results: Four Minnesota Counties

INTERVIEW FINDINGS

POLICY – We asked each county if they had a policy or a set of guidelines they followed for restitution collection. We wanted to determine if the counties all used the same policy or if they had individual policy and, if so, what their policy was for restitution collection. This crucial information would tell us if restitution collection was a priority for the counties. It would establish roles and responsibilities to ensure accountability in the process of restitution collection.

Brown County has a six page policy for restitution (Policy 3-900), which was created based on the American Probation and Parole Association (APPA) guidelines. They reference state statute and have made adjustments in response to case law decisions and state statute changes. It includes procedures for determining restitution, responsibilities of the probation agent such as assisting victims with questions about restitution, and incorporating a payment schedule in the probation agreement for the offender. Brown County also has an extensive policy for delinquent payments (Refer to Table: Brown County Delinquency which will be discussed in detail later in the paper.)

Dakota County's Court Administration follows policy 209(b) in their policy manual. This extensive policy is included in the appendix at the end of this report. In sum, it outlines the duties of court administration personnel regarding past-due restitution accounts, including responsibility for entering and monitoring using the MNCIS system, as well as referring cases to collections when a series of requirements are met.

Through the interview process, we discovered it is more difficult to collect restitution payments from an offender in prison or recently paroled due to a lack of interaction with a probation officer. However, through our research, we discovered that the Department of Corrections recently made changes to their policy with regard to restitution and fine collection for the benefit of the victim. The changes enhance the offender's ability to pay their court-ordered obligations over a shorter amount of time. The following information was obtained from letter from Deputy Commissioner Terry Carlson entitled "Restitution & Fine Collection Changes for Minnesota DOC Offenders Effective April 1, 2013" which was sent to all DOC staff on October 29, 2012. The full text of this memo is included in the appendix, but includes the following key elements:

- Ten percent of all incoming funds will be retained and used for court-ordered restitution and fine obligations;
- A ten percent surcharge will be assessed on outgoing funds to be used for court-ordered restitution;
- After an offender has saved \$100 in so-called "gate money*", the DOC will reduce the amount collected from wages for gate savings to 25 percent (this will increase the timeline needed to save gate money but will make more funds available for lower deduction priorities, including court-ordered restitution fines;
- A five percent surcharge will be assessed on all canteen purchases except health and hygiene items to be used for court-ordered restitution and fines; and

- Offenders may choose to put more money toward restitution and fines without incurring any surcharge to address their obligation more quickly by sending a voucher to offender accounts.

**Gate money is the amount of money a qualifying offender must save for release, currently set at \$500. If a qualifying offender has less than \$100 saved upon release, the state contributes an amount up to \$100.*

RESTITUTION COLLECTION PROCESS - The affidavit for restitution follows Minnesota State Statute 611A.04 Order of Restitution. The statute states that a victim has the right to receive restitution as a result of the criminal charge. The victim provides information to the court regarding any number of qualifying expenses - property loss or damage, medical or therapy costs, or replacement of lost wages, for example. Based on this information, an amount of restitution owed is determined either by a judge or through probation. The judge ultimately orders the amount of restitution owed to the victim from the defendant.

All counties sampled reported that payments the defendant makes are processed through court administration, who then issues payment to the victim. All counties use the MNCIS to record restitution amount owed and payments collected. According to a research analyst that we contacted at the State Court Administrator's Office, the MNCIS system is not "structured for doing analysis" and we were therefore not able to collect quantitative data regarding the amount of restitution ordered or collected.

DELINQUENCY OF PAYMENTS - When an offender fails to make a payment or is late in paying the restitution ordered by the court, they are considered delinquent. There was inconsistency among the sampled counties we talked to regarding consequences for delinquent offenders. We discovered various forms of punishment based on the number of days or months gone by.

Brown County was the strictest with their policy regarding delinquency. They follow a “Progressive Intervention Policy for Non-Payment of Restitution” which enacts penalties starting at fifteen days delinquency, and increases the punishments at 30, 60, and 90 days delinquency. Misdemeanor offenders have six months to pay off their restitution and gross misdemeanants have a year.

Brown County: Number of Days Delinquent			
	15-30 Days	60 Days	90 Days
1	Refer to cognitive skills classes when appropriate	Refer to cognitive skills classes when appropriate	Refer to cognitive skills classes when appropriate
2	Verbally counsel and warn	Have Director sit in at next appointment	Have Director sit in at next appointment
3	Loss of travel and/or other privileges	Verbally counsel and warn	Verbally counsel and warn
4	Increased visits	Set curfew	Loss of travel and/or other privileges
5	Complete Payment Ability Evaluation	Loss of travel and/or other privileges	Increased visits
6	Restructure Form	Increased visits	Complete Payment Ability Evaluation
7	Review wants/needs with offender	Review wants/needs with offender	Restructure Form with added conditions
8	Inform Offender Director of	Complete Payment Ability	Require offender complete

	non-compliance	Evaluation	budgeting class
9		Restructure Form	Full house arrest with work privileges only
10		Require offender complete budgeting class	Set order to show cause hearing with offender in the room
11		Set date to go to home to do asset determination	Notify victim of court date/time
12			Prepare violation report to court with copy of asset determination form

Brown County's cognitive skills program is for offenders to learn cognitive restructuring, social skills, and problem solving skills.

In Le Sueur County, if the payment is past due, it is referred to collections or put into revenue recapture. If the offender is on probation, this is considered a probation violation. It was unclear at what point this took effect in regard to days or months delinquent.

In Dakota County, if payments are two months overdue, it goes to revenue recapture. Probation confirms with MNCIS if the offender is paying or not.

In Rice County, a judge may order to give a due date for full payment of fines, court fees, and restitution (F/C/R). A judge may also dictate a payment plan. Absent specific judicial orders and based on a due date, probation officers will establish a payment plan for the offender and monitor payments. If the F/C/R are not paid by the due date, the court will forward them to collections. A 20 percent collections fee is assessed to any outstanding balance. Rice County is in the process of developing a procedure for establishing payment plans which will include routine monitoring of the offender's financial situation and ability to pay.

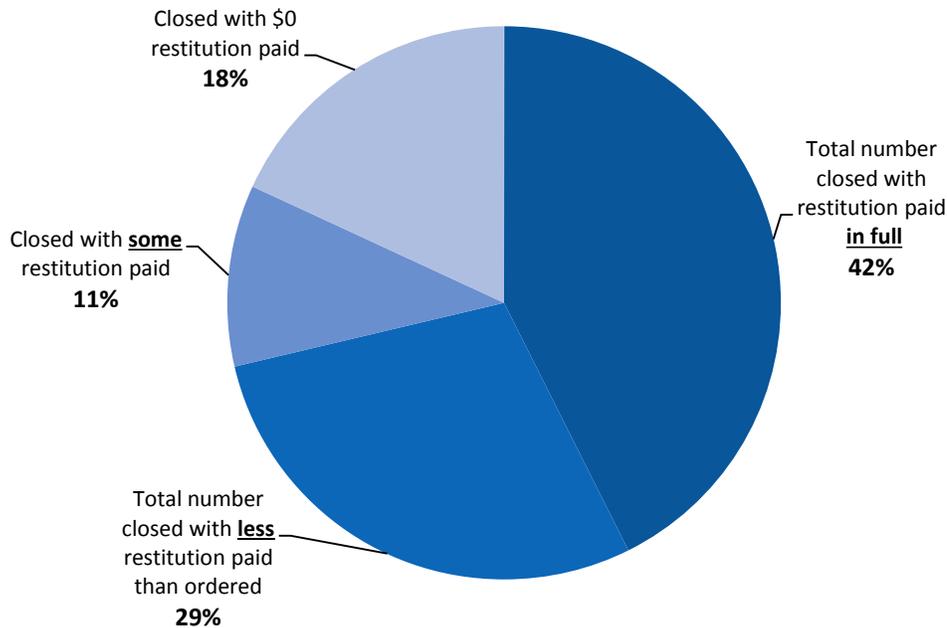
It was clear that, among the sampled counties, Brown had the most extensive process for delinquent restitution collection. However, without quantitative data, we are unable to determine if Brown County's processes had a positive impact on restitution collection.

RESTITUTION ORDERED VERSUS COLLECTED - In order to answer our problem statement and determine if restitution collection really was an issue in our state, we wanted to find out the rates of how much restitution is ordered versus collected. None of the four counties were able to provide any of this data. We also ascertained, as already noted in this paper, that no one was regularly recording this information on a county or statewide basis.

The only available statistics we found in the state were from the *Minnesota Statewide Probation and Supervised Release Outcomes Report (2011)* involving only felony-level, non-custodial adult offenders. Statewide, there were 2,119 cases with a case condition of restitution closed in 2010. Of these cases, restitution was paid in full in 60 percent, with the dollar amount totaling approximately \$4.4 million. The unavailability of this same data for all levels of crime made it difficult to understand the extent of the restitution problem in Minnesota, and impossible to identify trends or other assessments about restitution collection.

Restitution Paid in 2010

felony-level, non-custodial offenders in Minnesota



Obtained from the Minnesota Statewide Probation & Supervised Release Outcomes 2011 Annual Report, p 31

Brown County stated that they create an accounts-receivable file for each offender who is ordered restitution. Brown's probation department can calculate an on-demand report of what is collected versus delinquent, but they do not do this on a regular basis for analytical purposes.

The rates for ordered-versus-collected restitution were unknown by all four counties sampled, as well as statewide. Rice County probation expressed frustration that there are no parameters for establishing a collection rate; when a case opens, the time frame between when restitution is ordered to when it gets paid can span years, making it more difficult to clearly determine restitution rates or analyze the data.

PRIORITY OF RESTITUTION & COURT FINES - All counties stated restitution is paid

before court fines and fees in accordance with Minnesota State Statute 611A.04, sub 4, which says:

“When the court orders both the payment of restitution and the payment of a fine and the defendant does not pay the entire amount of court-ordered restitution and the fine at the same time, the court may order that all restitution shall be paid before the fine is paid.”

We questioned the counties to determine if they are fulfilling this requirement and found that all four were in compliance with state statute as written.

However, an April 2013 Lyon County District Court case, *State v. Knutson*, has forced changes to the interpretation of this statute. In this decision, Ms. Knutson pleaded guilty to three offenses and was ordered to pay a fine and restitution. She made a series of installment payments to the district court administrator, who treated the payments as restitution and disbursed the funds to the victims of Knutson's crimes. But the district court later modified Knutson's sentence by eliminating the restitution obligation. Knutson then sought to apply her payments to her fine so that her obligation to pay the fine would be fully satisfied. The district court denied her request. The district court erred by not issuing a clear order that all restitution was to be paid before fine, fees, and surcharges are fulfilled.

This case has highlighted the lack of clarity around consistent restitution methods. But because Minnesota does not track longitudinal data on restitution statistics, we will not know the impact of this case law decision.

PAYMENT PLAN PROCEDURES - Minnesota State Statute 611A.045 explains the procedure for issuing order of restitution. The following subdivision 2a explains the payment structure:

Subd. 2a. Payment structure. The court shall include in every restitution order a provision requiring a payment schedule or structure. The court may assign the responsibility for developing the schedule or structure to the court administrator, a probation officer, or another designated person. The person who develops the payment schedule or structure shall consider relevant information supplied by the defendant. If the defendant is placed on supervised probation, the payment schedule or structure must be incorporated into the probation agreement and must provide that the obligation to pay restitution continues throughout the term of probation. If the defendant is not placed on probation, the structure or schedule must provide that the obligation to pay restitution begins no later than 60 days after the restitution order is issued.

We asked the sampled counties to determine if procedures for payment structure were being followed and found that all four counties use either court administration or probation to set up payment plans for the offender. If the offender is not on probation, the counties follow the same procedure by having court administration set up a payment plan for the offender. The four counties also stated the probation agents may set up the payment through various measures, in accordance with the following state law requirements:

*Subd. 1. (a) When a defendant has been convicted of a misdemeanor or gross misdemeanor, the court **may**, and when the defendant has been convicted of a felony, the court **shall**, before sentence is imposed, cause a PSI [pre-sentence investigation] and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs,*

potentialities, criminal record and social history, the circumstances of the offense and the harm caused by it to others and to the community. (emphasis added)

In Le Sueur County, if the offender is on probation for a misdemeanor or gross misdemeanor, the probation officer has the offender complete a “face sheet” that includes prior criminal record, employment, finances, family restitution, and mental and chemical health status. A pre-screen is also conducted (see appendix for example form). The “face sheet” is essentially a miniature pre-sentence investigation (PSI). In misdemeanor cases where offenders cannot pay restitution, they fill out a form from the Court Administrator that outlines the due dates for restitution payments. This form also requires a social security number, which is crucial for the purpose of obtaining payments through wage garnishment and revenue recapture, if needed.

Brown County Probation also does a PSI and sets up a payment plan with offenders. The offender signs a form with the payment plan on it, holding them accountable to the agreement of payment. They use a probation agreement and contract for payment form.

Dakota County stated that the probation officer supervises the offender and the process as part of a court-ordered obligation. No documentation was discussed.

Rice County stated that, at this time, a judge may dictate the payment plan; however, probation officers are currently working toward establishing a procedure for developing payment plans. Probation is tasked with monitoring the payments.

PROBATION EXTENSION OR REVOCATION – Research tells us that when an offender does not pay, the victim loses faith in the criminal justice system and is forced to stay in the process longer (Dickman, 2009). In order to ascertain victim impact, we asked the counties if

probation is ever revoked or extended for non-payment. We found that probation is typically extended rather than revoked. In order to revoke an offender's probation, a hearing is required and the offender most likely is taken back to jail, which then extends and complicates the collection process.

Dakota County offers a payment recapture plan that is implemented after two months of nonpayment and probation revocation is never utilized. Alternate penalties for payment delinquency can include wage garnishment, probation violation, and probation extension.

Le Sueur County probation can be revoked, but a judge must make that determination. Alternatives to probation revocation are wage assignment and revenue recapture in order to collect money towards restitution.

There are consequences in Brown County for delinquent payments at 15-30 days, 60 days, and 90 days, as discussed earlier. The penalties increase at each phase of delinquency (refer to Table 1 above). Here, probation revocation is difficult because the agent must show the offender's ability to pay and demonstrated unwillingness through a violation hearing. In these proceedings, the victim advocate invites the victim to court for violations hearings to find out why the offender didn't pay. Brown County believes that having the victim present when the offender states their inability to pay can have an impact on the judge's decision. Their experience has been that the judge usually extends probation when the victim is present, instead of dismissing it.

In Rice County cases where the offender is not under supervision by probation, if restitution is not paid by the due date, the court will forward the case to collections. For offenders under supervision, Rice County Probation stated that they place weight in the

difference between willful failure to pay and being unable to pay. If the offender is unable to pay because they don't have the means, the county does not revoke or extend their probation. If they can prove willful failure to pay, it is forwarded to the court through a formal probation violation. Offenders may be jailed, placed on electronic monitoring, or execution of sentence. Extension of probation is only done through a formal court hearing for offenders paying but not at a rate that would clear the balance by the set due date. Extension is *not* allowed simply through an amended order, despite the offender's agreement.

The following state statute applies across all Minnesota counties with regard to the stay or execution of a sentence where restitution has been ordered:

609.135 Subd. 1a. Failure to pay restitution: If the court orders payment of restitution as a condition of probation and if the defendant fails to pay the restitution in accordance with the payment schedule or structure established by the court or the probation officer, the prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own motion or at the request of the victim, ask the court to hold a hearing to determine whether or not the conditions of probation should be changed or probation should be revoked. The defendant's probation officer shall ask for the hearing if the restitution ordered has not been paid prior to 60 days before the term of probation expires. The court shall schedule and hold this hearing and take appropriate action, including action under subdivision 2, paragraph (g), before the defendant's term of probation expires.

Nothing in this subdivision limits the court's ability to refer the case to collections under section [609.104](#) when a defendant fails to pay court-ordered restitution.

Most of our contacts indicated that probation officers prefer not to revoke probation because the offender would lose their job, which decreases the likelihood of collecting restitution monies.

CIVIL JUDGMENT & COLLECTIONS – In the event of non-payment, some cases are referred to a civil judgment process or collections. We wanted to know who works with the victim in these scenarios and what procedures may be in place to ensure follow-through. Our interviews suggested a wide span of policy throughout the four counties sampled.

Dakota County stated the victim advocate can give minimal information to victims about civil judgments. Victims are referred to Court Administration to file their civil judgment.

In Le Sueur County, if the offender is sent to prison, the outstanding restitution is automatically converted to a civil judgment by court administration. The order is prepared by court administration and a judge signs it. Once signed, a copy is sent to the victim to decide if they want to pursue collecting the outstanding debt.

Brown County's court administration sends the victim a copy of the order reducing it to a civil judgment with instructions on what they can do to collect. Brown County also goes a step further by having the victim advocate send the victim a letter with the amount still outstanding, and then places a follow-up phone call to assist the victim in completing the affidavit of identification.

In Rice County, the victim advocate assists victims if they have been contacted by the victim who reports that no restitution has been paid. The victim advocate may also send out information to the victim if (s)he sees in court minutes that the judge converted the restitution order to a civil judgment when the offender is discharged from probation. In some instances,

the probation officer contacts the victim advocate to provide an update regarding pending discharge of an offender, in which case the advocate will get in touch with the victim.

In Le Sueur, Brown and Dakota County, no one contacts the victim if the case goes to collections.

IMPROVING RESTITUTION COLLECTION - We wanted to get the perspective of each interviewee in their field of expertise on how to make restitution more efficient. They are the professionals in the field and know first-hand what works and what doesn't when it comes to getting offenders to make restitution payments. We also wanted to see if there were similarities between our sample counties and other states. We received advice ranging from stricter penalties for the offender to holding probation officers accountable by implementing policy to prioritize restitution. There was consensus that the process is inconsistent and restitution collection needed to be a priority for the probation officers. Some probation officers are diligent in getting restitution fulfilled, while others are not as forceful or aware of ways to get their client to pay.

Dakota and Brown Counties recommended more staff to monitor and collect restitution. Dakota County suggested obtaining current contact information (e.g. address, social security number, et cetera) about the offender throughout the process so when the collection of restitution begins, the information is correct. If there is inaccurate contact information, it is more difficult to track down the defendant to collect the restitution.

Le Sueur County recommended judicial consistency in ordering all the options front-loaded at the start of the process (e.g. wage withholding and revenue recapture), rather than waiting until the end. By providing these tools at the beginning, officials are better equipped to

encourage offenders to make their payments. Another recommendation was to enforce stricter consequences for non-paying offenders other than jail, which serves to decrease the likelihood of restitution payment. Finally, they suggested utilizing a form, to be completed by the offender to determine how much the offender can pay, and having the probation officer enforce it. Here, we can refer to Brown County's "Ability to Pay Evaluation Form" which is used once the offender is delinquent 15-30 days on payments. It is a lengthy, nine page form that includes information on monthly income, expenses, assets, monthly expenses (rent, utilities, food, clothing, transportation, etc.), and credit card debt.

Brown County suggested that there needed to be a clear and consistent policy among court administration, county and city attorneys, probation, and court administration. They reported to us that there is no clear division of tasks, responsibility, or authority, which impedes enforcement and collection.

Dakota County recommended having the ability to garnish wages, seize assets, and recapture tax returns. They also suggested setting a budget with defendants.

All sampled counties mentioned that restitution collection has to be made a priority for all vested stakeholders within the criminal justice system.

ROADBLOCKS OF RESTITUTION COLLECTION

We have identified some common obstacles that are worth highlighting. They are as follows:

1. Failure to track quantitative data related to restitution ordered and collected.

Without this crucial information, it is impossible to ascertain if policies are working or need to be improved. It is also vital to determining if case law decisions or changes in the statute impact the rate of restitution collection.

2. Counties and judicial districts lacked a cohesive linear process for collection of restitution.

Through the course of multiple interviews, it was abundantly evident that there was no clear definition or expectation for the various stakeholders in the restitution collection process. A primary example of this is that while some county systems used court administration purely as a bank for processing payments, others had a proactive court administration that assisted in collection of restitution by alerting probation of delinquent payments. It was desired by the stakeholders to have a collaborative relationship and a shared goal of maximizing restitution collection.

3. There is no standard intake form to collect contact information for offenders at the beginning of the restitution collection process.

Without having initially gathered critical information on the offender's current address, social security number, phone number, and other data, it was much more difficult to track offenders and send the cases to collections at the back end of the process. As would be expected, this had a negative impact on the amount of restitution collected.

4. Some probation officers do not hold restitution collection as a high priority with offenders

While probation officers are undoubtedly tasked with many important duties, a frequent theme of our interviews was that some probation officers did not prioritize restitution collection. Sobriety and employment was held to a higher standard by some agents and while we don't dispute their importance, research also shows that completing restitution payments is a key predictor in preventing a defendant from re-offending (Outlaw, 1999). Additionally, probation officers have a duty to the victim to fulfill the collection and enforcement of court-ordered restitution, although many agencies across the nation still do not consider it a high priority (Frank, 1992). There is strong hesitancy to recommend revocation of probation among probation officers due to the serious domino-effect of consequences that can exacerbate the end goal of collecting restitution. For example, if the offender is jailed, they are no longer employed to meet the ordered restitution payment obligation.

Conclusion

RECOMMENDATIONS FOR IMPROVING RESTITUTION COLLECTION

Upon analysis of data collected through discussions with our representative from MAC and interviewed stakeholders, we developed some promising practices for maximizing restitution collection. Due to time constraints, budget implications for these recommendations have not been explored.

1. Track statistical restitution data on county and statewide levels

In order to determine the scope of the problem as it currently exists, as well as be able to track the impact of policy, court, and statute changes, it is imperative that both the counties and the state court administrator's office track data regarding restitution payment. Because we were advised that the current database is not structured for analytical queries, we urge stakeholders to consider a new tracking mechanism that would allow for such data extraction. A detailed report that includes performance metrics should be produced on an annual basis for key stakeholders and public review.

2. Court administration, victim advocates, and probation officers should collaborate to design a process that works to restore justice for the community

Each link in the chain needs to understand their role in collection of restitution and be held accountable. It was clear from our literature review that both victims and offenders would benefit from a more integrated system where government representatives worked collaboratively across jurisdictional lines. There needs to be an understanding among each of the stakeholders that collection of restitution is a priority. The design should be clear on who is responsible for what in the process so there is no overlap of duties.

3. More tools for collection of restitution from offenders need to be available to probation officers prior to going to a civil process for collection

While some counties utilized some of these tactics, we believe that all of the counties could benefit from an assessment of all of the listed tools to determine if they could be integrated into their restitution collection system. This includes garnishment of wages, tax intercept (revenue recapture), and freezing and seizing assets.

In addition, there are a number of technological tools available to simplify cash management and collection processes. A quick Internet search netted several results ranging from electronic payment kiosks that could be installed outside court or probation offices to off-the-shelf software packages that would manage payment notifications, interface with offenders who wanted to check balances or make online payments, and even run reports as needed. These types of systems take part of the burden off probation officers by engaging the offender in self-ownership of restitution, while also providing accountability to government officials. See the appendix for detailed information from the Government Revenue Collection Association's statement on collection software.

4. Restitution Collection Summit

In November of 2010, the state of California held a restitution collection summit, which brought in stakeholders from all arms of the criminal justice system including judges, probation officers, victim advocates, court administration personnel, and prosecutors. During this summit, which was filmed and later broadcast on YouTube, participants were able to ask questions, share ideas, and discuss strategies that worked in their jurisdictions such as:

- late notices mailed on pink paper in a windowed envelope (shaming the offender for being late); and

- adding an additional evaluation metric to probation officer performance reviews to measure their success in collecting restitution.

Our recommendation is to gather stakeholders in Minnesota on an annual basis to discuss successes, failures, roadblocks, and solutions. Doing so builds relationships and encourages vested parties to share information and ideas.

FURTHER RESEARCH DEVELOPMENT

Based on our findings, we have several recommendations for expanding our research.

1. Sample more Minnesota counties.

By limiting our research to four counties, it was difficult to analyze and make comparisons because of the small scale we had to work with. Do larger rural, suburban, or urban populated counties have success with collecting restitution? Additionally, with a larger sample, a comparison analysis on the correctional delivery systems could have been completed. This may have resulted in new data and promising practices based on the correctional delivery systems the state already uses. Two of the counties used the Community Corrections Act (CCA), one used the DOC, and one used the DOC/CPO system. We were unable to make any conclusions based on these small numbers.

2. Explore integrative relationships between state, counties, and judicial districts.

Within the state of Minnesota, there are a number of counties within each judicial district. By comparing first the counties and then the judicial districts separately, we would be able to conduct an analysis to see how districts compare with their restitution processes. A common

comment from the stakeholders interviewed was they all have to be on the same page with restitution collection being a priority.

3. Explore correlation between offense level and restitution collection rate.

We wondered if there was any relationship between the level of criminal offense (misdemeanor, gross misdemeanor, and felony) and the rate of collection of restitution.

Because the different correctional models across the state handle the different levels of offenders in various ways, an evaluation of these variables would prove useful in determining the impact of each correctional delivery system.

Bibliography

- Austin, A. (2010, September). Vera Institute of Justice: Making justice systems fairer and more effective through research and innovation. *Criminal Justice Trends: Key Legislative Changes in Sentencing Policy, 2001-2010*. Retrieved from <http://www.vera.org/pubs/criminal-justice-trends-key-legislative-changes-sentencing-policy-2001-2010-0>
- Bardach, E. (2012). *A practical guide for policy analysis: The eightfold path to more effective problem solving*. Los Angeles [u.a.]: SAGE [u.a.]
- Boyce, E., Rex, J. (2011). Making restitution real, 5 case studies on improving restitution collection - 2. The Vermont model: a victim-centered approach to restitution. *Www.victimsofcrime.org*. Retrieved from http://www.victimsofcrime.org/docs/Reports%20and%20Studies/2011_restitutionreport_web.pdf
- Dickman, M. (2009). Should crime pay?: A critical assessment of the mandatory victims restitution act of 1996. *California Law Review*, 97(6), 1687-1718.
- Dieter, R. J. (2001, October). Restitution in criminal cases. *The Colorado Lawyer*, 30, 125-130.
- Fetsco, D. M. (2012). Unpaid restitution: An under-enforced right of victims and suggestions to improve the collection of restitution in Wyoming. *Wyoming Law Review*, 12(2), 367-387.
- Fowles, T., & Wilson, D. (2003). Penal policy file no. 92. *The Howard Journal*, 42(5), ISSN 0265-5527, 504-511.
- Frank, L. F. (1992). The collection of restitution: an often overlooked service to crime victims. *Journal of Civil Rights and Economic Development*, 8(1), 107-134.
- Harland, A. T., & Rosen, C. J. (1990). Impediments to the recovery of restitution by crime victims. *Violence and Victims*, 5(2), 127-140.
- Hayes, H. (2005). Assessing reoffending in restorative justice conferences. *Australian and New Zealand Journal of Criminology*, 38(1), 77-101.
- Iowa offenders pay a fraction of restitution owed. (2012, July 16). *Waterloo Cedar Falls Courier*. Retrieved from <http://wfcourier.com/news/local/govt-and-politics/iowa-offenders->

pay-a-fraction-of-restitution-owed/article_a3ca904c-cf39-11e1-ac3e-001a4bcf887a.html

- Johnson, M., Kercher, G., Proctor, A., & Yun, I. (n.d.). *Restitution in Texas: A report to the legislature* (Rep.). Crime Victim's Institute, Criminal Justice Center, Sam Houston State University.
- Litschewski, P. (2011, April). *Colorado judicial branch - collections program - state income tax refund intercepts* [Procedure]. State Court Administrator's Office, Denver, CO.
- Lurigio, A. J., & Davis, R. C. (1990). Does a threatening letter increase compliance with restitution orders?: a field experiment. *Crime & Delinquency*, 36(4), 537-548.
- Mehaffey, T. (2012, April 13). Restitution for East Iowa crime victims difficult to collect. *TheGazette Site Wide Activity RSS*. Retrieved from <http://thegazette.com/2012/04/13/restitution-for-east-iowa-crime-victims-difficult-to-collect/>
- Miller, J. (2011, February 15). California's victims restitution fund running on empty. *Sacramento Bureau*. Retrieved from <http://www.pe.com/local-news/politics/jim-miller-headlines/20110216-californias-victims-restitution-fund-running-on-empty.ece>
- Outlaw, M. C., & Ruback, R. B. (1999). Predictors and outcomes of victim restitution orders. *Justice Quarterly*, 16(4), 847-869.
- Patton, M. Q. (1990). *Qualitative evaluation and research methods*. Newbury Park, CA: Sage Publications.
- Rogers, D. (2012). Raising the bar in collection practices. *Courts Today*, 10(2), 17-19, 38.
- Ruback, B. R., Cares, A. C., & Hoskins, S. N. (2008). Crime victims' perceptions of restitution: the importance of payment and understanding. *Violence and Victims*, 23(6), 697-710.
- Ruback, R. B., Shaffer, J. N., & Logue, M. A. (2004). The Imposition and effects of restitution in four pennsylvania counties: effects of size of county and specialized collection units. *Crime & Delinquency*, 50(2), 168-188.

Sanora, J. (2011). Making restitution real, 5 case studies on improving restitution collection - 5. California's enhanced collections unit, judicial council of California, administrative office of the courts. *Www.victimsofcrime.org*. Retrieved from http://www.victimsofcrime.org/docs/Reports%20and%20Studies/2011_restitutionreport_web.pdf

