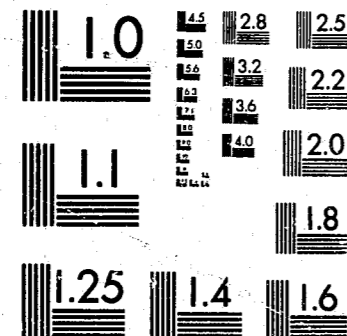




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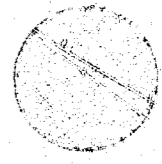
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6/18/81



Restitution to Victims of Personal and Household Crimes

72770

Focus: To assess the feasibility of restitution to victims by offenders

Data Base: National Crime Survey data on six types of theft:

- Unarmed robbery
- Purse snatching/
Pocket picking
- Burglary
- Larceny from home
- Larceny elsewhere
- Vehicle theft

Finding: Relatively few theft losses are so high as to preclude restitution to victims by offenders, despite the very low incomes of offenders.

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Application of Victimization Survey Results Project

ANALYTIC REPORT VAD-9

Restitution to Victims of Personal and Household Crimes

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Albany, New York

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Bureau of Justice Statistics**

**Benjamin H. Renshaw, III
Acting Director**

THE BUREAU OF JUSTICE STATISTICS (formerly the National Criminal Justice Information and Statistics Service of the Law Enforcement Assistance Administration) has been sponsoring the collection of victimization statistics through the National Crime Survey (NCS) since 1973. The NCS publication program has two major components. The first provides the timely release of victimization rates and trends; such data are published within 6 months of the end of data collection. The second component of the NCS publication program involves special reports, such as this report on victim restitution, which examine a particular subject matter in depth. Because such detailed analysis involves a number of developmental phases, the data used in the report may be several years old by the time the report is published. In these cases, the report has been carefully reviewed to insure that the statistical relationships described in the report are not significantly different from those seen in data that have become available more recently. The reader should exercise caution, however, in interpreting data involving dollar amounts because of recent inflationary factors. NCS data that might be affected include income, value of loss due to victimization, and cost of medical treatment.

**Benjamin H. Renshaw, III
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APPLICATION OF VICTIMIZATION SURVEY RESULTS
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CONTENTS

Foreword	iii
Highlights of the Findings	vii
Introduction	1
Restitution: An Overview	1
A Definition	1
A Brief History	2
General Use in the United States	2
Formal Restitution Programs	3
The Problem	3
Aims of the Analysis	4
Six Focal Offenses	4
Questions Addressed	4
The National Crime Survey	5
Data Analysis and Discussion	6
Type of Loss	6
Gross Amounts of Loss	9
Recovery from Insurance, Police, and Other Sources	13
Net Theft Losses	17
Determining Ability to Pay	17
Victim Characteristics	19
Extraneous Limits on Restitutive Programming	20
Crime Reporting Behavior	20
Limiting Effect of the Criminal Justice System	22
Summary and Conclusion	23
Appendix A: National Crime Survey Questionnaire	27
References	37

TABLES AND FIGURES

Figure 1 Estimated number and relative frequency of victimizations resulting in loss, damage, and personal injury; six focal offenses, United States, 1974	7	Table 6 Estimated number of victimizations in which something was stolen, by amount stolen, percent recovered; six focal offenses, United States, 1974	15
Table 1 Estimated number of victimizations resulting in loss and damage, by type of offense; six focal offenses, United States, 1974	8	Table 7 Estimated number of victimizations in which something was stolen and recovered through insurance, by amount stolen and type of offense; six focal offenses, United States, 1974	16
Table 2 Estimated number of victimizations resulting in loss and damage, by amount of loss and damage and type of offense; six focal offenses, United States, 1974	10	Table 8 Estimated number of victimizations in which something was stolen, by net theft loss and type of offense; six focal offenses, United States, 1974	18
Table 3 Estimated number of victimizations resulting in theft of cash, by amount and type of offense; six focal offenses, United States, 1974	11	Table 9 Income earned by inmates of jails during the 12 months prior to incarceration, by confinement status, race, and sex, 1972	19
Table 4 Estimated number of victimizations in which something was stolen, by method of value assessment and type of offense; six focal offenses, United States, 1974	12	Table 10 Estimated number of victimizations involving a net theft loss, by annual family income of victim and type of offense; six focal offenses, United States, 1974	21
Table 5 Estimated number of victimizations in which something was stolen, by type of offense and extent of recovery; six focal offenses, United States, 1974	13	Figure 2 Proportions of Uniform Crime Reports index crimes against the person and against property that were cleared by arrest, 1974	24

Highlights of the Findings

IN THIS REPORT, the types of investigative steps involved in assessing the amounts of restitution owed by defendants to the victims of their crimes are considered. Six personal and household offense categories for which restitution is frequently used are the focus of the analysis. These are larceny from the home, larceny away from home, burglary, vehicle theft, purse snatching/pocket picking, and unarmed robbery. Violent crimes of theft, such as armed robbery, were not included in the analysis because most restitution programs exclude violent offenders. The main findings are:

(1) Restitution by defendants to the victims of their offenses suggests a unifying link between topical concern for crime victims and traditional demands for sanctions related to the defendant's conduct.

(2) Despite rapidly growing legislative and programmatic interest in restitution, it is used mostly in an unsystematic manner at the discretion and initiative of individual decisionmakers throughout the criminal justice system.

(3) The current popularity of restitution rests largely on an intuitive sense of its rationality, rather than on a balanced research consideration of the conditions under which it might be an effective and appropriate way of dealing with certain criminal defendants and provide a meaningful benefit to the victim.

(4) Using the technique of victimization surveying, the National Crime Survey has produced a great deal of information that is relevant to consideration of the feasibility and potential significance of restitution programming.

(5) The NCS findings in the six categories studied show that relatively few victimizations are so costly as to negate the possibility of a restitutive disposition, even bearing in mind the very low income levels of many defendants.

(6) Among those suffering theft-related losses, relatively few people are compensated by direct return of stolen items or through some form of insurance recovery. Consequently, restitution offers a source of victim redress in many cases in which victims presently receive no other reimbursement for their losses.

(7) Major limitations upon the scope of restitutive redress through the criminal justice system include the high rate of non-reporting for the victimizations studied, low arrest and conviction rates, and the very low wages paid to incarcerated offenders.

RESTITUTION TO VICTIMS OF PERSONAL AND HOUSEHOLD CRIMES

Introduction

IN THE LAST FEW YEARS dissatisfaction has increased dramatically in the United States over the ineffectiveness and inappropriateness of traditional measures for dealing with the criminal offender (National Research Council, 1978). Disenchantment with utilitarian approaches to punishment, and with rehabilitation in particular, has led to influential calls for a system of penalties based upon principles of retribution or desert, that focus upon the offense committed more than upon characteristics of the offender (Von Hirsch, 1976; Morris, 1974; American Friends Service Committee, 1971).

At the same time, interest in victims of crime has increased substantially in this country. In the field of victimology, writers have begun to assess the victim's role in crime and in the criminal justice system, and programs to aid crime victims are spreading rapidly. Following the initiative of New Zealand and Great Britain, approximately one-half of the States have developed programs in which the State itself provides compensation to victims of violent crimes (Harland, 1978). Further provision is made in the form of "victim assistance" projects that render aid to victims through a more service-oriented approach, including counseling, referral, legal, and medical advice (Viano et al., 1977; Baluss, 1975).

The focus of this report is on a third development in criminal justice, which suggests a unifying link between concern for the victim and the call for offense-related penalties: *restitution* by offenders. Data available from victimization surveys sponsored by the National Criminal Justice Information and Statistics Service of the Law Enforcement Assistance Administration (now the Bureau of Justice Statistics) and carried out by the U.S. Bureau of the Census will be presented. The National Crime Survey (NCS), its design, and relevant data elements, will be discussed

below. The NCS data will be used to examine issues such as the amount of loss suffered by victims, recovery of losses, and the failure to report victimizations to the police, as these issues relate to restitution programs. Before the data are presented, however, the next section discusses the concept of restitution in more detail.

Restitution: An Overview

A Definition

In its simplest form restitution by an offender means the repayment to victims who have suffered financial losses as a result of the offender's crime(s). Such repayment may be as straightforward as the direct return of stolen property. More typically, it involves payment in cash or in kind for a variety of types of loss. Payments may be made against the value of stolen or damaged property; for medical expenses due to the victim's crime-related injuries; to cover wages lost as a result of time absent from work, whether due to injury or time spent as a witness or assisting the police; and to pay for services obtained by fraud or deception. Criminal restitution does not usually take into account any non-financial loss such as psychological pain and suffering (Harland, 1979).

Because this will be the working definition of restitution throughout this report, it is important to emphasize two major elements. First, restitution of this type is made to those persons or organizations actually victimized by the offender. As such, it should be distinguished from certain types of *symbolic* restitution that may be made for victimless crimes or where the victim cannot be found, suffers no financial loss, or does not want restitution. In a dangerous driving case involving no accident or injury, for example, the offender might be ordered to make symbolic restitution through unpaid service in the accident ward of a public hospital (Harris, 1979). The major focus of this

report will be upon repayment to actual, not symbolic, victims.

As a second point of emphasis, restitution to victims involves payments by the offender. As such, it must be distinguished from public compensation to crime victims. Compensation is usually paid from State funds through programs that are relatively independent of the criminal justice system. Consequently, compensation programs are able to provide payments to victims whether or not an offender is apprehended. Through restitution, the victim receives only what the offender(s) can be made to provide.

A Brief History

In ancient criminal laws and customs and even in the Utopian society envisioned by Sir Thomas More, restitution played a major role in the preservation of social control. In primitive cultures, anthropologists frequently have observed restitutive systems of justice (Nader and Combs-Schilling, 1975). In other societies, provision was made for restitution in the *Leges Barbarorum*, the Code of Hammurabi, Mosaic Law, and the Roman Law of Delicts (Jacob, 1970; Mueller, 1965).

Working within legal frameworks less divergent from that in the United States, criminologists have repeatedly advocated the incorporation of restitution into the penal process. The English reformer, Jeremy Bentham, for example, took the position that, whenever possible, restitution should be made by the offender as part of the penalty for his crime (Bentham, 1789), and the idea was discussed extensively at a series of International Prison and Penal Congresses at the turn of the century (Wolfgang, 1965; Childres, 1964). Modern-day fines have their origin in practices similar to restitution (Childres, 1964) and seem symbolic of the way in which the interests of the State have replaced those of the victim in today's criminal justice system.

Despite its prominence in antiquity, the general decline of restitution as a major social control mechanism is stated succinctly by Jacob (1975:37):

The ancient historical evolutionary process thus consisted of several stages: (1) private vengeance; (2) collective vengeance; (3) the process of negotiation and composition; (4) the adoption of codes containing pre-set compensation amounts which were to be awarded the victim in the composition process; (5) the gradual intervention of lords or rulers as mediators, and payment to them of a percentage of the composition-compensation award; and (6) the complete take-over of the criminal justice process and the disappearance of restitution from the criminal law. . . . During this process the interest of the state gradually

overshadowed and supplanted those of the victim. The connection between restitution and punishment was severed. Restitution to the victim came to play an insignificant role in the administration of the criminal law. The rights of the victim and the concepts of composition and restitution were separated from the criminal law and instead became incorporated into the civil law of torts.¹

It would seem, however, that the separation has not been absolute. In recent years, the use of restitution has been noted in the legal systems of countries as diverse as Austria, Great Britain, Denmark, New Zealand, Russia, Canada, and Argentina (Schafer, 1972). Moreover, there has been a substantial increase in recent years in the number of formally structured restitution programs in the United States.

General Use in the United States

In this country restitution has traditionally played an extensive and largely unpublicized role at various stages of the criminal justice process. Its use has been noted in informal settlements between offender and victim (Wolfgang, 1965); in station-house adjustments and in plea-bargaining (Laster, 1970); in pre-trial diversion (Mullen, 1975); as a sentencing option—usually as a condition of probation or a suspended sentence (Harland, 1979); and as a condition of work release or parole (Fogel, Galaway, and Hudson, 1972). Moreover, it has been suggested repeatedly that restitution could be paid from the proceeds of inmate earnings if adequate prison industries were developed (Hudson, Galaway, and Chesney, 1977; Schultz, 1965).

Restitution has found favor in numerous model sentencing proposals (such as those from the American Law Institute, the American Bar Association, and the National Advisory Commission on Criminal Justice Standards and Goals), in the President's Commission Task Force Report on Corrections (1967:35), and in decisions of the United States Supreme Court.² In addition, restitution has been used widely in both State and Federal probation systems (President's Commission on Law Enforcement and Administration of Justice, 1967; Carter and Wilkins, 1970; Chesney, 1975).

¹The concepts of compensation, composition and restitution frequently are used interchangeably. A useful distinction is that *compensation* refers most often to payments made by the State to victims—typically, for violent crimes only; *restitution* refers to payments or services by an offender, either to the victim or to the community—most often as a condition of probation; *composition* is the least used of the three terms and is for the most part synonymous with restitution, except that it refers sometimes specifically to informal negotiation and complete settlement between offender and victims.

²E.g., *Bradford v. United States*, 228 U.S. 446 (1913).

Despite the seemingly universal applicability of restitution, it has been employed largely in an unsystematic manner at the discretion and initiative of individual decisionmakers throughout the criminal justice process. Relevant statutory language typically has been of a broad, enabling nature, stating that restitution *may* be ordered, without specifying the circumstances under which it might be appropriate. However, in recent years increasing concern has been voiced over the need to structure discretion in criminal justice. A frequently suggested approach includes the formulation of policies at an operating agency level to guide decisionmaking (Gottfredson, Wilkins, and Hoffman, 1978). Consequently, legislative and agency attention is turning now to the establishment of programs in which the collection of restitution is to be a formal policy.

Formal Restitution Programs

In 1972 the most highly publicized restitution program in the United States began to operate in Minnesota under the auspices of the State's Department of Corrections. Prison inmates were paroled to the Restitution Center, a residential half-way house, under a formally-negotiated agreement to make restitution. During its 4 years of operation, the program attracted nationwide attention in criminal justice literature and in the popular press.³ As a result, it has influenced similar program development in the United States and in Canada.

The Georgia Restitution Program, for example, that has been operating since 1974, shares many of the same program elements and extends to include probationers as well as parolees (Read, 1975). Other restitution projects influenced by the Minnesota experiment include the Pilot Restitution Center in Calgary, Alberta, and the Restitution in Probation experiment in Des Moines, Iowa (Galaway, 1975). More than forty programs were found in a recent survey by Chesney, Hudson, and McLagen (1978).

Beginning in 1976, a concerted effort to develop and test restitution programs was begun by the Law Enforcement Assistance Administration. As part of a continuing national experiment, programs for adult offenders have received federal funding in 11 States. The point in the criminal process at which these programs were implemented ranges from pre-trial diversion to parole release (Harland, Warren, and

³See, for example, Colorado Revised Statutes, 5-16-11-204(e).

⁴The Minnesota program was closed in January 1977 as an initial part of a plan to expand restitution efforts throughout the State.

Brown, 1979). Much more sweeping efforts are also underway in the juvenile justice system, where over forty programs were recently funded by the Office of Juvenile Justice and Delinquency Prevention (National Office for Social Responsibility, 1979).

The Problem

The rapidly widening focus upon restitution in the criminal justice system is grounded only negligibly, if at all, in consideration of the theoretical, programmatic, and legal difficulties already encountered. It must be recognized at the outset that the current popularity of restitutive justice rests largely upon an intuitive sense of its rationality. Although restitution has been praised as bringing an "ethical and logical equilibrium" to the criminal law (MacNamara and Sullivan, 1971), however, data are only just becoming available to assess adequately its effects on the offender, the victim, and the administration of criminal justice (Harland, Warren, and Brown, 1979).

The very nature and purposes of restitutive justice remain so unclear that at a recent international symposium on restitution, participants were unable to agree whether it was intended historically for the primary benefit of the offender or the victim (Edelhertz, 1975; Nader and Combs-Schilling, 1975). This uncertainty is reflected in the goals of modern programs. Whereas one program may exhibit a strong commitment to offender rehabilitation, another program may emphasize victim satisfaction. In the former program, anything received by victims becomes a secondary concern to the offender's treatment; in the latter program, offender-benefits, such as increased self-respect, are not essential to program success.

Much of the confusion over restitution is due to the broad range of benefits expected from the single concept. Most early writers approached restitution in connection with state-funded victim compensation, focusing concern entirely upon the *victim* (Covey, 1965; Smodish, 1969). A growing body of literature, however, stresses the impact of restitution on the *offender*, seeing restitution as a viable rehabilitative tool and admitting a relative lack of concern for the victim (Eglash, 1975; Cohen, 1944). Still others look upon restitution as merely one source through which victim compensation programs might recover some of the money they award to victims (Garofalo and Sutton, 1977).

Approaching restitution in such a divided manner has resulted in an unbalanced consideration of the issues and a failure to respond to the more central question: Are there conditions under which restitution can be an effective and appropriate tool for deal-

ing with certain criminal offenders and provide a meaningful benefit to the victim? Once the issues are addressed in this light it becomes readily apparent that restitution is part of the ageless correctional dilemma of seeking to balance optimally the interests of the individual offender against those of his victim and of society in general.⁵

Aims of the Analysis

Many questions about the feasibility and propriety of restitution programming will be answered only as a result of careful evaluation of ongoing programs. For example, research is needed to determine the impact of different types of restitution programs on different types of victims and offenders. The primary purpose of this report, however, is to apply a national data base to the types of inquiry that arise in the routine processing of individual offenders through a restitution program: What are the types and amounts of losses suffered by victims of various crimes? To what extent are losses recovered through insurance or other means? How likely is it that offenders will be able to pay restitution to their victims? Answers to such questions at a national level will provide baseline information to guide the implementation of programs at a local level. This baseline information also may usefully be compared with data from operative programs in the future.

Six Focal Offenses

The analysis focuses upon six personal and household offense categories that are frequently handled in restitution programs, and for which data are available from the National Crime Survey. These six "focal" offense categories are: (1) larceny that occurs away from home and in which property is not taken directly from the victim. This will be called "larceny elsewhere"; (2) larceny from or near the home (also in which property is not taken directly from the victim) or "larceny from home"; (3) pocket picking and purse snatching, which is labelled "larceny with contact"; (4) vehicle theft; (5) burglary; and (6) unarmed robbery that includes *only* threats or minor assaults; because most restitution programs exclude violent offenders, the more serious types of robbery involving a weapon and/or serious injury to the victim are not part of the analysis.

Questions Addressed

Within each offense category, the analysis mirrors the procedures followed by restitution program staff

⁵For a discussion of the literature of the philosophy of punishment in this context, see von Hirsch, 1976.

when they determine the restitution amount(s) that each offender will be expected to pay.

The first step in this process is to identify the *type of loss* for which restitution is to be made. The types of crime-related losses considered for restitution vary from project to project. Among the more thorough programs, however, four basic areas are usually covered: loss of cash, property, or services due to *theft*; property *damage*; *medical expenses* due to criminal injuries; and *work time* lost as a result of the criminal incident. Because of the dominant emphasis upon property-related losses, and because victim compensation programs (when they exist) cover claims for medical expenses and time lost from work, restitution programs encounter relatively few medical or work-time claims. The major parts of this report, therefore, will concentrate on theft losses and damage.

For the major types of loss, the next step is to establish the estimated *gross amounts lost* and to check the source(s) of these figures. In many programs an estimate given by the victim may be corroborated through documentation of receipts, bills, and so on. This protects the offender from excessive claims and provides a record against which any complaints about amounts imposed can be made.

Having thus determined the total amount for which an offender might be responsible, the next question is whether any person victimized was able to recover anything. Only by examining *police recovery*, *insurance payments*, and so on, can programs prevent victims from double recovery and identify third parties who might have a claim to restitution. If a victim, for example, has been reimbursed for the value of stolen property by an insurance company, any subsequent restitution may have to be paid to the insurance company. By a process of subtraction of recovery amounts from gross losses, the analysis proceeds for the major type of loss (something stolen) to the precise *net losses* within each offense category. These losses will most often represent the actual amounts for which restitution is owed. In addition, however, the analysis follows the programs' concern for an offender's ability to pay, and data are presented from which to gauge the *earning capacity of offenders*. Similarly, certain *victim characteristics* are examined that may be relevant to the procedures and/or expectations of many restitution programs. In a case involving several victims, for example, the offender may not be able to pay full restitution to all of them, so the relative financial needs of each victim may be considered in deciding who should receive restitution.

Finally, the analysis turns to general factors that limit the scope of restitutive programming and, at the

same time, may themselves be affected by the expanded use of restitution. In this context, the analysis turns to the phenomenon of *non-reporting of victimizations*, and the *funneling effect of criminal processing*, both of which result in only a small proportion of all offenders being convicted.

Before turning to the data analysis, it is necessary to briefly review the design and relevant data elements of the National Crime Survey.

The National Crime Survey

In 1972, the Bureau of the Census, under contract to the Department of Justice, began the systematic collection of a wealth of information about the circumstances and consequences of criminal victimization in the United States. Known as the National Crime Survey (NCS), the data collection program includes personal interviews with about 132,000 individuals in a national stratified probability sample of approximately 60,000 households annually. The respondents are asked questions to determine whether they had been the victims of a selected set of crimes during the six months preceding the interviews. Detailed questions are used to elicit from respondents the nature and consequences of any victimizations uncovered in the course of the interviews.⁶

The survey involves a rotating panel design consisting of six panels of 10,000 households each; all persons 12 years of age and older in each household are interviewed twice a year—the interviews being six months apart—for three years, after which time, new households are introduced into the panel. The panel feature was designed to provide information not only on the nature of criminal victimization, but also on the change over time in victimization incidents and patterns. Although issues of panel design, sampling frame, questionnaire construction and administration, are by no means insignificant (indeed, they are quite complex), their treatment is beyond the scope of this inquiry. Detailed discussion of the design, methodology, and administration of the National Crime Survey is provided elsewhere (Garofalo and Hindelang, 1977).

As noted, National Crime Survey data are derived from a *sample* of households; the crimes reported, therefore, constitute a sample, not a universe of victimizations. The nature of the sampling technique and the large number of cases included in the sample, how-

⁶Contemporaneous with the household portion of the National Crime Survey, but independent in terms of sampling, methodology, and administration, was the Commercial Victimization Survey (CVS), designed to measure crimes of robbery and burglary committed against commercial establishments.

ever, enable one to be reasonably confident that the rates and patterns of criminal victimization estimated on the basis of this sample are statistically reliable (LEAA, 1976). In some tables of this report, the sample data are divided into a number of categories and subcategories. When the data are divided finely, some subcategories may contain too few sample cases to make reliable estimates. Table percentages computed on bases containing 50 or fewer sample cases will be designated by footnotes.

Information is collected about the victimization incident to accurately classify the crime being described by the respondent. Included are crimes against the household (burglary, attempted burglary, larceny from the household, and vehicle theft) and crimes against the person (rape, robbery, aggravated and simple assault, and personal larcenies). In addition, the survey interview addresses a variety of other factors. One section of the interview is concerned with whether the household residence is rented or owned (or in the process of being bought), the type of living quarters occupied by the household, the number of household members 12 years of age or older, and the annual income of the family. Other sections solicit information about the individual household members interviewed, including age, race, sex, marital status, education, and employment. A copy of the NCS questionnaire is reproduced in Appendix A.

More relevant to the present analysis is the detailed information gathered about victimizations. Following a series of general screening questions about victimization experiences occurring in the previous six months, each respondent is asked about the particulars of each incident reported to the interviewer: when and where it occurred (at home, in the street, in a public conveyance, a public or commercial building, an office, factory, warehouse, inside school, etc.); What happened (Were you attacked? How? Were you threatened? How? Was there a weapon present?); the consequences of the crime (injury, medical attention, cost of medical attention, insurance coverage, property loss or damage, cost of loss or damage, police recovery of stolen item, time lost from work as a consequence of victimization, whether the incident was reported to the police, and if not reported, why the police were not notified). For those personal victimizations in which the victim saw the offender, information about the assailant(s) was also solicited. How many offenders were there? What was the age, race, and sex of the offender? Was the offender known to the victim? What, if any, was the offender's relationship to the victim—spouse, ex-spouse, brother, sister, child, parent, or other?

From the discussion so far, it should be obvious that some kinds of incidents about which there might be keen interest are simply not included in the NCS. For example, vandalism and arson—important crimes for which restitution could be made—are not included. Because of such restrictions, it must be remembered that the present analysis can deal only with the potential for restitution in those crimes covered by the survey; the potential for restitution cannot be evaluated across a full range of crimes. Despite the restrictions of the NCS, its probe of the nature and consequences of criminal victimization has yielded an unprecedented amount of information about the nature, costs, and consequences of certain types of victimization. This report organizes those data into a succinct analysis of the potential of restitution programs for those types of victimization.

Data Analysis and Discussion

Type of Loss

A threshold concern in the administration of a restitution program is, of course, whether the criminal incident led to some form of loss for which restitution can be made. Most statutes and legal decisions that explicitly address the issue require that the restitution be directly related to the financial loss resulting from the offense (Harland, 1979; Laster, 1970). Other forms of restitution, discussed above as "symbolic" and also called "creative" restitution (Eglash, 1975), must be dealt with on a case-by-case basis and will not be addressed in any detail in the present analysis.

Figure 1 presents an overall picture of victimizations for the six crime categories combined. The six offenses involved an estimated total of almost 33 million victimizations in the 1974 national survey. The branching networks from this total show the number and relative frequency of victimizations involving theft and/or damage. The breakdown further indicates whether any physical injuries were sustained as a result of the offense, but it must be remembered that, by definition, unarmed robbery is the only one of the six offense categories used here that could have involved physical injuries.

Because the six offense categories were selected for analysis according to their susceptibility to restitutive disposition, it should not be surprising that 86 percent of the victimizations in the six offense categories resulted in something being stolen. The corresponding figure for damage is 19 percent of the total or almost 6.25 million victimizations. In victimizations in which nothing was stolen, however, the proportion involving damage is much higher (50 percent) than in cases in

which something was stolen (14 percent). Because of the largely non-violent nature of the offenses chosen, the low incidence of injury (less than 1 percent of the total cases) is to be expected.

By tracing down the extreme right hand side of Figure 1, it can be seen that almost 2.25 million victimizations, or 7 percent of the total for all six offenses, involved neither theft, damage, nor personal injury in 1974. These include cases such as an attempted purse snatching or a burglary in which the offender was interrupted before stealing anything. Because there is no readily measurable loss to the victim, these offenses are ignored by most restitution programs unless some form of symbolic restitution is considered. Payment for psychological injury to the victim typically has been beyond the scope of restitution programs. Restitution payments have been restricted to very specific losses, rather than including the more general harms encompassed by civil remedies. It seems likely, however, that increasing emphasis on restitution programming may lead to gradual inroads in this area (Harland, 1979).

The other 93 percent of these victimizations are all, *prima facie*, eligible for restitution. The vast majority of loss investigations by a restitution program staff would be necessitated as a result of something having been stolen in the incident. Even in cases in which nothing is stolen, however, an investigation would be initiated 50 percent of the time because of loss due to damage. Cases involving *only* physical injury represent a minute proportion of the total pool of eligibles.

Loss investigation for restitution can be a long and complex process of contacting victims, verifying amounts, and arranging negotiations between victims and offenders. The difficulties increase when more than one type of loss is sustained. It should be encouraging to program planners to note that an overwhelming number of victimizations result in only single losses. In general, the investigation will be simpler in those 24 million cases involving only losses from stealing, than in those few unarmed robberies involving theft, damage, *and* injury. In these latter cases, for example, the investigation must consider amounts of stolen cash, *plus* estimates of the value of stolen *and* damaged property, *plus* the cost of any medical treatment for physical injuries. As will be seen below, the inquiry becomes even more complex when non-restitutive forms of recovery are present, such as police recovery or insurance reimbursements, each of which may be expected to vary across crime categories and according to type of loss.

When the six offense categories are examined individually (Table 1), further implications for a system of

FIGURE 1 Estimated number and percent of victimizations resulting in loss, damage, and personal injuries;
six focal offenses, United States, 1974

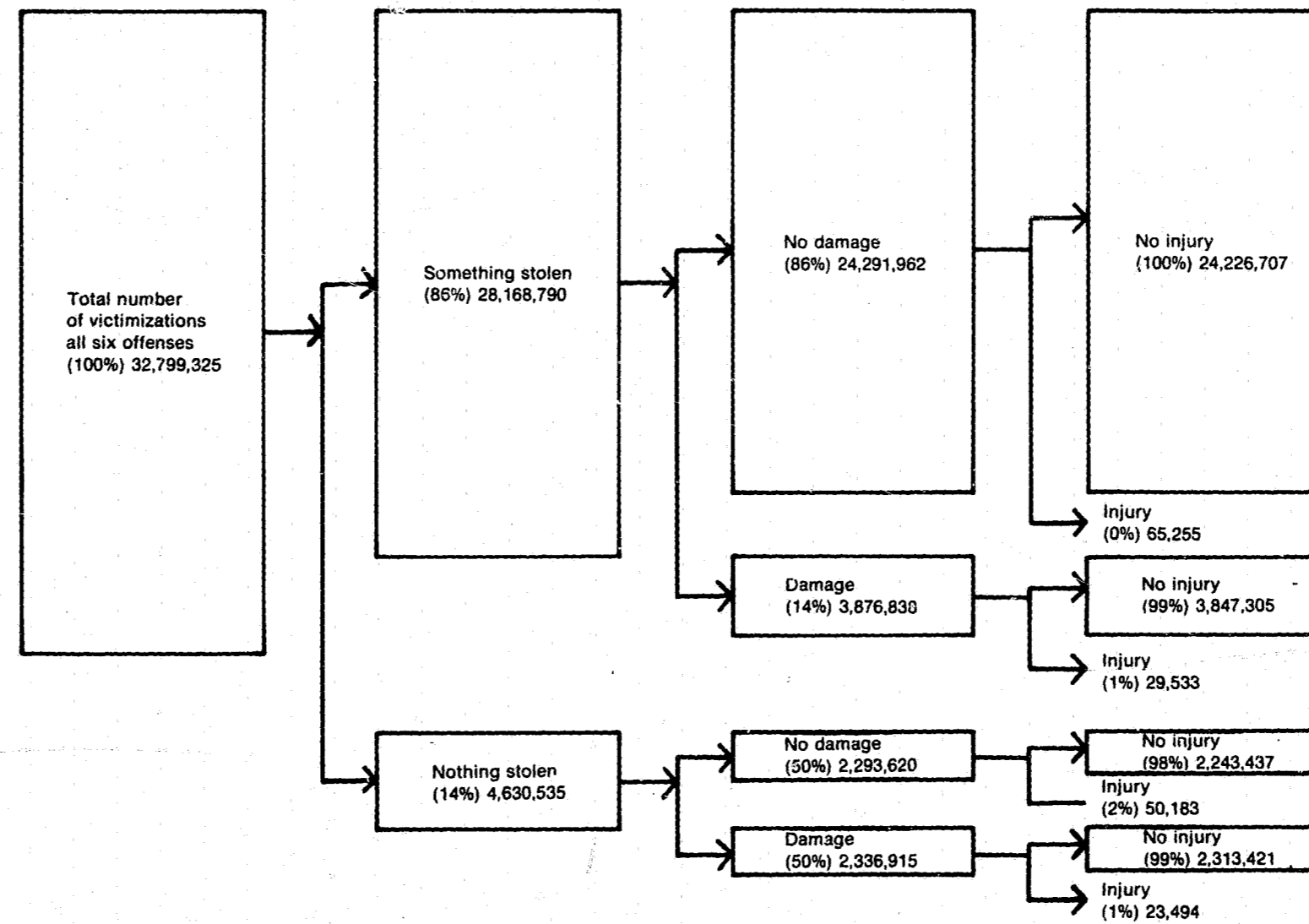


TABLE 1 Estimated numbers and percentages of victimizations resulting in loss and damages,^a by type of offense; six focal offenses, United States, 1974

Outcome	Total	Type of offense					
		Unarmed robbery	Purse snatching/ pocket picking	Burglary	Larceny from home	Larceny elsewhere	Vehicle theft
Something stolen and property damages	3,876,838	48,930	13,548	1,465,881	534,378	1,531,968	282,133
	100%	1.3% ^b	0.3%	37.8%	13.8%	39.5%	7.3%
	11.8%	9.0% ^c	2.6%	22.0%	6.0%	10.3%	21.0%
Something stolen: no property damages	24,291,962	253,341	435,097	2,855,456	7,754,272	12,420,236	573,550
	100%	1.0%	1.8%	11.8%	31.9%	51.1%	2.4%
	74.1%	46.4%	85.1%	42.9%	87.5%	83.5%	42.7%
Property damages but nothing stolen	2,336,915	44,667	4,733	1,457,180	160,575	364,404	305,161
	100%	1.9%	0.2%	62.6%	6.9%	15.7%	13.1%
	7.1%	8.2%	0.9%	21.9%	1.8%	2.4%	22.7%
Nothing stolen: nothing damaged	2,293,620	199,043	58,100	876,556	416,835	562,038	181,048
	100%	8.7%	2.5%	38.2%	18.2%	24.5%	7.9%
	7.0%	36.4%	11.4%	13.2%	4.7%	3.8%	13.5%
Total	32,799,325	546,176	511,478	6,655,073	8,866,060	14,878,646	1,341,892
	100%	1.7%	1.6%	20.3%	27.0%	45.4%	4.1%
	100%	100%	100%	100%	100%	100%	100%

^aExcludes losses resulting from injuries.

^bRow percent.

^cColumn percent.

restitutive justice become readily evident. It can be seen from Table 1, for example, that the offenses for which victims most frequently may be considered for restitution are the two classes of larceny that together account for more than 70 percent of the total number of victimizations for all six categories in 1974. Burglary is the next largest overall category with more than 6.5 million victimizations (20.3 percent). The remaining offenses of unarmed robbery, pocket picking, purse snatching, and vehicle theft account for less than 8 percent of the total.

Examination of only those victimizations in which something was stolen reveals a pattern almost identical to that just described for all types of outcomes. The latter pattern is to a great extent dictated by the size of the two categories in which something was stolen. In the two larceny groups particularly, the two categories in which something was stolen account for more than 93 percent of all the larcenies, suggesting a high completion rate for these offenses, or more likely, the probability that many attempts go unnoticed by the respondent and unreported to the interviewer. Whatever the reason, the apparent high rate of theft loss in these offenses and in purse snatching/pocket picking (87.7 percent), as well as the sheer volume of larcenies,

confirms the importance of this group of victims for restitutive purposes.

In the remaining offenses of unarmed robbery, burglary, and vehicle theft, the proportion in which *nothing* was stolen is considerably higher (44.6, 35.1, and 36.2 percents, respectively). And, within these three offense groups, unarmed robbery shows the largest proportion of cases with nothing stolen and nothing damaged. Thirty-six percent of all unarmed robbery victimizations resulted in neither theft nor damage and the corresponding figures for burglary and vehicle theft were 13.2 and 13.5 percent, respectively.

At this stage of the analysis, damage *alone* seems to be a sizeable factor for restitution purposes only for burglary and vehicle theft, each showing about 22 percent in this category. The frequency of damage *in addition* to theft loss exhibits an almost identical pattern, accounting for about 22 percent of the burglary and vehicle theft victimizations, and for slightly less than half that proportion for unarmed robbery and for larceny elsewhere (9.0 and 10.3 percent).

On the whole, the outlook for restitution seems relatively straightforward when type of loss is considered. In a large majority of the six types of victim-

ization, property is either stolen or damaged; far fewer victimizations in any crime category involve more than one type of loss.

Gross Amounts of Loss

Throughout much of the literature concerning restitution in the criminal justice system, a constantly recurring reservation appears: most offenders are impecunious "men of straw" for whom substantial monetary penalties are unrealistic (Polish, 1973). However, examination of Table 2 indicates that such a reservation can be accepted by restitution advocates without seriously compromising their position or detracting from the viability of restitution programming. For the six offenses as a whole, almost one-half (48 percent) of the victimizations in which loss or damage occurred involved amounts of less than \$25 in 1974. Following this heavy clustering of cases in the lowest end of the dollar range there is immediately a sharp decline in the number of victimizations in the higher cost categories. Fears that offenders will not be able to afford restitution should be somewhat dissipated when it is realized that approximately three-quarters (73 percent) of the 1974 victimizations resulted in gross loss/damage costs of less than \$100.⁷

Although the overall pattern is once more defined by the dominant larceny categories, it is nevertheless an accurate reflection of each of the individual offenses—with one exception. In the vehicle theft category, more than one-quarter (28.3 percent) of the 1974 victimizations resulting in loss/damage involved between \$1,000 and \$5,000. Three-fifths of the auto theft victimizations (61.3 percent) involved at least \$250. As will be seen below, because a large proportion of stolen vehicles are recovered (see Table 5), and because remaining major expenses are frequently offset by insurance (see Table 7), the situation becomes complex for restitution purposes. This aspect of restitution programming will be dealt with in more detail as analysis turns to recovery and insurance questions. However, even though this crime category does not follow the general cost pattern, more than one-quarter (27.9 percent) of these victimizations resulted in losses/damages of less than \$250 in 1974.

Similarly low victimization costs are shown in Table 3 for cases in which *only cash* was stolen. However, Table 3 indicates that such cases are relatively rare, accounting for slightly more than 2 million vic-

⁷"Gross" loss here refers to losses stemming from the immediate offense, before police and insurance recovery are taken into account. However, it is pointed out below that reporting and clearance rates are higher for higher loss offenses so that the proportions may change at later stages in the criminal justice process.

timizations; this represents only 7.2 percent of all victimizations in which something was stolen. Again, in Table 3 one can see the relatively small number of victimizations in higher loss categories. For every offense category, more than 60 percent of the victimizations in which cash was stolen involved amounts of less than \$50 in 1974. The auto theft category is excluded from Table 3 because theft of cash from a vehicle is subsumed under the larceny categories.

The very low losses indicated by Tables 2 and 3 bear obvious implications for both the scope and procedures of restitution programs. At a preliminary level, they show that, standing alone, relatively few victimizations are so costly, even in terms of gross losses, as to negate the possibility of a restitutive disposition. Moreover, investigation of loss in such cases should be simple and fast enough to permit identifying restitutive obligations in the earliest processing stages of the criminal justice system. Such information is, of course, crucial to programs electing to make restitution a component of pretrial diversion, plea bargaining, or civil compromise of cases.

Besides facilitating the use of restitution at early stages of criminal processing, the predominantly low loss figures in Tables 2 and 3 have important implications for procedures of loss investigation. Obviously the task of a specialized staff of loss investigators will usually be less difficult in cases involving small loss amounts. The pressure to document and corroborate amounts might be reduced because offenders are less likely to challenge an order of restitution if the amount involved is not great.

For cases in which something was stolen, Table 4 indicates the method of value determination for losses in each type of offense. Clearly, a large majority of the value estimates are based upon either the original (38.2 percent) or replacement cost (18.2 percent) or upon a personal estimate by the victim (23.7 percent). These value determination criteria raise issues such as whether the original cost figure should be reduced because of age depreciation and whether the offender should be given an opportunity to minimize replacement costs by working to repair damage, etc. It can also be argued that personal estimates made by the victim of the value of stolen items should not be forced upon the offender without providing a meaningful opportunity to object. For it is not unreasonable to suppose that failure rates among offenders in restitution programs may be strongly related to the presence, absence, and degree of coercion involved in the restitution "agreement". Certainly, the motivation to repay the victim will not be enhanced if the offender feels that he or she is being treated unfairly.

TABLE 2 Estimated number of victimizations resulting in loss and damage, by amount of loss and damage and type of offense; six focal offenses, United States, 1974

Type of offense	Total ^b	Total amount of loss and damages ^a									
		No value ^c	\$1 to \$24	\$25 to \$48	\$50 to \$99	\$100 to \$249	\$250 to \$499	\$500 to \$999	\$1,000 to \$4,999	\$5,000 or more	Not ascertained
Unarmed robbery	347,134	21,062	140,885	40,513	36,711	39,372	21,305	2,764	8,461	2,384	33,677
	100%	6.1%	40.6%	11.7%	10.6%	11.3%	6.1%	0.8%	2.4%	0.7%	9.7%
Purse snatching/ pocket picking	453,378	2,507	192,401	86,799	66,049	57,667	15,486	5,326	1,188	0	25,955
	100%	0.6%	42.4%	19.1%	14.6%	12.7%	3.4%	1.2%	0.3%	0%	5.7%
Burglary	5,778,517	542,891	1,438,053	547,348	645,967	823,338	454,725	393,948	288,627	32,474	611,146
	100%	9.4%	24.9%	9.5%	11.2%	14.2%	7.9%	6.8%	5.0%	0.6%	10.6%
Larceny from home	8,449,226	130,842	4,365,479	1,164,964	1,151,418	877,778	211,921	81,149	46,075	7,040	412,560
	100%	1.5%	51.7%	13.8%	13.6%	10.4%	2.5%	1.0%	0.5%	0.1%	4.9%
Larceny elsewhere	14,316,608	173,398	7,510,545	2,110,565	1,684,742	1,479,542	451,595	196,081	72,351	12,857	624,931
	100%	1.2%	52.5%	14.7%	11.8%	10.3%	3.2%	1.4%	0.5%	0.1%	4.4%
Vehicle theft	1,160,844	62,049	77,073	48,184	43,394	94,065	123,245	200,978	329,078	59,350	123,428*
	100%	5.3%	6.6%	4.2%	3.7%	8.1%	10.6%	17.3%	28.3%	5.1%	10.6%
Total ^b	30,505,706	932,749	13,724,436	3,998,373	3,628,281	3,371,762	1,278,277	880,246	745,780	114,105	1,831,697
	100%	3.0%	45.0%	13.1%	11.9%	11.0%	4.2%	2.9%	2.4%	0.4%	6.0%

^aExcludes losses resulting from injuries.

^bIncludes only victimizations in which loss or damage occurred.

^cIndicates checks or credit cards or items of no dollar value.

TABLE 3 Estimated number of victimizations resulting in theft of cash, by amount and type of offense; six focal offenses, United States, 1974

Type of offense	Total ^a	Total cash stolen								Not ascertained
		\$1 to \$24	\$25 to \$49	\$50 to \$99	\$100 to \$249	\$250 to \$499	\$500 to \$999	\$1,000 to \$4,999	\$5,000 or more	
Unarmed robbery	77,050 100%	48,164 62.5%	3,946 5.1%	5,966 7.7%	5,115 6.6%	2,337 3.0%	0 0%	2,459 3.2%	0 0%	9,063 11.8%
Purse snatching/ pocket picking	120,143 100%	60,131 50.0%	19,264 16.0%	15,163 12.6%	12,813 10.7%	2,583 2.1%	1,253 1.0%	1,188 1.0%	0 0%	7,748 6.4%
Burglary	388,906 100%	187,935 48.3%	54,204 13.9%	54,525 14.0%	58,524 15.0%	12,444 3.2%	4,550 1.2%	2,143 0.6%	0 0%	16,581 3.7%
Larceny from home	277,193 100%	155,294 56.1%	35,751 12.9%	44,651 16.1%	18,072 6.5%	1,081 0.4%	2,818 1.0%	3,516 1.3%	1,272 0.5%	14,639 5.3%
Larceny elsewhere	1,177,824 100%	921,412 78.2%	107,621 9.1%	59,387 5.4%	34,632 2.9%	7,288 0.6%	3,636 0.3%	1,101 0.1%	0 0%	42,748 3.6%
Total ^a	2,041,116 100%	1,373,036 67.3%	220,786 10.8%	179,692 8.8%	129,156 6.3%	25,733 1.3%	12,257 0.6%	10,407 0.5%	1,272 0.1%	88,779 4.3%

^aIncludes only victimizations in which cash was stolen.

TABLE 4 Estimated number of victimizations in which something was stolen, by method of value assessment and type of offense; six focal offenses, United States, 1974

Type of offense	Total ^a	Method of assessment								
		Cash only	Original cost only	Replacement cost only	Personal estimate of cash value	Insurance report	Police estimate	Don't know	Other (includes combination)	Not ascertained
Unarmed robbery	302,271 100%	77,050 25.5%	108,347 35.8%	28,005 9.3%	63,372 21.0%	2,441 0.8%	1,131 0.4%	6,351 2.1%	10,976 3.6%	4,600 1.5%
Purse snatching/ pocket picking	448,645 100%	120,143 26.8%	133,682 29.8%	45,222 10.1%	92,895 20.7%	0 0%	0 0%	11,739 2.6%	34,714 7.7%	10,250 2.3%
Burglary	4,321,337 100%	388,906 9.0%	1,585,155 36.7%	498,493 11.5%	1,156,446 26.8%	81,085 1.9%	20,949 0.5%	91,146 2.1%	415,564 9.6%	83,593 1.9%
Larceny from home	8,288,650 100%	277,193 3.3%	3,267,577 39.4%	1,607,423 19.4%	2,135,693 25.8%	57,096 0.7%	12,378 0.1%	197,529 2.4%	595,779 7.2%	137,983 1.7%
Larceny elsewhere	13,952,203 100%	1,177,824 8.4%	5,476,121 39.2%	2,894,896 20.7%	2,832,061 20.3%	124,819 0.9%	19,424 0.1%	180,516 1.3%	1,027,046 7.4%	219,495 1.6%
Motor vehicle theft	855,683 100%	0 0%	196,927 23.0%	66,706 7.8%	390,733 45.7%	94,041 11.0%	2,450 0.3%	13,428 1.6%	77,477 9.1%	13,923 1.6%
Total ^a	28,168,789 100%	2,041,116 7.2%	10,767,809 38.2%	5,140,745 18.2%	6,671,200 23.7%	359,482 1.3%	56,332 0.2%	500,709 1.8%	2,161,556 7.7%	469,844 1.7%

^aIncludes only victimizations in which something was stolen.

To summarize, restitution program planners may be guided in several ways by expressing the immediate consequences of victimization as a gross loss figure. First, it is apparent that most victimizations lead to losses that seem readily manageable for restitutive purposes. Second, if small losses can be taken as an indicator of less serious crimes, restitution may have extensive utility as a dispositional alternative early in the criminal process, such as a condition of pretrial diversion. Finally, although the small amounts involved appear to mitigate the need for extensive investigation of loss, the data show that the methods used to determine gross loss figures (Table 4) actually raise questions that call for further investigation before an equitable restitution settlement can be made.

Recovery from Insurance, Police, and Other Sources

Clearly, the ultimate scope of restitutive programming is not determined by a knowledge, no matter how precise, of the immediate losses resulting from personal victimizations. Identifying gross losses is merely the first, though often a complex step in a restitutive investigation. Stolen property is sometimes recovered; damaged property is repaired; and the victim may carry insurance to cover both types of loss as well as medical expenses due to crime-related injuries. For unrecovered or unrepaired portions or for expenses beyond those paid by insurance, the offender's liability for restitution directly to the victim remains relatively simple. However, for those losses in which recovery is made or insurance is paid, the use of restitution as a criminal sanction becomes less straightforward.

Fortunately, respondents in the NCS survey who indicated some theft loss were asked both about insurance coverage and whether anything was recovered from sources other than insurance; property may be recovered, for example, through the efforts of the police and/or the victim. For such types of non-insurance recovery, Table 5 shows the responses for each crime category, indicating that, in general, very little is recovered in this manner. In less than 10 percent of all of the victimizations in which something was stolen was there complete recovery (9.4 percent), and the corresponding figure for partial recovery is below 5 percent (4.2 percent). By far the greatest number of victimizations involved no recovery at all from sources other than insurance (86.3 percent). Within the individual offense categories, only unarmed robbery and motor vehicle theft depart substantially from this pattern. Slightly more than 30 percent of the former and almost 70 percent of the latter involved some recovery by means other than insurance.

However one elects to explain these recovery patterns, the potential for a financial restitutive disposition diminishes as recovery becomes more extensive. Nevertheless, in cases of partial recovery, restitution of the balance remains a possibility, and forms of restitution are not unknown even in cases where complete recovery has occurred prior to disposition of the offender. In cases involving joyriding by youths, for example, a juvenile judge may grant probation on condition that the offender(s) wash the victim's car over a certain period; similar forms of symbolic or "creative restitution" are well documented in the literature (Egash, 1975), although research is needed to

TABLE 5 Estimated number of victimizations in which something was stolen, by type of offense and extent of recovery by means other than insurance; six focal offenses, United States, 1974

Extent of recovery	Total ^a	Type of offense					
		Unarmed robbery	Purse snatching/ pocket picking	Burglary	Larceny from home	Larceny elsewhere	Vehicle theft
Full	2,657,619 9.4% ^b	61,218 20.3%	37,480 8.4%	335,849 7.8%	836,192 10.1%	1,008,134 7.2%	378,746 44.3%
Partial	1,196,949 4.3%	31,005 10.3%	99,425 22.2%	167,864 3.9%	154,982 1.9%	537,043 3.8%	206,630 24.1%
None	24,314,222 86.3%	210,048 69.5%	311,740 69.5%	3,817,624 88.3%	7,297,476 88.0%	12,407,027 88.9%	270,307 31.6%
Total ^a	28,168,790 100.0%	302,271 100.0%	448,645 100.0%	4,321,337 100.0%	8,288,650 100.0%	13,952,204 100.0%	855,683 100.0%

^aIncludes only victimizations in which something was stolen.

^bColumn percentages.

determine the willingness of offenders and victims to become involved in such arrangements, and to investigate issues of potential legal liability for injuries caused to and by the offender while performing such tasks.

Of considerable practical and theoretical significance is the question of differing recovery rates depending upon the size of loss sustained. On a practical level, restitution becomes a more feasible and more generally applicable penalty if, in higher loss cases, at least some of the property is recovered so that the balance will fall reasonably within the earning capacity of the offender. Of more theoretical interest are the implications for investigative and manpower allocation practices by law enforcement agencies that differ according to loss amounts involved. Because victims in higher loss categories are more likely to report to the police (Hindelang and Gottfredson, 1976) and because police and public interest may become more aroused by such offenses, a positive relationship might be expected between recovery rates and amount of loss; that is, higher recovery rates might be expected in the higher loss categories. Table 6 lends some support to this hypothesis.

Examining each type of outcome (full, partial, or no recovery) as a percent of victimizations in each loss category, both full and partial recovery (by means other than insurance) increase fairly consistently as the amount of loss rises. As would be expected, this pattern reverses when no recovery was made, falling from a high non-recovery rate of 92.9 percent in cases involving \$1 to \$24, to a low of 60.2 percent in cases where losses amounted to \$1,000 or more. Although there is considerable variation within each offense and loss category, it is reassuring for restitution purposes that some recovery occurs in about 24 percent of victimizations with losses between \$500 and \$999, and in about 40 percent of victimizations with losses of \$1,000 or more. Although these figures compare favorably with the overall recovery rate of about 14 percent, they are strongly influenced by the high recovery rate in vehicle thefts.

The non-insurance recovery rate for vehicle theft victimizations is so high (44.3 percent complete recovery) that the applicability of a restitutive penalty is seemingly reduced. Some programs have required restitution, however, for depreciation on the stolen machine in proportion to the mileage driven by the offender, or for a comparable rental charge using the scales employed by the major rental companies. In addition, offenders have been held responsible for reasonable documented expenses incurred by the victim as a result of making alternative travel arrangements.

Because the overall non-insurance recovery rate for

all offenses combined is so low, and because symbolic or related restitutive penalties can be adapted to fit situations where recovery is made, restitution programming would not seem to be unduly affected by the recovery of stolen property. Where recovery is not made in this direct manner, however, but occurs through insurance coverage, the outcome hinges upon a more complex allocation of rights among interested parties.⁸

The NCS data can be used to address questions involving the frequency and extent of insurance coverage for cases of unrecovered or partially recovered property and for robbery cases involving medical expenses. From Table 7, it can be seen that insurance recovery for theft losses follows much the same pattern as direct recovery insofar as recovery is a proportionately more frequent phenomenon in the higher loss categories, rising from about 1 percent for losses under \$25 to 33.3 percent in cases with losses of \$1,000 or more in 1974. The pattern of recovery through insurance is probably due, in part, to the nature of market insurance, particularly stipulations that the insured is responsible for the first \$50, \$100, or some other amount, of the loss. Thus, even if the property is insured, the victim may not file a claim for a loss worth \$110 if his or her insurance carries a "\$100 deductible" clause. This characteristic of insurance policies also helps to explain why some types of crime show higher rates of recovery through insurance than do others—*i.e.*, 27.6 percent for vehicle theft and 11.4 percent for burglary vs. no more than 6 percent for the four other types of crime in Table 7. Vehicle thefts and burglaries are more likely to result in losses of property having a value of \$500 or more than are the other four crimes; therefore, the losses in vehicle theft and burglary are more likely to exceed the deductible limits of insurance policies. In addition, some types of property are more likely to be insured against theft than are other types; for example, automobiles and home furnishings are more likely to be insured than are coats or the contents of purses and wallets, which might be stolen during larcenies.

Despite similarity between the *patterns* for direct recovery and recovery through insurance, programmatic responses to the two *types* of recovery can be quite different. In some States the offender is made to pay monies directly to the insurance company (Edelhertz, 1975), whereas in other jurisdictions there may be legal objections to such payments. Restitution

⁸Even when property is recovered by the police, there remains the question of third party interests. Should the offender, for example, be required to pay restitution to an innocent third party purchaser of stolen goods?

TABLE 6 Estimated number of victimizations in which something was stolen, by amount stolen, percent recovered^a by means other than insurance, and type of offense; six focal offenses, United States, 1974

Type of offense	Total ^b	No value	Total value of theft loss					Not ascertained
			\$1 to \$24	\$25 to \$99	\$100 to \$499	\$500 to \$999	\$1,000 or more	
Unarmed robbery	302,271	2,295 ^c	130,812	74,489	59,758 ^c	3,939 ^c	11,105 ^c	19,874 ^c
Full recovery	20.3	100.0	12.7	13.4	18.0	0	35.7	88.6
Partial recovery	10.3	0	7.2	15.0	15.4	29.8	0	0
No recovery	69.5	0	80.1	71.6	66.6	70.2	64.3	11.4
Purse snatching/ pocket picking	448,645	2,507 ^c	188,772	154,081	71,920	5,326 ^c	1,188 ^c	24,851 ^c
Full recovery	8.4	100.0	9.9	1.7	5.0	0	0	40.9
Partial recovery	22.2	0	20.1	24.9	26.4	76.5	0	0
No recovery	69.5	0	70.0	73.4	68.7	23.5	100.0	59.1
Burglary	4,321,337	25,581 ^c	1,043,055	1,095,657	1,260,231	400,310	331,141	165,361
Full recovery	7.8	94.6	4.0	5.2	4.8	2.7	2.4	80.5
Partial recovery	3.9	0	2.0	3.6	3.7	7.7	8.8	0.7
No recovery	88.3	5.4	94.0	91.2	91.4	89.7	88.9	18.8
Larceny from home	8,288,650	96,800	4,375,100	2,312,042	1,077,528	81,731	49,448 ^c	296,001
Full recovery	10.1	97.5	4.2	8.3	4.8	11.3	4.8	92.4
Partial recovery	1.9	0	1.2	2.8	3.7	6.7	2.6	0
No recovery	88.0	2.5	94.6	88.8	91.5	82.0	92.6	7.6
Larceny elsewhere	13,952,203	92,565	7,533,391	3,819,079	1,871,384	182,030	82,947	360,807
Full recovery	7.2	100.0	4.4	4.6	5.5	4.4	5.6	83.0
Partial recovery	3.8	0	3.0	5.5	4.1	6.2	4.3	1.3
No recovery	88.9	0	92.5	89.9	90.4	89.4	90.2	15.7
Vehicle theft	855,683	1,183 ^c	3,650 ^c	13,379 ^c	208,022	204,462	401,519	23,558 ^c
Full recovery	44.3	100.0	30.0	55.0	53.7	42.6	39.4	52.1
Partial recovery	24.1	0	2.5	8.7	18.2	22.9	30.0	0
No recovery	31.6	0	67.5	36.3	28.1	34.5	30.6	47.0
Total^b	28,168,789	210,931	13,294,780	7,468,717	4,548,843	877,798	877,302	890,452
Full recovery	9.4	98.2	4.5	6.0	8.1	13.1	20.2	83.8
Partial recovery	4.3	1.8	2.6	4.9	4.9	11.3	19.6	0.6
No recovery	86.3	0	92.9	89.1	87.0	75.6	60.2	15.6

^aSubcategories may not sum to totals due to rounding.

^bIncludes only victimizations in which something was stolen.

^cBase on which percentage was computed contains 50 or fewer sample cases and may be statistically unreliable.

TABLE 7 Estimated number of victimizations in which something was stolen and percent with some recovery through insurance, by amount stolen and type of offense; six focal offenses, United States, 1974

Type of offense	Total	Total value of theft losses					\$1,000 or more	Not ascertained
		\$1 to \$24	\$25 to \$99	\$100 to \$499	\$500 to \$999			
Unarmed robbery	299,976 ^a 3.6% ^b	130,812 0%	74,489 1.6%	59,758 ^c 13.6%	3,939 ^c 34.3%	11,105 ^c 0%	19,874 ^c 0%	
Purse snatching/ pocket picking	446,138 2.2%	188,722 0%	154,081 2.3%	71,920 8.4%	5,326 ^c 0%	1,188 ^c 0%	24,851 ^c 0%	
Burglary	4,295,756 11.4%	1,043,055 1.0%	1,095,657 4.4%	1,260,231 17.1%	400,310 26.3%	331,141 31.4%	165,361 4.4%	
Larceny from home	8,191,850 4.5%	4,375,100 0.7%	2,312,042 5.9%	1,077,528 15.5%	81,731 22.9%	49,448 ^c 14.1%	296,001 1.7%	
Larceny elsewhere	13,869,638 6.0%	7,533,391 1.1%	3,819,079 7.8%	1,871,384 20.5%	182,030 23.1%	82,947 14.5%	360,807 3.0%	
Vehicle theft	854,500 27.6%	3,650 ^c 0%	13,379 ^c 0%	208,022 7.4%	204,462 24.4%	401,519 42.3%	23,558 ^c 5.1%	
Total	27,957,858 6.9%	13,294,780 0.9%	7,468,717 6.5%	4,548,843 17.5%	877,798 24.8%	877,302 33.3%	890,452 2.7%	

^aNumber of victimizations in cell; base on which percentage was computed.

^bPercent of cell victimizations in which something was stolen that resulted in recovery through insurance.

^cBase on which percentage was computed contains 50 or fewer sample cases and may be statistically unreliable.

has been restricted by several appellate courts to the direct (not third party) victim of crime (Harland, 1979).

It is apparent from Table 7 that insurance recovery patterns, as in the case of direct recovery, seem to lend support to the need for and viability of restitution programming. Although insurance may account for *large amounts* of recovery for those who recover at all, it provides relief for relatively *few people* among those suffering theft losses (6.9 percent). Especially, when it is considered that a similar pattern holds true for direct recovery, restitution offers a possible source of victim redress in the many cases in which victims presently receive no other reimbursement for their losses. In addition, restitution becomes more feasible because the cases resulting in higher loss amounts, which might otherwise be problematic for restitution purposes, involve victims who are already more likely to be compensated through alternative channels.

As would be expected, the vehicle theft victimizations are those most frequently covered by insurance, with 27.6 percent involving some insurance recovery. Also, it will be remembered from Table 6 that 44.3 per-

cent of auto theft victimizations resulted in complete recovery from non-insurance sources, and 24.1 percent resulted in partial recovery. It would seem, therefore, that although auto thefts represent some of the larger initial victim losses, direct and insurance recoveries will frequently bring the net losses within the restitutive capacity of many offenders.

Insurance recovery for theft losses among the remaining offenses follows a pattern that conforms to common sense assumptions based on insurance habits in this country. Thus, the very low recovery rate for the two "personal" crimes—purse snatching/pocket picking (2.2 percent) and unarmed robbery (3.6 percent)—is to be expected in view of the nature of the items stolen, which are not commonly covered by insurance. By way of contrast, the much higher insurance recovery figure for burglary (11.4 percent) matches expectations based upon the extent of homeowners' insurance in the United States. More important, for restitution purposes, is the much higher proportion of recovery in burglaries involving more than \$500. This, again, holds promise for the success of restitution programming for the *actual* victims of crime, and negates to

some extent the frequently voiced objection that offenders "cannot afford to pay" restitution.⁹

Net Theft Losses

At this point, attention will turn to an examination of *net* theft losses for each offense after both direct recovery and insurance recovery are taken into account (Table 8).

Although Table 8 reflects a now familiar loss pattern (with by far the greatest proportion of cases in the smaller-loss groups), several notable exceptions appear over the patterns for gross losses (i.e., before any recovery is considered). Whereas less than 1 percent of the original theft losses were reported as having no value relevant to a restitution settlement, the category of victimizations resulting in no *net* loss is more than 10 times as large (9.4 percent). In the vehicle theft category, in particular, more than one-half (54.9 percent) of all the victimizations resulted in no net theft loss at all, due almost entirely to decreases in the higher loss categories; although 73 percent of these higher-loss victimizations involved initial theft-loss amounts exceeding \$500, the corresponding *net* loss figure is about 21 percent for 1974.

The percentage distributions in Table 8 illustrate the minimum restitution payments that would be needed to fully compensate the individual victim for out-of-pocket theft losses. The discussion in earlier sections of direct and insurance recovery patterns indicates how such net loss figures are determined and addresses some of the issues and problems for restitution programming that arise in reaching such a determination.

By a careful documentation of how net losses are determined, restitution investigators serve a variety of "clients". First, they make information available to criminal justice decisionmakers to increase dispositional alternatives. Second, they facilitate adequate recovery by victims. Third, they protect the offender from inflated estimates of loss. And, finally, an objectively detailed assessment of the precise consequences

⁹Policies with respect to requiring offenders to reimburse insurance companies as well as the actual crime victim vary from program to program and from practitioner to practitioner. Those in favor of such payments argue that the offender should not benefit from the victim's foresight in obtaining insurance, and that restitution to insurance companies will help to keep premiums from rising. Opponents argue that restitution to insurance companies constitutes a "windfall profit" to them, and that premiums are unlikely to be affected. Faced with an offender with limited means, however, there is evidence to suggest that a large majority of practitioners would favor payment to individual victims before insurance companies (Harland, 1980).

of the crime can serve to emphasize to the offender the rationality of a restitutive sanction. It may also dispel any misconceptions about the gravity of the harm to the victim.

Identifying and ratifying net losses, however, indicates only *what* should be paid. It says nothing about whether the offender can afford to pay in restitution. That issue is addressed in the next section.

Determining Ability to Pay

One of the most critical factors in the success or failure of restitution programming obviously will be the earning capacity of the offender at the time of the disposition. Although NCS data do not speak to this issue, and although precise income and employment figures are not presented in the official statistics, it is possible to draw some inferences from the limited information available. A significant number of offenders in each offense category will be unsuitable for a straight cash restitution disposition because they are unemployed, earn too little, or are juveniles. Uniform Crime Reports for the same year as the NCS data, for example, show that in 1974 32.6 percent of all robbery arrests were of persons under 18 years old. Nine percent of all robbery arrests were of persons under 15 years old. Corresponding figures for burglary were 53.3 and 21.7 percent, for larceny-theft 48.9 and 22.6 percent, and for motor vehicle theft 55.2 and 14.6 percent (Kelley, 1975). Clearly, if restitution is to be made available to as many victims as possible, program planners must face the questions surrounding its use with youthful offenders. Approaches ranging from community service by the youth to payment by parents are all fraught with legal and pragmatic difficulties that must be considered before full scale restitution programs are implemented.

Where adult offenders are concerned, the issue is not quite so complicated, although there remain problems related to the ability of offenders to make restitutive payments. One problem, for example, is the inequity of allowing the rich to "buy themselves out of trouble." Also, special problems arise with unemployed and unemployable offenders. Although the F.B.I. statistics are silent about this element of offender information, some indication of offender employment background is available as a result of a 1972 national survey of jail inmates in the United States (LEAA, 1975).

To the extent that restitution may become an alternative to jail sentences in the future, the income figures for sentenced inmates in Table 9 are directly relevant. For those inmates awaiting trial, the figures will prob-

TABLE 8 Estimated number of victimizations in which something was stolen, by gross and net theft loss and type of offense, six focal offenses, United States, 1974

Type of offense	Total ^a	Total value of theft loss								
		No loss/ no value	\$1 to \$24	\$25 to \$49	\$50 to \$99	\$100 to \$249	\$250 to \$499	\$500 to \$999	\$1,000 to \$4,999	\$5,000 or more
Unarmed robbery:										
Gross	100% (282,397)	0.8% ^b	46.3%	13.0%	13.4%	14.8%	6.3%	1.4%	3.1%	0.8%
Net	100% (281,245)	16.4% ^b	43.5%	11.6%	11.6%	10.4%	3.0%	0.9%	1.7%	0.8%
Purse snatching/ pocket picking:										
Gross	100% (423,794)	0.6%	44.5%	20.5%	15.9%	13.3%	3.7%	1.3%	0.3%	0%
Net	100% (421,392)	6.5%	42.3%	19.9%	15.3%	12.0%	2.8%	1.0%	0.3%	0%
Burglary:										
Gross	100% (4,155,976)	0.6%	25.1%	11.4%	14.9%	19.4%	10.9%	9.6%	7.3%	0.7%
Net	100% (4,127,452)	6.9%	25.3%	11.1%	15.3%	18.6%	9.7%	7.3%	5.4%	0.4%
Larceny from home:										
Gross	100% (7,992,649)	1.2%	54.7%	14.6%	14.3%	10.8%	2.6%	1.0%	0.5%	0.1%
Net	100% (7,926,916)	8.3%	53.5%	13.5%	12.6%	8.9%	2.0%	0.7%	0.5%	0%
Larceny elsewhere:										
Gross	100% (13,591,396)	0.6%	55.4%	15.5%	12.6%	10.6%	3.1%	1.4%	0.6%	0.1%
Net	100% (13,507,656)	8.0%	54.3%	14.2%	11.3%	8.3%	2.4%	1.0%	0.4%	0.1%
Vehicle theft:										
Gross	100% (832,125)	0.1%	0.4%	0.2%	1.5%	9.1%	15.9%	24.6%	41.3%	7.0%
Net	100% (822,084)	54.9%	1.8%	1.3%	4.3%	8.0%	8.4%	11.1%	9.3%	0.9%
Total:										
Gross	100% (27,278,337)	0.8%	48.7%	14.2%	13.2%	12.1%	4.6%	3.2%	2.8%	0.4%
Net	100% (27,086,745)	9.4%	47.7%	13.2%	12.1%	10.1%	3.7%	2.2%	1.5%	0.2%

^aBecause net losses were not reported in all theft cases, the percent figures for gross losses were calculated on slightly larger bases than those used for net losses. Cases in which the value of the gross or net theft loss was not ascertained are excluded from the table.

^bRow percents.

TABLE 9 Income earned by inmates of jails during the 12 months prior to incarceration, by confinement status, race,^a and sex, 1972^b

	Total	Previous income		
		Less than \$3,000	\$3,000 to \$7,499	\$7,500 or more
Total	100.0 137,333	56.7 77,902	32.3 44,354	11.0 15,077
Confinement status:				
Awaiting trial only	100.0 42,528	59.2 25,177	32.1 13,669	8.7 3,682
Sentenced only	100.0 55,796	58.1 32,402	31.2 17,396	10.7 5,996
Race:				
White	100.0 77,722	54.2 42,119	31.9 24,827	13.9 10,776
Black	100.0 56,990	59.2 33,765	33.3 18,964	7.5 4,261
Sex:				
Male	100.0 129,484	55.7 72,179	32.9 42,623	11.3 14,682
Female	100.0 7,849	72.9 5,723	22.1 1,731	5.0 395
Missing cases = 4,272				

^aThe small discrepancy between the sum of black and white percentages is due to the exclusion of the "other" category from the analysis (less than 2 percent of all jail inmates).

^bSubcategories may not sum to 100 percent due to rounding.

Source: LEAA, 1975

ably be lower than for offenders in general because many who could afford bail are automatically excluded. In either case, it can be seen that few of these offenders are in a position readily to "buy themselves out of trouble."

For every group of inmates in Table 9, more than half had incomes of less than \$3,000 for the 12 months prior to incarceration, and for female offenders in particular, 72.9 percent fall into this income category.¹⁰ Consequently, it seems that even though the present analysis has shown the majority of victimization losses to be manageable by an offender in regular employment, the success of adult restitution programs may

¹⁰The income data reported are for 1972. Income data for inmates confined in 1978 yield slightly lower figures, but the same trend exists. For every group of inmates, more than 42 percent had incomes of less than \$3,000 for the 12 months prior to incarceration (the range is between 42.5 percent for whites and 49.9 percent for blacks). Females are still the most frequent group with 58.4 percent falling into this income category.

frequently hinge upon their ability to provide and maintain some employment in the first place.

Victim Characteristics

In assessing the need for and potential impact of restitution programming, it is expedient to examine certain characteristics of those victims who appear to be the most likely "clients" of such a program. It is to be expected that certain types of victims will be more willing to become involved with a program than others and that involvement will vary according to type of crime, type of loss, and victim characteristics such as age, race, social status, and so on. Programs may sometimes have to choose between one victim and another if the offender cannot afford to repay both. And, the success or failure of an offender under a restitutive disposition may also vary according to the nature and extent of victim involvement, and may be influenced by the characteristics of the victim.

It has already been argued, for example, that resti-

tution to an individual may have a more rehabilitative impact than payment to an impersonal corporate victim. For similar reasons, it could be argued that restitution will be a more successful disposition where the social and financial situations of offenders and victims are not too disparate. It might be easier for an offender to understand the need for a restitutive settlement and to comprehend the harm to a victim who is similarly situated rather than to one who is much wealthier or socially more advantaged.

From Table 10 it appears that restitution to very wealthy victims of the six focal offenses would be a relatively rare event. Only 7 percent of victimizations resulting in a net theft loss involved families with annual incomes, in 1974, of more than \$25,000.¹¹ The largest overall category (45 percent) incorporates those families reporting 1974 incomes of \$10,000 to \$25,000 with the two personal crimes, unarmed robbery, and purse snatching/pocket picking, occurring more frequently in the lower income ranges. The under \$10,000 income groups, which encompass the legitimate earning capacity of many offenders (see Table 9 above), account for 43 percent of the victimizations, suggesting at least a rough financial equality in many cases between the parties to a restitutive arrangement.

However, in about half of the cases in Table 10, the victim had a family income of \$10,000 or more. In these cases, it is likely that the victim's financial status is higher than the offender, and there is an obvious risk that restitution could be interpreted by the offender as unnecessary and, therefore, unjust. This, of course, is a contradiction of one of the more frequent claims about restitution; that is, its apparent fairness in restoring an "ethical and logical equilibrium," and in reducing offender resentment over his or her treatment and against the "system" in general. Rather than undermining offender rationalizations in this way, patently disparate financial standing may "prove" to the offender what he or she had previously only supposed: that, notwithstanding the crime loss, the victim is still the more prosperous. Restitution could then become, in the offender's eyes, simply another source of unjust enrichment of the wealthy at the expense of the poor.

¹¹Although this excludes losses attributable solely to damage, the general picture of the victim remains unaltered because of the proportionately few victimizations reported in which only damage occurred (7.1 percent). Questions about vandalism damage were not asked in the survey. The loss data reported here are for victimizations that occurred in 1974. Inflation has affected loss amounts, but not as much as might be expected. For example, in 1974, 68 percent of the non-violent personal crimes of theft in which some loss occurred involved amounts less than \$50; by 1978 this had decreased to 59 percent; for household theft, 55 percent involved amounts less than \$50 in 1974, compared with 48 percent in 1978.

Extraneous Limits on Restitutive Programming

The ultimate scope and feasible impact of restitution programs is dictated to a great extent by the performance of criminal justice agencies in the apprehension and processing of the offender. But even before the criminal justice process is felt, a further reduction of eligible victims takes place due to the decision by many victims not to report an offense to the police.

Crime Reporting Behavior

Although restitution may take place between victims and offenders informally, a victim's decision not to report an offense to the police will almost always preclude the opportunity for restitution through formal programming in the criminal justice system. Consequently, the determinants of nonreporting are important indicators of the types of crimes, victims, and offenders with which restitution programmers will be faced.

Almost seven-tenths (67.7 percent) of all victimizations attributable to the six focal offenses were *not* reported to the police, with a great deal of variation according to the individual offense involved and whether or not anything was stolen. Both sources of variation, as well as others to be considered below, indicate that crime reporting is presently influenced strongly by the victim's desire for some form of compensation or recovery of stolen property. They also suggest that a widely publicized program of restitution could, in turn, have a marked impact upon future reporting.

The lowest incidence of nonreporting (11.3 percent) occurs in the vehicle theft category when something was stolen; the highest non-reporting (83.9 percent) appears for those larceny elsewhere victimizations in which nothing was stolen. In addition, for every offense category the reporting rate was higher in those cases in which something was stolen than in the nothing-stolen or attempt group. The implications to be drawn from this varied reporting behavior are two fold. First, the increased reporting where loss is involved can be seen as an indication that reporting stems from the victim's desire to make recovery, at least as much as from any altruistic attention to civic responsibility.¹² Second, the fact that non-reporting of vehicle theft is fully 35.6 percentage points lower than the next lowest category (burglaries in which some-

¹²This is the conclusion reached by Hawkins (1970) in his study of non-reporting in Seattle.

TABLE 10 Estimated number of victimizations involving a net theft loss, by annual family income of victim and type of offense; six focal offenses, United States, 1974

Type of offense	Total ^a	Annual family income of victim						Not ascertained
		Less than \$3,000	\$3,000 to \$7,499	\$7,500 to \$9,999	\$10,000 to \$14,999	\$15,000 to \$24,999	More than \$25,000	
Unarmed robbery	235,121 100% 1%	40,833 ^b 17% ^b 2% ^c	70,252 30% 1%	20,454 9% 1%	37,579 16% 1%	34,897 15% 1%	10,596 4% 1%	20,510 9% 2%
Purse snatching/ pocket picking	394,191 100% 2%	61,221 16% 2%	110,345 28% 2%	52,930 13% 2%	67,081 17% 1%	59,767 15% 1%	22,997 6% 1%	19,950 5% 2%
Burglary	3,342,047 100% 16%	590,894 15% 25%	981,316 26% 19%	406,118 10% 14%	783,284 20% 13%	627,452 16% 13%	256,240 7% 15%	196,741 5% 15%
Larceny from home	7,267,312 100% 30%	721,519 10% 30%	1,688,993 23% 32%	857,105 12% 30%	1,960,439 27% 32%	1,282,243 18% 26%	389,045 5% 22%	367,968 5% 28%
Larceny elsewhere	12,429,185 100% 51%	928,512 7% 39%	2,273,004 18% 43%	1,427,220 11% 51%	3,174,796 26% 52%	2,893,451 23% 58%	1,069,500 9% 61%	662,702 5% 51%
Vehicle theft	370,587 100% 1%	18,913 5% 1%	105,060 28% 2%	50,791 14% 2%	85,726 23% 1%	69,424 19% 1%	17,726 5% 1%	22,947 6% 2%
Total ^a	24,538,443 100% 100%	2,361,892 10% 100%	5,228,970 21% 100%	2,814,618 12% 100%	6,108,907 25% 100%	4,967,234 20% 100%	1,766,104 7% 100%	1,290,718 5% 100%

^aIncludes only victimizations in which a net theft loss of \$1 or more was reported to the interviewer.

^bRow percentages.

^cColumn percentages.

thing was stolen, 46.9 percent) indicates that even between offenses in which losses are sustained, reporting may be influenced by the degree to which the victim anticipates recovery. For example, it seems likely that the high reporting in vehicle cases is grounded in some part in a desire to establish a valid insurance claim, from which the recovery potential is known to be strong, as well as to start police action towards direct recovery.

As the criminal justice system operates today, the victim cannot, for the most part, anticipate restitution in return for reporting an offense to the police even if the offender is apprehended. The convicted offender in such a case pays his debt to society and the victim is forgotten. The prospect of this form of "satisfaction" may well be insufficient incentive for many victims to take the trouble to report an offense. Under a well-publicized system of restitutive justice, however, the victim's stake in the criminal justice process is increased, and the possibility arises that non-reporting may diminish as a result.

In addition to the rise in reporting due to increasing the victim's satisfaction if the offender is caught, a restitutive system may actually enhance the probability of arrest in the first place. Increased victim cooperation facilitates the job of law enforcement officials who in turn may be more responsive to individual losses, especially where a restitutive mechanism is available. Law enforcement officials as well as victims may be influenced to take action, in cases previously considered trivial, where the potential benefit is now direct and the sanction (restitution) more certain. Increased role-satisfaction for law enforcement officers may be achieved through a more certain knowledge that the offender will "pay" if apprehended and that the victim may benefit from and be more grateful for police assistance.

If such attitudes should indeed gain ground under a system of restitutive justice, the potential impact on reporting behavior is suggested to some extent by the reasons given by many victims for not reporting. Although victims sometimes gave more than one reason for not reporting an offense to the police, the most frequently cited reason in every crime category was that "nothing could be done—lack of proof," ranging from 43.1 percent in the case of purse snatching and pocket picking to 23.7 percent for unarmed robbery. To the extent that this reason reflects an honest appraisal by the victim of a hopeless situation, it is doubtful whether the prospect of restitution would have made much difference. If it is an indication of a lack of confidence in police investigative techniques, on the other hand, improved police response under a

system of restitutive penalties could eventually lead to an increase in reporting.

This latter line of reasoning would most certainly be valid for those victims who failed to report because they felt that "the police would not want to be bothered" (7.3 percent), and an improved police image might also influence those victims who simply "did not want to get involved" (less than 1 percent). For the latter group, the possibility of receiving restitution might also be sufficient incentive for at least some of the victims to decide to become involved, especially in those cases where amounts of loss are not totally trivial. This may also be so where the victim viewed the offense as "not important enough" to report (28.1 percent) or where the victim felt that there was "no time" or it was "too inconvenient" to report (3 percent), or where victims stated that they "did not want to report" because it was a "private or personal matter" (ranging from 12.4 percent in the unarmed robbery category to only 2.4 percent for larceny elsewhere).

Limiting Effect of the Criminal Justice System

The most restrictive factor in the use of restitution is that it can be enforced through the criminal justice process only if the offender is apprehended. Comparison of the NCS data and the 1974 F.B.I. statistics shows that only a small proportion of offenses comes to the knowledge of the police. Even fewer are actually cleared by arrest. Consider residential burglary, for example; the F.B.I. estimate of 1,872,834 offenses for 1974 is less than one third the number revealed by the victim survey. For residential and business burglaries combined, only 18 percent were cleared by the police, and it is not unusual that the arrest of one person may clear several reported offenses in this crime category. Although offenders may become more reluctant to plead to multiple offenses if restitution is required, there will undoubtedly be cases in which programs will have to apportion restitution between different victims. In cases where the offender cannot afford to repay all victims, restitution will be reduced to partial payment; alternatively, policies must be devised to determine precedence of claims between one victim and another.

Although the number of arrests for each offense is far below the number of victimizations reported in the NCS survey, the rank ordering for each offense remains the same. The largest number of arrests falls in the larceny-theft category and diminishes through burglary, motor vehicle theft, down to the lowest number of arrests for unarmed robbery. However, a further

limiting factor exists for programs in which the primary aim is full recovery by the victim. The distributions of victims and losses may be rather different in the official statistics than in the more complete reporting in NCS data. Average losses in cases cleared by the police, for example, may be higher than those in the total population of cases, because of non-reporting and less intensive investigative practices in the less serious cases.¹³

A further important limitation on the scope of restitutive programming may be rooted in the plea bargaining practices of prosecuting attorneys. An offender pleads guilty to one count of larceny, for example, in return for a prosecution agreement to drop similar charges. What happens to the victims of those charges? Obviously, if restitution is permissible only for conviction offenses, it presents quite a dilemma for the prosecutors. They must either continue to bargain, and select victims for exclusion from restitution; or they must forego bargaining when restitution may be involved; or they must try to secure restitution for offenses of which the offender will not be convicted (Harland, 1979).

Still another major limitation upon the use of restitution is the narrow range of offense behavior for which it is now used. During the different periods in history and across a variety of cultural settings, restitution has been employed in connection with almost every conceivable offense, ranging from a minor property crime to the most heinous form of murder (Nader and Combs-Schilling, 1975:29). Similarly, in tort law, a financial value has been placed on everything from a damaged reputation to the loss of life or limb. However, under modern restitutive programming, the extent to which restitution is a feasible and acceptable penalty has become restricted generally to a narrower class of cases.

The victim's claim to recovery and the use of restitution as a rehabilitative tool both must assume their places among the hierarchy of traditional punitive goals such as deterrence, deserts, and incapacitation. If these alternative goals mandate a penalty involving incarceration, as they often do in more serious cases,

¹³Average losses in the Uniform Crime Reports for offenses reported to the police do not correspond exactly with the six crime categories discussed here. However, for robbery as a whole, including more serious robberies than those included in our definition as well as robberies of business establishments, the average reported loss during 1974 was \$321. For burglaries as a whole, including non-residential as well as residential burglaries, the figure was \$391. The average value of goods and property reported stolen by pick pockets was \$117, by purse snatchers \$75, from motor vehicles \$180, and by miscellaneous thefts from buildings \$271. The average value of stolen motor vehicles was \$1,246.

the offender's ability to pay restitution is usually deferred or destroyed because of the very low wages paid for inmate labor. As a result, restitution has come to be looked upon as primarily a diversionary disposition, suitable only when an offender is returned to the community (Cohen, 1944).

Although it is theoretically possible to place an actuarial value on all forms of harm resulting from crime (Wilkins, 1965), restitution has been restricted to less serious offenses involving property loss and minor personal injury. As indicated above, offenses such as murder, rape, and armed robbery are usually excluded. The exclusion of serious violent crimes seems to be inevitable as long as offenders who commit such crimes receive long prison terms during which they are prevented from earning more than token sums of money.

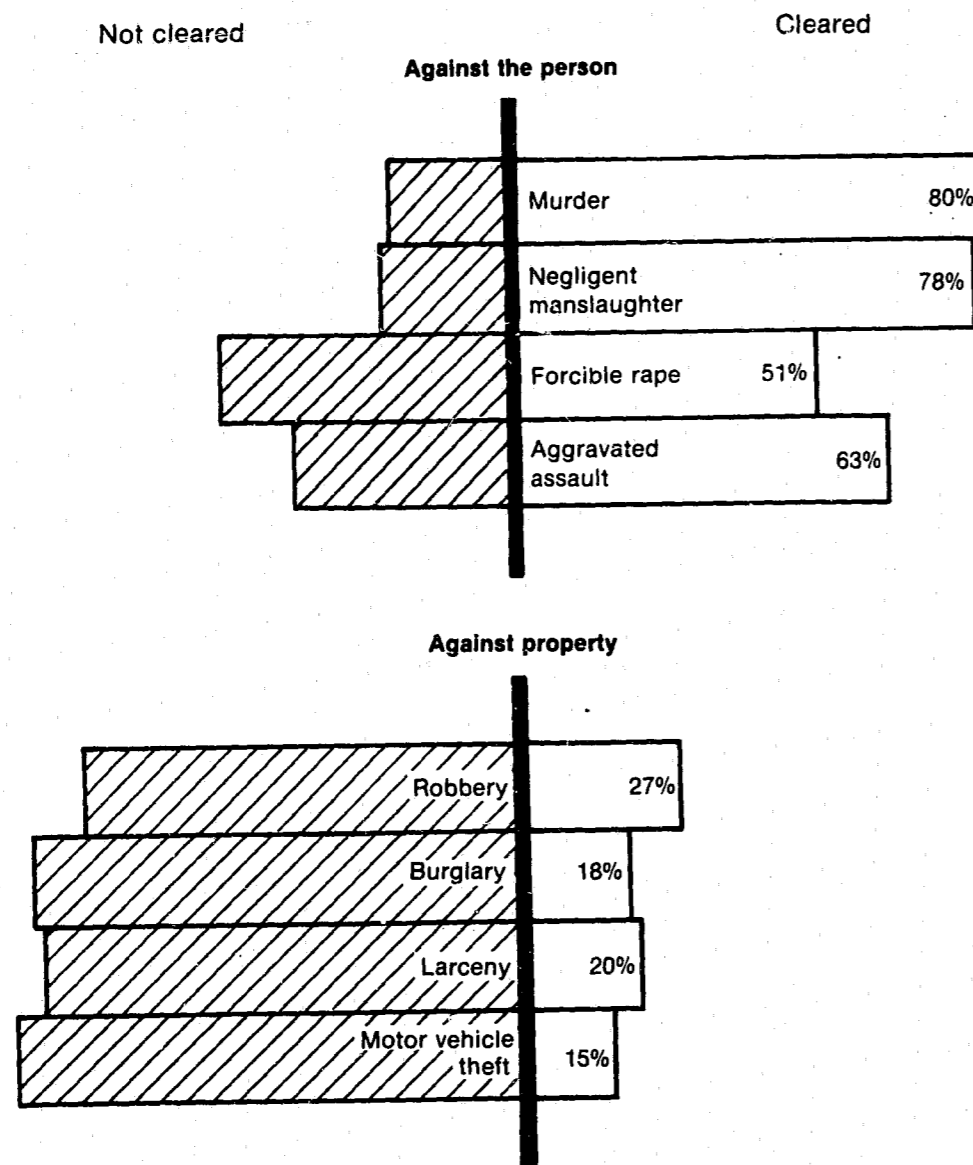
The irony of restricting restitution to largely non-violent offenses is shown clearly in Figure 2. According to the Uniform Crime Reports, it is in precisely those cases in which restitution is most applicable that the lowest proportion of offenses are cleared by the police. The lowest clearance rate for the typically non-restitutive personal offenses (51 percent for forcible rape) is almost twice that of the highest rate for the more normally restitutive crimes in which property is stolen (27 percent for robbery).

Even under these circumstances, however, the potential for restitution programming remains broad. When the proportions in Figure 2 are converted into numbers of offenses, there are almost ten reported property offenses for every reported violent crime. Therefore, even though proportionally fewer property offenders than violent offenders are caught by the police, Uniform Crime Reports data suggest that restitution programs still may be in a position to benefit more victims than existing State compensation schemes concerned exclusively with violent crimes.

Summary and Conclusion

The major purpose of this report is to discuss some of the issues surrounding restitution to crime victims in the context of data available from the National Crime Survey. The types of investigative steps taken by restitution program staff to determine victim losses are applied to a national sample of victimizations. In addition, further restitutive considerations are discussed, such as victim characteristics and the ability of offenders to pay. Finally, several major limitations on the scope of restitutive programming are addressed. Data on the phenomenon of non-reporting of crimes are presented, and several aspects of the criminal jus-

FIGURE 2 Proportions of Uniform Crime Reports index crimes against the person and against property that were cleared by arrest, 1974



Source: Kelley, 1975

tice system are shown to restrict the use of restitution; particularly important are the low wages paid to incarcerated offenders, low arrest rates, and the effects from processing cases through the criminal justice system.

The analysis and discussion in this report are suggestive of the potential scope of restitutive programming. Tracing the operating procedures of a restitution investigator, the report shows that a large majority of victimizations, in the six crime categories discussed, result in losses that seem readily manageable for restitution purposes. Even when all of the factors besides amount of loss are considered, the expanded use of restitutive dispositions seems feasible.

Restitution remains a largely untested correctional tool that could be utilized for large numbers of offenders. If it is to be developed in this way, and as a recovery mechanism for crime victims, its impact will be greatest under a program with as few restrictions upon offender and victim eligibility as possible. Frequently emphasized topics in today's criminal justice system include the futility and expense of incarceration (Morris, 1974), and the preference for community correctional programs for as many offenders as possible (Nelson, Ohmart, and Harlow, 1978; Wilkins, 1965). A carefully planned expansion of restitution programming may both supplement and add impetus to this trend, and offer a new dimension to correctional and victim services in the United States.

Despite the primitive state of our knowledge about its differential effect upon offenders, victims, and the criminal justice process, restitution is receiving widespread public attention. More importantly, the number of jurisdictions in which restitution is being required is proliferating in a large variety of cases. Any encouragement from this report to continue such expansion should be confined to a *carefully planned* application of the restitutive sanction. Wholesale expansion of restitutive justice—before research has shown for which offenders, offenses, victims, and under what circumstances it is a viable option—could

have any or all of the following consequences: inappropriate use with indigent offenders might lead to a *de facto* introduction of a situation akin to debtor's prison; meanwhile, the search for more effective alternative offender dispositions might be thwarted; introduction of an essentially civil remedy into criminal proceedings without procedural protections comparable to those afforded a civil respondent; public and legislative opinion might be misled to believe that victims are being compensated adequately, whereas much of the restitution ordered will never be paid; this in turn leads to a possible obstacle to the development of alternative victim remedies in those cases in which restitution does not materialize.

It is important, therefore, that restitution programs collect data on the types of offenses, losses, and victims with which they are dealing to make comparisons with the type of analysis presented here and with official statistics such as the Uniform Crime Reports of the F.B.I. In this way, it will be possible to determine not only who is benefiting from restitutive dispositions but also who is not. This latter group can then provide the basis for consideration of alternative schemes to benefit crime victims, to supplement both State-funded compensation and offender restitution programs.

It was pointed out at the outset of this report that restitution is intuitively appealing as a source of aid to victims and as a possible beneficial sentencing option for offenders. It should be obvious, however, that these are not always mutually obtainable goals. In cases of conflict, a decision must be made whether the emphasis is to be on the victim or the offender, and the effects of either choice must be examined before a stance towards restitution can be adopted. Restitution *may* prove to have a significant impact upon sentencing and correctional practices in the near future. Until research has shown whether that impact will be beneficial or deleterious, restitution must be viewed with the cautious optimism appropriate to any other innovation.

APPENDIX A National Crime Survey Questionnaire

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Form Approved: O.M.B. No. 41-R2661

FORM NCS-3 and NCS-4
(6-8-74)

U.S. DEPARTMENT OF COMMERCE
SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION
BUREAU OF THE CENSUS
ACTING AS COLLECTING AGENT FOR THE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
U.S. DEPARTMENT OF JUSTICE

**NATIONAL CRIME SURVEY
CENTRAL CITIES SAMPLE**

FORM NCS-3 - BASIC SCREEN QUESTIONNAIRE
FORM NCS-4 - CRIME INCIDENT REPORT

NOTICE - Your report to the Census Bureau is confidential by law (Public Law 93-83). All identifiable information will be used only by persons engaged in and for the purposes of the survey, and may not be disclosed or released to others for any purpose.

Control number

PSU	Serial	Panel	HH	Segment
-----	--------	-------	----	---------

1. Interviewer identification
Code _____ Name _____

2. Record of interview
Line number of household respondent (cc 8) _____ Date completed _____

3. Reason for noninterview (cc 26d)
TYPE A (Enter reason and race)
Reason
1 No one home
2 Temporarily absent - Return date _____
3 Refused
4 Other Occ. - Specify _____
Race of head
1 White
2 Negro
3 Other
TYPE B
1 Vacant - Regular
2 Vacant - Storage of HH furniture
3 Temporarily occupied by persons with URE
4 Unfit or to be demolished
5 Under construction, not ready
6 Converted to temporary business or storage
7 Unoccupied tent site or trailer site
8 Permit granted, construction not started
9 Other - Specify _____
TYPE C
1 Unused line of listing sheet
2 Demolished
3 House or trailer moved
4 Outside segment
5 Converted to permanent business or storage
6 Merged
7 Condemned
8 Built after April 1, 1970
9 Other - Specify _____
TYPE Z
Interview not obtained for _____
Line number _____

4. Household status
1 Same household as last enumeration
2 Replacement household since last enumeration
3 Previous noninterview or not in sample before

5. Special place type code (cc 6c)

6. Tenure (cc 7)
1 Owned or being bought
2 Rented for cash
3 No cash rent

7. Type of living quarters (cc 11)
Housing Unit
1 House, apartment, flat
2 HU in nontransient hotel, motel, etc.
3 HU - Permanent in transient hotel, motel, etc.
4 HU in rooming house
5 Mobile home or trailer
6 HU not specified above - Describe _____
OTHER Unit
7 Quarters not HU in rooming or boarding house
8 Unit not permanent in transient hotel, motel, etc.
9 Vacant tent site or trailer site
10 Not specified above - Describe _____

8. Number of housing units in structure (cc 23)
1 1
2 2
3 3
4 4
5 5-9
6 10 or more
7 Mobile home or trailer
8 Only OTHER units

9. (Other than the . . . business) does anyone in this household operate a business from this address?
1 No
2 Yes - What kind of business is that? _____

10. Family income (cc 24)
1 Under \$1,000
2 \$1,000 to 1,999
3 2,000 to 2,999
4 3,000 to 3,999
5 4,000 to 4,999
6 5,000 to 5,999
7 6,000 to 7,499
8 \$7,500 to 9,999
9 10,000 to 11,999
10 12,000 to 14,999
11 15,000 to 19,999
12 20,000 to 24,999
13 25,000 and over

11. Household members 12 years of age and OVER
Total number _____

12. Household members UNDER 12 years of age
Total number _____
0 None

13. Crime incident Reports filled
Total number _____
0 None

CENSUS USE ONLY

030 _____ 031 _____ 032 _____ 033 _____

NCS 3 and 4

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PERSONAL CHARACTERISTICS											
14. NAME (of household respondent)	15. TYPE OF INTERVIEW	16. LINE NO.	17. RELATIONSHIP TO HOUSEHOLD HEAD	18. AGE LAST BIRTH-DAY	19. MARITAL STATUS	20a. RACE	20b. ORIGIN	21. SEX	22. ARMED FORCES MEMBER	23. What is the highest grade (or year) of regular school you have ever attended?	24. Did you complete that year?
KEYER - BEGIN NEW RECORD	(cc 8)	(cc 9b)	(cc 13)	(cc 14)	(cc 15)	(cc 16)	(cc 17)	(cc 18)	(cc 19)	(cc 20)	
Last	(034) 1 <input type="checkbox"/> Per.-Self-resp. 2 <input type="checkbox"/> Tel.-Self-resp.	(035) 1 <input type="checkbox"/> Head 2 <input type="checkbox"/> Wife of head	(036) 1 <input type="checkbox"/> Head 2 <input type="checkbox"/> Wife of head 3 <input type="checkbox"/> Own child 4 <input type="checkbox"/> Other relative 5 <input type="checkbox"/> Non-relative	(037) 1 <input type="checkbox"/> M. 2 <input type="checkbox"/> Wd. 3 <input type="checkbox"/> D. 4 <input type="checkbox"/> Sep. 5 <input type="checkbox"/> NM	(038) 1 <input type="checkbox"/> M. 2 <input type="checkbox"/> W. 3 <input type="checkbox"/> Dt.	(039) 1 <input type="checkbox"/> W. 2 <input type="checkbox"/> Neg.	(040) 1 <input type="checkbox"/> M. 2 <input type="checkbox"/> F.	(041) 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No	(042) 00 <input type="checkbox"/> Never attended or kindergarten 01 <input type="checkbox"/> Elementary (01-08) 02 <input type="checkbox"/> H.S. (09-12) 03 <input type="checkbox"/> College (21-26+)	(043) 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No	
First	3 <input type="checkbox"/> Per.-Proxy 4 <input type="checkbox"/> Tel.-Proxy 5 <input type="checkbox"/> NI-Fill 16-21										
CHECK ITEM A Look at item 4 on cover page. Is this the same household as last enumeration? (Box 1 marked) <input type="checkbox"/> Yes - SKIP to Check Item B <input type="checkbox"/> No											
25a. Did you live in this house on April 1, 1970? (044) 1 <input type="checkbox"/> Yes - SKIP to Check Item B 2 <input type="checkbox"/> No											
b. Where did you live on April 1, 1970? (State, foreign country, U.S. possession, etc.) State, etc. _____ County _____											
c. Did you live inside the limits of a city, town, village, etc.? (045) 1 <input type="checkbox"/> No 2 <input type="checkbox"/> Yes - Name of city, town, village, etc. _____											
d. Were you in the Armed Forces on April 1, 1970? (047) 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No											
CHECK ITEM B Is this person 16 years old or older? <input type="checkbox"/> No - SKIP to 29 <input type="checkbox"/> Yes											
26a. What were you doing most of LAST WEEK - (working, keeping house, going to school) or something else? (048) 1 <input type="checkbox"/> Working - SKIP to 28a 6 <input type="checkbox"/> Unable to work - SKIP to 28d 2 <input type="checkbox"/> With a job but not at work 7 <input type="checkbox"/> Retired 3 <input type="checkbox"/> Looking for work 8 <input type="checkbox"/> Other - Specify _____ 4 <input type="checkbox"/> Keeping house 5 <input type="checkbox"/> Going to school (If Armed Forces, SKIP to 28a)											
b. Did you do any work at all LAST WEEK, not counting work around the house? (Note: If farm or business operator in HH, ask about unpaid work.) (049) 0 <input type="checkbox"/> No 1 <input type="checkbox"/> Yes - How many hours? _____ SKIP to 28a											
c. Did you have a job or business from which you were temporarily absent or on layoff LAST WEEK? (050) 1 <input type="checkbox"/> No 2 <input type="checkbox"/> Yes - Absent - SKIP to 28a 3 <input type="checkbox"/> Yes - Layoff - SKIP to 27											
26d. Have you been looking for work during the past 4 weeks? (051) 1 <input type="checkbox"/> Yes No - When did you last work? 2 <input type="checkbox"/> Less than 5 years ago - SKIP to 28a 3 <input type="checkbox"/> 5 or more years ago 4 <input type="checkbox"/> Never worked } SKIP to 29											
27. Is there any reason why you could not take a job LAST WEEK? (052) 1 <input type="checkbox"/> No Yes - 2 <input type="checkbox"/> Already has a job 3 <input type="checkbox"/> Temporary illness 4 <input type="checkbox"/> Going to school 5 <input type="checkbox"/> Other - Specify _____											
28a. For whom did you (last) work? (Name of company, business, organization or other employer) (053) x <input type="checkbox"/> Never worked - SKIP to 29											
b. What kind of business or industry is this? (For example: TV and radio mfg., retail shoe store, State Labor Dept., farm) (054) _____											
c. Were you - (055) 1 <input type="checkbox"/> An employee of a PRIVATE company, business or individual for wages, salary or commissions? 2 <input type="checkbox"/> A GOVERNMENT employee (Federal, State, county, or local)? 3 <input type="checkbox"/> SELF-EMPLOYED in OWN business, professional practice or farm? 4 <input type="checkbox"/> Working WITHOUT PAY in family business or farm?											
d. What kind of work were you doing? (For example: electrical engineer, stock clerk, typist, farmer) (056) _____											
e. What were your most important activities or duties? (For example: typing, keeping account books, selling cars, etc.) (057) _____											
Notes											

HOUSEHOLD SCREEN QUESTIONS	
29. Now I'd like to ask some questions about crime. They refer only to the last 12 months - between _____, 197__ and _____, 197__ During the last 12 months, did anyone break into or somehow illegally get into your (apartment/home), garage, or another building on your property? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No	32. Did anyone take something belonging to you or to any member of this household, from a place where you or they were temporarily staying, such as a friend's or relative's home, a hotel or motel, or a vacation home? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No
30. (Other than the incident(s) just mentioned) Did you find a door jimmied, a lock forced, or any other signs of an ATTEMPTED break in? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No	33. What was the total number of motor vehicles (cars, trucks, etc.) owned by you or any other member of this household during the last 12 months? (037) None - SKIP to 36 1 <input type="checkbox"/> 1 2 <input type="checkbox"/> 2 3 <input type="checkbox"/> 3 4 <input type="checkbox"/> 4 or more
31. Was anything at all stolen that is kept outside your home, or happened to be left out, such as a bicycle, a garden hose, or lawn furniture? (Other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No	34. Did anyone steal, TRY to steal, or use (it/any of them) without permission? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No
35. Did anyone steal or TRY to steal part of (it/any of them), such as a battery, hubcaps, tape-deck, etc.? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No	
INDIVIDUAL SCREEN QUESTIONS	
36. The following questions refer only to things that happened to you during the last 12 months - between _____, 197__ and _____, 197__ Did you have your (pocket picked/purse snatched)? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No	46. Did you find any evidence that someone ATTEMPTED to steal something that belonged to you? (Other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No
37. Did anyone take something (else) directly from you by using force, such as by a stickup, mugging or threat? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No	47. Did you call the police during the last 12 months to report something that happened to you which you thought was a crime? (Do not count any calls made to the police concerning the incidents you have just told me about.) <input type="checkbox"/> No - SKIP to 48 <input type="checkbox"/> Yes - What happened? _____ _____ _____
38. Did anyone TRY to rob you by using force or threatening to harm you? (Other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No	48. Did anything happen to you during the last 12 months which you thought was a crime, but did NOT report to the police? (Other than any incidents already mentioned) <input type="checkbox"/> No - SKIP to Check Item E <input type="checkbox"/> Yes - What happened? _____ _____ _____
39. Did anyone beat you up, attack you or hit you with something, such as a rock or bottle? (Other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No	49. Did anyone beat you up, attack you or hit you with something, such as a rock or bottle? (Other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No
40. Were you knifed, shot at, or attacked with some other weapon by anyone? (Other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No	CHECK ITEM C Look at 47. Was HH member 12 + attacked or threatened, or was something stolen or an attempt made to steal something that belonged to him? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No
41. Did anyone THREATEN to beat you up or THREATEN you with a knife, gun, or some other weapon, NOT including telephone threats? (Other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No	48. Did anything happen to you during the last 12 months which you thought was a crime, but did NOT report to the police? (Other than any incidents already mentioned) <input type="checkbox"/> No - SKIP to Check Item E <input type="checkbox"/> Yes - What happened? _____ _____ _____
42. Did anyone TRY to attack you in some other way? (Other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No	49. Did anyone beat you up, attack you or hit you with something, such as a rock or bottle? (Other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No
43. During the last 12 months, did anyone steal things that belonged to you from inside any car or truck, such as packages or clothing? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No	CHECK ITEM D Look at 48. Was HH member 12 + attacked or threatened, or was something stolen or an attempt made to steal something that belonged to him? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No
44. Was anything stolen from you while you were away from home, for instance at work, in a theater or restaurant, or while traveling? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No	CHECK ITEM E Do any of the screen questions contain any entries for "How many times?" <input type="checkbox"/> No - Interview next HH member. End interview if last respondent, and fill item 13 on cover. <input type="checkbox"/> Yes - Fill Crime Incident Reports.
45. (Other than any incidents you've already mentioned) was anything (else) at all stolen from you during the last 12 months? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No	

PERSONAL CHARACTERISTICS															
14. NAME	15. TYPE OF INTERVIEW	16. LINE NO.	17. RELATIONSHIP TO HOUSEHOLD HEAD	18. AGE LAST BIRTHDAY	19. MARITAL STATUS	20a. RACE	20b. ORIGIN	21. SEX	22. ARMED FORCES MEMBER	23. What is the highest grade (or year) of regular school you have ever attended?	24. Did you complete that year?				
KEYER - BEGIN NEW RECORD	(cc 8)	(cc 9b)	(cc 13)	(cc 14)	(cc 15)	(cc 16)	(cc 17)	(cc 18)	(cc 19)	(cc 20)					
L951	(034) 1 <input type="checkbox"/> Per. - Self-resp. 2 <input type="checkbox"/> Tel. - Self-resp. 3 <input type="checkbox"/> Per. - Proxy 4 <input type="checkbox"/> Tel. - Proxy 5 <input type="checkbox"/> NI - Fill 16-21	(035)	1 <input type="checkbox"/> Head 2 <input type="checkbox"/> Wife of head 3 <input type="checkbox"/> Own child 4 <input type="checkbox"/> Other relative 5 <input type="checkbox"/> Non-relative	(037)	1 <input type="checkbox"/> M. 2 <input type="checkbox"/> Wd. 3 <input type="checkbox"/> D. 4 <input type="checkbox"/> Sep. 5 <input type="checkbox"/> NM	(039)	1 <input type="checkbox"/> W. 2 <input type="checkbox"/> Neg. 3 <input type="checkbox"/> OI.	(040)	1 <input type="checkbox"/> M 2 <input type="checkbox"/> F	(041)	1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No	(042)	00 <input type="checkbox"/> Never attended or kindergarten 01 <input type="checkbox"/> Elementary (01-08) 02 <input type="checkbox"/> H.S. (09-12) 03 <input type="checkbox"/> College (21-26+)	(043)	1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No
CHECK ITEM A Look at item 4 on cover page. Is this the same household as last enumeration? (Box 1 marked) <input type="checkbox"/> Yes - SKIP to Check Item B <input type="checkbox"/> No															
25a. Did you live in this house on April 1, 1970? 1 <input type="checkbox"/> Yes - SKIP to Check Item B 2 <input type="checkbox"/> No b. Where did you live on April 1, 1970? (State, foreign country, U.S. possession, etc.) State, etc. _____ County _____ c. Did you live inside the limits of a city, town, village, etc.? 1 <input type="checkbox"/> No 2 <input type="checkbox"/> Yes - Name of city, town, village, etc. _____ d. Were you in the Armed Forces on April 1, 1970? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No															
CHECK ITEM B Is this person 16 years old or older? <input type="checkbox"/> No - SKIP to 36 <input type="checkbox"/> Yes															
26a. What were you doing most of LAST WEEK - (working, keeping house, going to school) or something else? 1 <input type="checkbox"/> Working - SKIP to 28a 2 <input type="checkbox"/> Unable to work - SKIP to 28a 3 <input type="checkbox"/> With a job but not at work 4 <input type="checkbox"/> Retired 5 <input type="checkbox"/> Looking for work 6 <input type="checkbox"/> Other - Specify _____ 7 <input type="checkbox"/> Keeping house 8 <input type="checkbox"/> Going to school (If Armed Forces, SKIP to 28a) b. Did you do any work at all LAST WEEK, not counting work around the house? (Note: If farm or business operator in HH, ask about unpaid work.) 1 <input type="checkbox"/> No 2 <input type="checkbox"/> Yes - How many hours? _____ SKIP to 28a c. Did you have a job or business from which you were temporarily absent or on layoff LAST WEEK? 1 <input type="checkbox"/> No 2 <input type="checkbox"/> Yes - Absent - SKIP to 28a 3 <input type="checkbox"/> Yes - Layoff - SKIP to 27															
26b. Have you been looking for work during the past 4 weeks? 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No - When did you last work? 3 <input type="checkbox"/> Less than 5 years ago - SKIP to 28a 4 <input type="checkbox"/> 5 or more years ago - SKIP to 36 5 <input type="checkbox"/> Never worked															
27. Is there any reason why you could not take a job LAST WEEK? 1 <input type="checkbox"/> No 2 <input type="checkbox"/> Yes - 2 <input type="checkbox"/> Already has a job 3 <input type="checkbox"/> Temporary illness 4 <input type="checkbox"/> Going to school 5 <input type="checkbox"/> Other - Specify _____															
28a. For whom did you (last) work? (Name of company, business, organization or other employer) x <input type="checkbox"/> Never worked - SKIP to 36 b. What kind of business or industry is this? (For example: TV and radio mfg., retail shoe store, State Labor Dept., farm) _____ c. Were you - 1 <input type="checkbox"/> An employee of a PRIVATE company, business or individual for wages, salary or commissions? 2 <input type="checkbox"/> A GOVERNMENT employee (Federal, State, county, or local)? 3 <input type="checkbox"/> SELF-EMPLOYED in OWN business, professional practice or farm? 4 <input type="checkbox"/> Working WITHOUT PAY in family business or farm? d. What kind of work were you doing? (For example: electrical engineer, stock clerk, typist, farmer) _____ e. What were your most important activities or duties? (For example: typing, keeping account books, selling cars, etc.) _____															
INDIVIDUAL SCREEN QUESTIONS															
36. The following questions refer only to things that happened to you during the last 12 months - between _____, 197____ and _____, 197____. Did you have your (pocket picked/purse snatched)? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No															
37. Did anyone take something (else) directly from you by using force, such as by a stickup, mugging or threat? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No															
38. Did anyone TRY to rob you by using force or threatening to harm you? (other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No															
39. Did anyone beat you up, attack you or hit you with something, such as a rock or bottle? (other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No															
40. Were you knifed, shot at, or attacked with some other weapon by anyone at all? (other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No															
41. Did anyone THREATEN to beat you up or THREATEN you with a knife, gun, or some other weapon, NOT including telephone threats? (other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No															
42. Did anyone TRY to attack you in some other way? (other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No															
43. During the last 12 months, did anyone steal things that belonged to you from inside any car or truck, such as packages or clothing? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No															
44. Was anything stolen from you while you were away from home, for instance at work, in a theater or restaurant, or while traveling? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No															
45. (Other than any incidents you've already mentioned) Was anything (else) at all stolen from you during the last 12 months? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No															
46. Did you find any evidence that someone ATTEMPTED to steal something that belonged to you? (other than any incidents already mentioned) <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No															
47. Did you call the police during the last 12 months to report something that happened to you which you thought was a crime? (Do not count any calls made to the police concerning the incidents you have just told me about.) <input type="checkbox"/> No - SKIP to 48 <input type="checkbox"/> Yes - What happened? _____															
CHECK ITEM C Look at 47 - Was HH member 12 attacked or threatened, or was something stolen or an attempt made to steal something that belonged to him? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No															
48. Did anything happen to you during the last 12 months which you thought was a crime, but did NOT report to the police? (other than any incidents already mentioned) <input type="checkbox"/> No - SKIP to Check Item E <input type="checkbox"/> Yes - What happened? _____															
CHECK ITEM D Look at 48 - Was HH member 12 attacked or threatened, or was something stolen or an attempt made to steal something that belonged to him? <input type="checkbox"/> Yes - How many times? _____ <input type="checkbox"/> No															
CHECK ITEM E Do any of the screen questions contain any entries for "How many times?" <input type="checkbox"/> No - Interview next HH member. End interview if last respondent, and fill item 13 on cover. <input type="checkbox"/> Yes - Fill Crime Incident Reports.															

FORM NCS-3 (16-3-74)

Page 4

KEYER - BEGIN NEW RECORD		Notes	NOTICE - Your report to the Census Bureau is confidential by law (Public Law 93-83). All identifiable information will be used only by persons engaged in and for the purposes of the survey, and may not be disclosed or released to others for any purpose.
(101)	Line number		FORM NCS-4 U.S. DEPARTMENT OF COMMERCE BUREAU OF THE CENSUS SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION ACTING AS COLLECTING AGENT FOR THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION U.S. DEPARTMENT OF JUSTICE CRIME INCIDENT REPORT NATIONAL CRIME SURVEY CENTRAL CITIES SAMPLE
(102)	Screen question number		
(103)	Incident number		
(104)	1a. You said that during the last 12 months - (Refer to appropriate screen question for description of crime). In what month (did this/did the first) incident happen? (Show flashcard if necessary. Encourage respondent to give exact month.)	_____ Month (01-12) Is this incident report for a series of crimes? 1 <input type="checkbox"/> No - SKIP to 2 2 <input type="checkbox"/> Yes - (Note: series must have 3 or more similar incidents which respondent can't recall separately)	
(105)	CHECK ITEM A		
(106)	b. In what month(s) did these incidents take place? (Mark all that apply)	1 <input type="checkbox"/> Spring (March, April, May) 2 <input type="checkbox"/> Summer (June, July, August) 3 <input type="checkbox"/> Fall (September, October, November) 4 <input type="checkbox"/> Winter (December, January, February)	
(107)	c. How many incidents were involved in this series?	1 <input type="checkbox"/> Three or four 2 <input type="checkbox"/> Five to ten 3 <input type="checkbox"/> Eleven or more 4 <input type="checkbox"/> Don't know	
(108)	2. About what time did (this/the most recent) incident happen?	1 <input type="checkbox"/> Don't know 2 <input type="checkbox"/> During the day (6 a.m. to 6 p.m.) 3 <input type="checkbox"/> At night (6 p.m. to 6 a.m.) 4 <input type="checkbox"/> 6 p.m. to midnight 5 <input type="checkbox"/> Midnight to 6 a.m. 6 <input type="checkbox"/> Don't know	
(109)	3a. Did this incident take place inside the limits of this city or somewhere else?	1 <input type="checkbox"/> Inside limits of this city - SKIP to 4 2 <input type="checkbox"/> Somewhere else in the United States 3 <input type="checkbox"/> Outside the United States - END INCIDENT REPORT	
(110)	b. In what State and county did this incident occur?	State _____ County _____	
(111)	c. Did it happen inside the limits of a city, town, village, etc.?	1 <input type="checkbox"/> No 2 <input type="checkbox"/> Yes - Enter name of city, town, etc. _____	
(112)	4. Where did this incident take place?	1 <input type="checkbox"/> At or in own dwelling, in garage or other building on property (Includes break-in or attempted break-in) 2 <input type="checkbox"/> At or in vacation home, hotel/motel 3 <input type="checkbox"/> Inside commercial building such as store, restaurant, bank, gas station, public conveyance or station 4 <input type="checkbox"/> Inside office, factory, or warehouse 5 <input type="checkbox"/> Near own home; yard, sidewalk, driveway, carport, apartment hall (Does not include break-in or attempted break-in) 6 <input type="checkbox"/> On the street, in a park, field, playground, school grounds or parking lot 7 <input type="checkbox"/> Inside school 8 <input type="checkbox"/> Other - Specify _____	SKIP to 6a ASK 5a SKIP to Check Item B
(113)	5a. Were you a customer, employee, or owner?	1 <input type="checkbox"/> Customer 2 <input type="checkbox"/> Employee 3 <input type="checkbox"/> Owner 4 <input type="checkbox"/> Other - Specify _____	
(114)	b. Did the person(s) steal or TRY to steal anything belonging to the store, restaurant, office, factory, etc.?	1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No 3 <input type="checkbox"/> Don't know	SKIP to Check Item B
(115)	6a. Did the offender(s) live there or have a right to be there, such as a guest or a workman?	1 <input type="checkbox"/> Yes - SKIP to Check Item B 2 <input type="checkbox"/> No 3 <input type="checkbox"/> Don't know	
(116)	b. Did the offender(s) actually get in or just TRY to get in the building?	1 <input type="checkbox"/> Actually got in 2 <input type="checkbox"/> Just tried to get in 3 <input type="checkbox"/> Don't know	
(117)	c. Was there any evidence, such as a broken lock or broken window, that the offender(s) forced his way in/TRIED to force his way in the building?	1 <input type="checkbox"/> No 2 <input type="checkbox"/> Yes - What was the evidence? Anything else? (Mark all that apply) 3 <input type="checkbox"/> Broken lock or window 4 <input type="checkbox"/> Forced door or window (or tried) 5 <input type="checkbox"/> Slashed screen 6 <input type="checkbox"/> Other - Specify _____	SKIP to Check Item B
(118)	d. How did the offender(s) get in/try to get in?	1 <input type="checkbox"/> Through unlocked door or window 2 <input type="checkbox"/> Had key 3 <input type="checkbox"/> Don't know 4 <input type="checkbox"/> Other - Specify _____	
(119)	CHECK ITEM B	Was respondent or any other member of this household present when this incident occurred? (If not sure, ASK) 1 <input type="checkbox"/> No - SKIP to 13a 2 <input type="checkbox"/> Yes	
(120)	7a. Did the person(s) have a weapon such as a gun or knife, or something he was using as a weapon, such as a bottle, or wrench?	1 <input type="checkbox"/> No 2 <input type="checkbox"/> Don't know 3 <input type="checkbox"/> Gun 4 <input type="checkbox"/> Knife 5 <input type="checkbox"/> Other - Specify _____	
(121)	b. Did the person(s) hit you, knock you down, or actually attack you in some other way?	1 <input type="checkbox"/> Yes - SKIP to 7f 2 <input type="checkbox"/> No	
(122)	c. Did the person(s) threaten you with harm in any way?	1 <input type="checkbox"/> No - SKIP to 7e 2 <input type="checkbox"/> Yes	

CRIME INCIDENT QUESTIONS - Continued

7d. How were you threatened? Any other way? (Mark all that apply)

1 Verbal threat of rape
 2 Verbal threat of attack other than rape
 3 Weapon present or threatened with weapon
 4 Attempted attack with weapon (for example, shot at)
 5 Object thrown at person
 6 Followed, surrounded
 7 Other - Specify _____

8. What actually happened? Anything else? (Mark all that apply)

1 Something taken without permission
 2 Attempted or threatened to take something
 3 Harassed, argument, abusive language
 4 Forcible entry or attempted forcible entry of house
 5 Forcible entry or attempted entry of car
 6 Damaged or destroyed property
 7 Attempted or threatened to damage or destroy property
 8 Other - Specify _____

9a. Did insurance or any health benefits program pay for all or part of the total medical expenses?

1 Not yet settled
 2 None
 3 All
 4 Part

9b. How much did insurance or a health benefits program pay?

\$ _____ (Obtain an estimate, if necessary)

10a. Did you do anything to protect yourself or your property during the incident?

1 No - SKIP to 11
 2 Yes

10b. What did you do? Anything else? (Mark all that apply)

1 Used/brandished gun or knife
 2 Used/tried physical force (hit, chased, threw object, used other weapon, etc.)
 3 Tried to get help, attract attention, scare offender away (screamed, yelled, called for help, turned on lights, etc.)
 4 Threatened, argued, reasoned, etc., with offender
 5 Resisted without force, used evasive action (ran/drove away, hid, held property, locked door, ducked, shielded self, etc.)
 6 Other - Specify _____

11. Was the crime committed by only one or more than one person?

1 Only one
 2 Don't know
 3 More than one

12a. Was this person male or female?

1 Male
 2 Female
 3 Don't know

12b. How old would you say the person was?

1 Under 12
 2 12-14
 3 15-17
 4 18-20
 5 21 or over
 6 Don't know

12c. Was the person someone you knew or was he a stranger?

1 Stranger
 2 Don't know
 3 Known by sight only
 4 Casual acquaintance
 5 Well known

12d. Was the person a relative of yours?

1 No
 Yes - What relationship?
 2 Spouse or ex-spouse
 3 Parent
 4 Own child
 5 Brother or sister
 6 Other relative - Specify _____

12e. Was he/she -

1 White?
 2 Negro?
 3 Other? - Specify _____

12f. Were all of them -

1 White?
 2 Negro?
 3 Other? - Specify _____

12g. How many persons?

1 All male
 2 All female
 3 Male and female
 4 Don't know

12h. How old would you say the youngest was?

1 Under 12
 2 12-14
 3 15-17
 4 18-20
 5 21 or over
 6 Don't know

12i. How old would you say the oldest was?

1 Under 12
 2 12-14
 3 15-17
 4 18-20
 5 21 or over
 6 Don't know

12j. Were any of the persons known or related to you or were they all strangers?

1 All strangers
 2 Don't know
 3 All relatives
 4 Some relatives
 5 All known
 6 Some known

12k. How well were they known? (Mark all that apply)

1 By sight only
 2 Casual acquaintance(s)
 3 Well known

12l. How were they related to you? (Mark all that apply)

1 Spouse or ex-spouse
 2 Parents
 3 Own children
 4 Brothers/sisters
 5 Other - Specify _____

12m. Did you do anything to protect yourself or your property during the incident?

1 No - SKIP to 11
 2 Yes

12n. What were the injuries you suffered, if any? Anything else? (Mark all that apply)

1 None - SKIP to 10a
 2 Raped
 3 Attempted rape
 4 Knife or gunshot wounds
 5 Broken bones or teeth knocked out
 6 Internal injuries, knocked unconscious
 7 Bruises, black eye, cuts, scratches, swelling
 8 Other - Specify _____

12o. Were you injured to the extent that you needed medical attention after the attack?

1 No - SKIP to 10a
 2 Yes

12p. Did you receive any treatment at a hospital?

1 No
 2 Emergency room treatment only
 3 Stayed overnight or longer - How many days? _____

12q. What was the total amount of your medical expenses resulting from this incident, INCLUDING anything paid by insurance? Include hospital and doctor bills, medicine, therapy, braces, and any other injury-related medical expenses. INTERVIEWER - If respondent does not know exact amount, encourage him to give an estimate.

1 No cost - SKIP to 10a
 2 Don't know
 \$ _____

12r. At the time of the incident, were you covered by any medical insurance, or were you eligible for benefits from any other type of health benefits program, such as Medicaid, Veterans' Administration, or Public Welfare?

1 No
 2 Don't know
 3 Yes

12s. Did you file a claim with any of these insurance companies or programs in order to get part or all of your medical expenses paid?

1 No - SKIP to 10a
 2 Yes

FORM HCS-4 (8-3-74) Page 10

CRIME INCIDENT QUESTIONS - Continued

12a. Were you the only person there besides the offender(s)?

1 Yes - SKIP to 13a
 2 No

12b. How many of these persons, not counting yourself, were robbed, harmed, or threatened? Do not include persons under 12 years of age.

0 None - SKIP to 13a
 _____ Number of persons

12c. Are any of these persons members of your household now? Do not include household members under 12 years of age.

0 No
 Yes - How many, not counting yourself?
 _____ (Also mark "Yes" in Check Item 1 on page 12)

12d. Was something stolen or taken without permission that belonged to you or others in the household? INTERVIEWER - Include anything stolen from unrecognizable business in respondent's home. Do not include anything stolen from a recognizable business in respondent's home or another business, such as merchandise or cash from a register.

1 Yes - SKIP to 13f
 2 No

12e. Did the person(s) ATTEMPT to take something that belonged to you or others in the household?

1 No - SKIP to 13e
 2 Yes

12f. What did they try to take? Anything else? (Mark all that apply)

1 Purse
 2 Wallet or money
 3 Car
 4 Other motor vehicle
 5 Part of car (hubcap, tape-deck, etc.)
 6 Don't know
 7 Other - Specify _____

12g. Did they try to take a purse, wallet, or money? (Box 1 or 2 marked in 13c)

1 No - SKIP to 18a
 2 Yes

12h. Was the purse/wallet/money on your person, for instance in a pocket or being held?

1 Yes
 2 No - SKIP to 18a

12i. What did happen? (Mark all that apply)

1 Attacked
 2 Threatened with harm
 3 Attempted to break into house or garage
 4 Attempted to break into car
 5 Harassed, argument, abusive language
 6 Damaged or destroyed property
 7 Attempted or threatened to damage or destroy property
 8 Other - Specify _____

12j. What was taken that belonged to you or others in the household? What else?

Cash: \$ _____
 and/or
 Property: (Mark all that apply)
 0 Only cash taken - SKIP to 14c
 1 Purse
 2 Wallet
 3 Car
 4 Other motor vehicle
 5 Part of car (hubcap, tape-deck, etc.)
 6 Other - Specify _____

12k. Was a car or other motor vehicle taken? (Box 3 or 4 marked in 13f)

1 No - SKIP to Check Item E
 2 Yes

12l. Had permission to use the (car/motor vehicle) ever been given to the person who took it?

1 No
 2 Don't know
 3 Yes

12m. Did the person return the (car/motor vehicle)?

1 Yes
 2 No

12n. Is Box 1 or 2 marked in 13f?

1 No - SKIP to 15a
 2 Yes

12o. Was the (purse/wallet/money) on your person, for instance, in a pocket or being held by you when it was taken?

1 Yes
 2 No

12p. Was only cash taken? (Box 0 marked in 13f)

1 Yes - SKIP to 16a
 2 No

12q. Altogether, what was the value of the PROPERTY that was taken? INTERVIEWER - Exclude stolen cash, and enter \$0 for stolen checks and credit cards, even if they were used.

\$ _____

12r. How did you decide the value of the property that was stolen? (Mark all that apply)

1 Original cost
 2 Replacement cost
 3 Personal estimate of current value
 4 Insurance report estimate
 5 Police estimate
 6 Don't know
 7 Other - Specify _____

12s. Was all or part of the stolen money or property recovered, except for anything received from insurance?

1 None
 2 All
 3 Part

12t. What was recovered?

Cash: \$ _____
 and/or
 Property: (Mark all that apply)
 0 Cash only recovered - SKIP to 17a
 1 Purse
 2 Wallet
 3 Car
 4 Other motor vehicle
 5 Part of car (hubcap, tape-deck, etc.)
 6 Other - Specify _____

12u. What was the value of the property recovered (excluding recovered cash)?

\$ _____

FORM HCS-4 (8-3-74) Page 11

CRIME INCIDENT QUESTIONS - Continued

17a. Was there any insurance against theft?
 (170) 1 No } SKIP to 18a
 2 Don't know }
 3 Yes

b. Was this loss reported to an insurance company?
 (171) 1 No } SKIP to 18a
 2 Don't know }
 3 Yes

c. Was any of this loss recovered through insurance?
 (172) 1 Not yet settled } SKIP to 18a
 2 No }
 3 Yes

d. How much was recovered?
 INTERVIEWER - If property replaced by insurance company instead of cash settlement, ask for estimate of value of the property replaced.
 (173) \$ _____

18a. Did any household member lose any time from work because of this incident?
 (174) 0 No - SKIP to 19a
 Yes - How many members? _____

b. How much time was lost altogether?
 (175) 1 Less than 1 day
 2 1-5 days
 3 6-10 days
 4 Over 10 days
 5 Don't know

19a. Was anything damaged but not taken in this incident? For example, was a lock or window broken, clothing damaged, or damage done to a car, etc.?
 (176) 1 No - SKIP to 20a
 2 Yes

b. (Was/were) the damaged item(s) repaired or replaced?
 (177) 1 Yes - SKIP to 19d
 2 No

c. How much would it cost to repair or replace the damaged item(s)?
 (178) \$ _____ } SKIP to 20a
 x Don't know

d. How much was the repair or replacement cost?
 (179) x No cost or don't know - SKIP to 20a
 \$ _____

e. Who paid or will pay for the repairs or replacement? (Mark all that apply)
 (180) 1 Household member
 2 Landlord
 3 Insurance
 4 Other - Specify _____

20a. Were the police informed of this incident in any way?
 (181) 1 No
 2 Don't know - SKIP to Check Item G
 Yes - Who told them?
 3 Household member } SKIP to Check Item G
 4 Someone else }
 5 Police on scene

b. What was the reason this incident was not reported to the police? (Mark all that apply)
 (182) 1 Nothing could be done - lack of proof
 2 Did not think it important enough
 3 Police wouldn't want to be bothered
 4 Did not want to take time - too inconvenient
 5 Private or personal matter, did not want to report it
 6 Did not want to get involved
 7 Afraid of reprisal
 8 Reported to someone else
 9 Other - Specify _____

Is this person 16 years or older?
 No - SKIP to Check Item H
 Yes - ASK 21a

21a. Did you have a job at the time this incident happened?
 (183) 1 No - SKIP to Check Item H
 2 Yes

b. What was the job?
 (184) 1 Same as described in NCS-3 items 28a-e - SKIP to Check Item H
 2 Different than described in NCS-3 items 28a-e

c. For whom did you work? (Name of company, business, organization or other employer)

d. What kind of business or industry is this? (For example: TV and radio mfg., retail shoe store, State Labor Dept., farm)
 (187) _____

e. Were you -
 (188) 1 An employee of a PRIVATE company, business or individual for wages, salary or commissions?
 2 A GOVERNMENT employee (Federal, State, county or local)?
 3 SELF-EMPLOYED in OWN business, professional practice or farm?
 4 Working WITHOUT PAY in family business or farm?

f. What kind of work were you doing? (For example: electrical engineer, stock clerk, typist, farmer)
 (189) _____

g. What were your most important activities or duties? (For example: typing, keeping account books, selling cars, finishing concrete, etc.)

Summarize this incident or series of incidents.
 CHECK ITEM H

Look at 12c on Incident Report. Is there an entry for "How many?"
 No
 Yes - Be sure you have an Incident Report for each HH member 12 years of age or over who was robbed, harmed, or threatened in this incident.
 CHECK ITEM I

Is this the last Incident Report to be filled for this person?
 No - Go to next Incident Report.
 Yes - Is this the last HH member to be interviewed?
 No - Interview next HH member.
 Yes - END INTERVIEW. Enter total number of Crime Incident Reports filled for this household in Item 13 on the cover of NCS-3.
 CHECK ITEM J

FORM NCS-4 (10-3-74) Page 12

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