Restitution & Reparation

Paper delivered by *Dr. J. A. Seymour at a seminar organised by the Queensland Branch of the Australian Crime Prevention Council, Brisbane, 17 May 1978 on the subject of "Juvenile Crime and Restitution".

(* Dr J. A. Seymour, B.A., LL.B., PhD. [University of Auckland] Dip. Crim. [Cantab.])

Formerly Senior Lecturer in Law at the University of Auckland specialising in the teaching of criminal law and criminology. His PhD thesis is entitled Dealing with Young Offenders and is an analysis of British, American and New Zealand procedures. His present position is Senior Criminologist (Legal) at the Australian Institute of Criminology and his major research interest at the moment is the Australian Children's Court system.

●●●●●

Before beginning a discussion of different types of recompense made by an offender it is necessary to draw a distinction between measures which involve the offender in making amends to the victim, and those which involve the wider community. The terminology varies, and in this paper — arbitrarily refer to the former as restitution and to the latter as reparation. Restitution, then, is a term indicating a private sort of transaction, whereas reparation embraces something more public, the meeting of an obligation towards society.

RESTITUTION

When a criminal lawyer is asked to recite the aims of sentencing he is likely to list retribution, denunciation, deterrence and reformation or rehabilitation. Recompensing the victim of a crime is not seen as one of the central concerns of the system. If challenged on this point the lawyer will make a clear but not entirely satisfying distinction between criminal and civil law. The victim, he will tell us, can always institute a civil action against the offender; it is not the state's job to attend to his loss or injury. The lawyer will simply look resigned if it is pointed out that such an action might prove expensive, will take a long time, and might not be productive.

Although the criminal law's lack of concern for the victim and the harm he has suffered is striking it is interesting to note that the system has not always adopted the attitude described, nor is it displayed in all cultures. Anglo-Saxon law emphasised the payment of compensation to the victim, but gradually procedures changed so that dealing with criminal acts became a matter for the King rather than a matter to be resolved between the parties. Also, in some "primitive" societies a major aim of sanctions is the restoration of good relations and the re-establishing of disrupted social harmony (Beattie, 1966, Chapter 10). In other words, righting the wrong, restoring the *status quo,* are seen as more important than the infliction of punishment.

There are a number of impediments to the whole-hearted pursuit of such objectives in Australia in 1978. Crime is seen as the concern of a central political authority. Crime has public as well as private aspects. Crimes are seen as injuring the state and the state is expected to assume responsibility for law and order. Further, our culture accepts notions of guilt and sin which means that it is not enough for the criminal law to pursue reconciliation: it must also impose punishment and express the community's feelings of indignation and outrage. Thus when an offence is committed the state takes over. The question to be asked is, when it does so, whether there is any reason for the victim to be ignored and excluded?

> A Canadial Law Reform report makes the point by asking:
> Doesn't it seem to be a rejection of common sense that a convicted offender is rarely made to pay for the damage he has done? Isn't it surprising that the victim generally gets nothing for his loss? (Law Reform Commission of Canada, 1974, 5).

As the same report states, an emphasis on restitution is just (as the measure is intended to right the wrong done by the offender), rational (as it recognises crime as an "inevitable aspect of social living" and instead of rejecting the offender as a parasite it imposes a sanction which encourages reconciliation and redress), and practical (as it recognises the victim's claim to satisfaction). The Commission concluded that restitution should be a central consideration in sentencing (Law Reform Commission of Canada, 1974, 5-8).

As a declaration of principle this conclusion seems clear enough. However, Stenning and Ciano, two commentators on the report have raised doubts about it. One of their objections is based on the view that it is inappropriate for a criminal court to adopt such a principle; the task of this court, they argue, is to focus on the offender, to establish his guilt, and to sentence him on this basis. (Stenning and Ciano, 1975, 323.) This seems to me rather a narrow view. The criminal justice system is under strain. It stands in need of a cool and searching re-appraisal. What the Commission seems to me to be saying is that an effort must be made to equip the courts with more rational and less negative measures. Restitution seems to be a worthwhile objective to pursue. It must not be pursued too enthusiastically and restitution orders must be employed selectively. As a goal restitution must take its place with other, often conflicting, aims of the penal system.

Stenning and Ciano's second objection is much more difficult to dismiss, particularly in its application to juveniles of Children's Court age. They point to the growing importance of diversionary strategies and suggest that many of the cases which might appropriately be dealt with by way of restitution orders could properly be diverted from the courts. An informal arrangement can be made for the offender to recompense the victim and such an arrangement obviates the need to take the case to court. (Stenning and Ciano, 1975, 324.) Indeed, such arrangements are made regularly and this fact requires a reconsideration of the earlier statement that the criminal justice system does not concern itself with restitution. It is the formal, court segment of the system of which this comment can be made.

The growing emphasis of the diversion of young offenders certainly reduces the scope for court ordered restitution. However, it does not mean that there is no room for the Children's Courts to employ this measure. There are limits to what can and should be achieved informally at the pre-court stage. Where restitution can be simply and quickly made this can be arranged without intervention by a court, but where more elaborate arrangements are needed the formality of a court order will often be required. Further there will be some cases which will have to go to court for other reasons, for example the seriousness of persistence of the child's offending or because of his unsatisfactory home background. Requirements as to restitution might form an important component in the court's disposition in some of these cases.

Also, in the Australian context, Stenning and Ciano's comment is less relevant to offending by older juveniles (i.e., those outside the jurisdiction of a Children's Court). Comparatively few of these juveniles will be diverted from the court, and therefore there should be reasonable scope for the making of restitution orders.

SOME PROBLEMS

One important question to be considered is whether a restitution order should be regarded as a criminal penalty like any other. This question reminds us of the need to examine the public aspect of the criminal law, an aspect to which I referred at the beginning of this paper. If we view restitution as not fulfilling any of the traditional aims of the criminal justice system, then we are forced to conclude that a restitution order is never in itself sufficient as a penalty, since it concerns itself merely with the situation as between the offender and the victim. The state's demands are left unsatisfied. Acceptance of this

argument means that restitution orders must normally be combined with some other form of penalty. For example an offender can be directed to make restitution and to pay a fine on the assumption that the former repays the victim and the latter discharges a debt to society. To the offender this might seem excessive and appear to result in the infliction of a double penalty.

My own feeling is that distinguishing in this way between the public and private ingredients of a sanction is rather unsatisfactory. So little is known about the impact on offenders and potential offenders of the various facets of the criminal process that I do not believe that we can confidently conclude that the objectives of punishment and deterrence cannot, in appropriate cases, be fulfilled by the ordering of restitution. Certainly those who do favour the making of such orders frequently justify them by referring to their rehabilitative value. In other words they see restitution as fulfilling a widely accepted (though somewhat discredited) objective of the criminal justice system. The rehabilitative aspect is said to lie in the way the restitution order makes the offender face up to what he has done and come to terms with its effects on another person.

It is, I think, true to say that the focus of any restitution scheme is largely on the offender. Requiring restitution is seen as a rational and positive method of dealing with him. The fact must be faced that asking him to make amends is not the most effective means of recompensing the victim. Many crimes are not solved and even when an offender is apprehended the making of a restitution order may not be appropriate. If we were setting out to create a scheme to meet the needs of victims we would be much better to occupy ourselves with the design of a system of state compensation. Further, the needs of victims are frequently very efficiently met by an insurance company. In the case of a house burglary, for example, the victim who seeks reimbursement is likely to receive it much more quickly from his insurer. If he looks to the offender he might find that he has embarked on a slow and uncertain process. It can be argued that it is desirable that he should do so as, by looking to the offender, he underlines the inter-relationships which should exist between members of a community. However, the existence of an insurance system makes it more difficult to take this broader view.

These arguments raise another problem. I have talked a good deal about the victim without defining him or her. When we speak of making restitution to the victim we tend to think of something like an old lady — your mother, my mother — who has had her television set stolen. It makes good sense to say that the offender should face up to the harm he has inflicted on her and provide her with a new set. But victims do not always come in such an appealing guise. Are we going to be enthusiastic about the positive effect of making restitution when the victim is a large company, perhaps the owner of a supermarket chain? Such a speculation also brings us back to the insurance company. When the individual who has suffered loss has made a successful insurance claim do we see much value in the making of a restitution order in favour of the insurer? I am not suggesting that such an order is valueless, merely that the insurance company might not be the sort of victim which some of the proponents of a restitution scheme have in mind.

Other difficulties may be more simply stated. No doubt some will point out that offenders frequently lack means and have poor work records. The problems are increased in times when rates of unemployment are high. Such factors must be taken into account and are arguments for discrimination in the making of restitution orders. Further, it will often be difficult for the courts to assess the amount of restitution which should be ordered. There might be a dispute as to the value of the property stolen or as to the amount of damage caused by the offender. The victim might make an inflated claim. Such matters would cause difficulties for the courts and consideration might be given to the appointment of a court officer who could decide what sum should be paid. This was one solution suggested by the Canadian Law Reform Commission which recommended that a judge should be able to refer cases to a court clerk or administrator for assessment. (Law Reform Commission of Canads, 1974, 12.)

Some of the schemes in the United States find it valuable for the victim to be involved in the process and to confront the offender. Such a practice can be supported as a means of bringing home to the offender what he has done to one of his fellows, but equally it can be seen is an experience which the victim would prefer to avoid.

THE FORM OF THE ORDER

Let us now consider the legislative and administrative framework needed to implement a system of restitution.

A simple order can be made, directing the offender to pay a specified sum either in one amount or by instalments. This money will normally be paid to the court, although in some cases it might be appropriate for the offender to pay it directly to the victim. Restitution orders can be enforced in just the same way as fines; proceedings may be taken against defaulters. In this connection it is worth mentioning New Zealand's use of periodic detention (discussed below) as a sanction for fine defaulters.

A second approach is to combine an order for restitution with a probation or supervision order. This has the advantage of combining it with a well accepted form of sentence and the supervision of payment by a probation or child welfare officer is made possible. One comment can be made on this combination. The order should not be linked with probation unless the offender really needs the counselling and supervision which probation entails. Probation and welfare officers are notoriously overworked, and their skills should not be squandered on debt-collecting.

A more elaborate model has recently been developed in the United States in Minnesota.[1] There a restitution centre was opened in 1972. Adult property offenders are released to the centre as a condition of parole. They are released in the fourth month after their admission to prison. Before release they must sign a contract in which they agree to find a job and use part of their earnings to make regular payments to their victims. The contract is signed by the offender, the victim and the parole board. On occasions the preparation of this contract involves face-to-face negotiations between offender and victim. In a small number of cases "symbolic restitution" (which I have termed reparation) was made; in these cases the offenders worked as volunteers or paid a sum of money to a charitable organisation. The offenders (who would normally have spent about two years in prison) live at the centre for between 4 and 12 months. They pay board and participate in therapy if they have psychiatric, alcohol or drug problems. Thus the centre was designed as a community-based measure which would focus on restitution. The advantages of such a measure are obvious. The estrangement from society caused by lengthy incarceration is avoided, the outcome is a more positive one than would result if the man was left sitting in his cell, and the cost to the taxpayer is reduced.

It must be noted, however, that as the programme developed less emphasis was placed on restitution and more on treatment. It was found that those sent to the centre were passive, inadequate and had trouble coping. They also had poor work habits. Because of their personal problems it proved impossible to make restitution the sole focus.

The programme seems to have been reasonably successful. Of the 71 offenders admitted in the first two years, 25 (35%) failed while living at the centre, either as the result of absconding, committing further offences, or otherwise violating their parole. Further, a follow-up study of a number of released offenders showed that they had a higher success rate (based on such criteria as subsequent offending and employment record) than a matched control group. However, the numbers studied were very small and little weight can be placed on this research.

Other states have followed Minnesota's lead.[2] An interesting feature of some of the centres is that the programme caters for probationers as well as parolees. The Georgia centres house between 25 and 33 offenders and each has a staff of 9 augmented by volunteers. Included in the staff are probation officers who supervise the residents. As in Minnesota the programme includes reparation (in the form of work for the community) to cater for those cases where money payments to the victim would be inappropriate. Where restitution is ordered normally the offender lives at the centre until it is paid.

REPARATION

At the outset I defined reparation as being the meeting of an obligation to the community. The underlying idea is frequently expressed as being the payment of a debt to society. Reparation is thus a measure which can be seen as taking into account the state's interest in dealing with crime. The transaction is one between the offender and society, rather than between the offender and the victim.

SOME EXAMPLES

Before discussing the issues raised by reparative programmes — shall briefly describe a number of examples.

1. Community Service Orders and Work Orders

(a) England

In 1972, following recommendations contained in the Wootton Report (Home Office, 1970), provisions dealing with community service orders were enacted in England. Under s.15 of the *Criminal Justice Act* 1972 (now s.14 of the *Powers of Criminal Courts Act* 1973) an offender aged 17 or over may be sentenced to not less than 40 and not more than 240 hours of community work. Administration of the scheme is the task of the Probation and After-Care Service. Probation officers allocate tasks to offenders; the work is provided by local voluntary agencies, local authority departments and the Probation and After-Care Service itself. Examples of the work done are: general maintenance at a centre for handicapped children, help for the elderly and disabled, work at a youth club or at centres run by charitable organisations. Usually the work is done in the company of volunteers and others who normally perform it; the offenders do not form their own work gangs.

[1] The description which follows is based on Newton, 1976, 382-389.

[2] A list of some of these is provided by Hudson *et al.*, 1977, 319.

(b) Western Australia

In a 1976 amendment to the *Offenders Probation and Parole Act,* 1963-1977 (W.A.) Western Australia introduced community service orders. The legislation, which came into force on 1 February 1977, follows the English pattern, sets the minimum number of hours at 40 and the maximum at 240, and applies to offenders over 17. The work done is for individuals or non-profit and charitable organisations; it is hoped that it will be of value to them as well as to the offender and the wider community. The measure is administered by the Probation Service. One feature of the scheme is that an order may be combined with a probation order. The object of such a combination is to avoid the problems sometimes encountered overseas where volunteer supervisors found themselves in difficulties when they were expected to assume a counselling role.

(c) Tasmania

The Tasmanian Work Order scheme has been operating since 1 February 1972. Under an amendment to the *Probation of Offenders Act* 1934 (Tas.) an offender aged 16 or over may be ordered to work for a specified number of days, not exceeding 25. Usually the work is done on Saturdays. A work order may be combined with a probation order. The Probation and Parole Service administers the scheme, but on-the-job supervision is undertaken by members of community organisations. The work includes such tasks as gardening and maintenance at geriatric homes and sheltered workshops, involvement in civic projects, assistance with service club projects, and work for municipal authorities (for example, in parks and reserves).

II. Attendance Centres in Victoria

Following the enactment of a 1973 amendment to the *Social Welfare Act* 1970 (Vic.) Victoria opened its first two Attendance Centres in 1976. The measure is available for adults, who may serve a term of imprisonment of not less than one month or more than 12 months by way of attendance at a centre. What this involves is attendance for a maximum of 18 hours per week; usually what is required is attendance for two evenings per week and for a full day on Saturday. This permits a combination of a therapeutic regime with community work. The evening sessions are occupied with counselling and assistance with personal and family problems. Other help may be offered by putting the offender in touch with local agencies such as those specialising in drug or alcohol treatment or marital counselling. A wide range of work is undertaken on Saturday. Projects have included renovation and maintenance at children's homes, at institutions for the handicapped, at individual pensioners' homes, clearing Crown and local body land, building play-grounds, and general work for charitable organisations. Each Attendance Centre has a full-time staff of four, made up of a superintendent, a welfare officer, a programme supervisor, and a receptionist/typist. Also, four part-timers supervise the work projects.

III. Periodic Dentention in New Zealand

Provision for the sentence of periodic detention was first made in New Zealand in 1962, in an amendment to the *Criminal Justice Act* 1954. (For an outline of the statutory provisions see Seymour, 1969, and for a description of differing regimes see New Zealand Justice Department, 1973.)

The measure is an interesting one as it was initially introduced for young adults (those aged 15 and under 21) and it is residential. In a typical centre the offenders arrive at 7 pm on Friday and they stay until approximately 11 am on Sunday. On Friday and Saturday evening there is counselling and educational and sports activity. Saturday is devoted to work, either around the centre or on a community project. The community projects are undertaken by a group of offenders under the supervision of the deputy warden. The offenders must also attend on Wednesday evening. The maximum sentence is 12 months.

In 1966 the measure was also made available for adults. The adult sentence is non-residential, and involves attendance each Saturday to take part in a community project.

DISCUSSION

Work for the community can be regarded as fulfilling all or any of the traditional aims of a penal sanction. Depriving offenders of their free time and compelling them to work can be seen as punitive. If we take this view a person subject to a work order or community service order is no more than a member of a modern chain gang; the offender is subjected to discipline, forced to attend punctually and complete the task. In this guise work is both retributive and deterrent. Also, it can be seen as atonement, a way of expiating the crime. Or work can be viewed as a means of bringing out unrealised skills and capabilities, teaching work habits, an experience which gives an offender some satisfaction, makes him appreciate that he can contribute to the public good, and brings home to him his responsibility for the harm caused. Finally, work can be regarded as being no more than a useful and productive method of filling an offender's time, a measure not having any particular merit, but one that is less barren than incarceration.

Thus work can be viewed positively or negatively, from the offender's viewpoint or from society's. Indeed, the English Community Service Order scheme has been criticised as being uncertain in its objectives. It can fulfil a number of conflicting aims and has, for this reason, been described as a chameleon, "able to merge into any penal philosophic background". (Quoted in Home Office Research Unit, 1975, 6.)

Willis has gone further and has referred to the English scheme as "totally confused". He underlines ambiguities in the Wootton Committee's report, particularly with regard to the place of community service in the penal system. His analysis raises the question whether the order is to be seen as an alternative to imprisonment or simply as an addition to the range of measures available to the courts. When talking of alternatives to imprisonment, he points out, we must decide whether our target group is made up of those who *could* go to prison (because they have committed imprisonable offences) of those who *would* otherwise go to prison if community service was not available. Is the aim to divert a proportion of the prison population, or is it to use the measure to deal with those who have committed relatively minor offences and who, therefore, though eligible for imprisonment would not in fact have been dealt with in this way? Willis presents evidence which suggests that in England, at least in the scheme's early stages, the community service order functioned as an alternative to other non-custodial penalties rather than as an alternative to imprisonment (Willis, 1977, 120-125). Perhaps such an outcome was predictable. As he comments:

> [T]o the extent that as most offenders, of all ages, receive non-custodial sentences in any case, any new non-custodial sentence is as likely to replace an existing non-custodial one as it is to serve as a substitute for a custodial one. (*Ibid.*, 123).

The decision whether or not to regard community service as an alternative to imprisonment has other implications, as West points out. If the measure is primarily viewed in this way it will be imposed on the basis of the gravity of the offence and the offender's previous record. However, if it is seen as a sentence in its own right it is more likely to be imposed on the basis of the offender's treatment needs. (West, 1976, 69.)

A limited amount of information is available on offenders' attitudes to community work. Research into the operation of the English scheme suggests that the majority of those interviewed found the experience worthwhile and certainly saw it as a more positive measure than imprisonment. It is interesting to note that many did not see the order as a deprivation of leisure as they had no constructive leisure pursuits. (Home Office Research Unit, 1975, 58-59.) Reference can also be made to anecdotal evidence contained in a report on the Tasmanian Work Order Scheme. This outlines a number of cases where the Work Order proved a spectacularly successful measure. Some of the offenders described gained great satisfaction from their work, formed friendly relationships with the persons for whom they worked, and, on occasions, voluntarily continued the work after the order had expired. (Mackay and Rook, Undated, 66-70.)

A notable feature of these successful orders was that they involved projects such as working for a pensioner or helping in the development of an adventure playground for retarded children. In other words they were projects which produced personal involvement and satisfaction. The point is underlined by a problem which arose in the operation of the Tasmanian scheme. Discontent was encountered when offenders were assigned to work for municipal authorities to perform tasks such as the clearing of parks and reserves. Some of those involved found the work endless and seemingly pointless. (Mackay and Rook, Undated, 21.) Mackay and Rook commented that in some regions the selection of projects could have been more imaginative. They added:

> An analysis of the types of projects has shown that the individual assistance projects where an offender works on a one-to-one basis for a pensioner, is the most successful type of project. (*Ibid.*, 112.)

This raises an important issue. As with restitution we must be aware of the possibility that our laudable motivation will vanish when the scheme is put into practice. It is not always easy to translate a desire to give offenders a sense of achievement, by allowing them to help others, into a practical, readily available sentence. If this is our aim care must be taken in the selection of tasks and the organisation of the scheme. In putting forward proposals as to community service the English Wootton Committee placed particular emphasis on the value of offenders undertaking the work in association with volunteer non-offenders. The Committee's recommendations were based on the view that, in general, offenders should participate in projects being carried out by voluntary organisations. Although conceding that in some cases community service might be performed by groups consisting solely of offenders the Committee did not want this to become the normal practice:

> [T]his would, in our view, be likely to give the whole

> scheme too strong a punitive flavour, and would cut off offenders, both from the more constructive and imaginative activities, and from the wholesome influence of those who choose voluntarily to engage in these tasks. (Home Office, 1970, para. 35.)

Such considerations, of course, remind us of the need to define our objectives with precision. We must decide why we think work is, in West's phrase, appropriate "as a sentencing currency". (West, 1976, 82.) Work performed by a group of offenders, under the eye of an official supervisor, is very different from work performed by an individual either alone or in company with volunteers. The former — during which the offenders is *in* the community but not *of* the community — can all too easily be seen as an imposition while the latter may give greater personal satisfaction. I am not suggesting that one is necessarily preferable to the other, but we must make up our minds as to the aims we wish to pursue, and must design the measures accordingly. Talk of the value of work and the desirability of reparation tends to obscure important distinctions.

CONCLUSION

In my view restitution and reparation should occupy a more prominent place in the criminal justice system. However, having said that, I must point out the need for caution. Neither should be seen as an all-purpose measure. Probably there is less scope for the expanded use of restitution orders than for reparative ones. Each must be used with discrimination; as with all sanctions careful selection of offenders is the key.

A consideration of restitution and reparation poses difficult questions, questions which demand clear answers. We must define what we mean by the two terms and identify the aims which we expect measures of this kind to fulfil. At one end of the spectrum is the view that these methods are to be employed as a penalty, but one which has secondary benefits for the offender, and at the other is the notion that their rationale lies in their rehabilitative potential. Why do we favour sanctions of this type? Do we see them as alternatives to imprisonment or as novel additions to the range of measures available to the courts? If they are regarded as being particularly appropriate for certain types of offence and offender we must identify the various categories. A decision must be made as to whether their use should be restricted to those convicted of imprisonable offences. Once criteria have been developed careful studies must be made of the offender population to determine how many cases could appropriately be dealt with by use of the methods described.

Also necessary is a reasoned conclusion as to the form which measures focusing on restitution and reparation should take. A number of possibilities have been outlined. A simple order can be employed or the restitution/reparation element can become a condition of a probation order. Or more elaborate procedures can be employed. Centres can be established. If this course is adopted then a decision must be made as to whether the order should be residential or non-residential. Also we must ask whether the making of restitution or reparation should form the basis for a new type of early release on parole. One fundamental matter which must be considered is the desirability of combining a restitution/reparation requirement with a counselling or other rehabilitative programme.

One important factor is cost. Some of the programmes which I have described are elaborate, require premises and a staff. A saving to the taxpayer will result only if such programmes are used for those who would otherwise have gone to prison. And even here the saving may not be great. It was found in Georgia, for example, that the cost of operating a restitution centre was only slightly less than that of imprisoning a similar number of offenders. (Read, 1977, 327.)

Administrative aspects must also be considered. Should restitution reparation schemes be administered by overworked probation officers? The obligations which responsibility for such schemes places on the Probation Service are substantial. If an offender is sentenced to 120 hours of community work a probation officer must find him 120 hours work. Pressure on the Probation Service car lead to a mechanical approach to the selection of work. West has warned of the dangers of choosing "more and more large-scale probation-supervised tasks, which are easy to obtain but have no beneficiary contact and which have overtones of stonebreaking for the offender". (West, 1977, 114.)

Finally, comment must be made on the relevance of the measures discussed to juveniles. I have suggested that scope for the making of restitution orders against juveniles of Children's Court age is limited, but I see no reason why measures incorporating the making of reparation should not provide a valuable addition to the range of sanctions available to courts dealing with juveniles of all ages. Programmes such as periodic detention have not yet realised their full potential: by building on foundations such as these much could be achieved in the development of alternatives to institutions. In this connection it is interesting to note that, in the course of its thorough review of the borstal system, the English Advisory Council on the Penal System referred to the possibility that, as community service developed, consideration should be given to the creation of residential centres which would serve as a base for community service projects. (Home Office, 1974, para. 177.)

In short, I believe that the possibility of placing greater emphasis on restitution and reparation should be explored with guarded enthusiasm, but we must not under-estimate the difficulties of pursuing these policies within the complex, obdurate system of criminal justice.

References

J. Beattie, *Other Cultures*, London, Routledge and Kegan Paul, 1966, c 1964.

Home Office, *Non-Custodial and Semi-Custodial Penalties*, London, H.M.S.O., 1970.

Home Office, *Young Adult Offenders*, London, H.M.S.O., 1974.

Home Office Research Unit, *Community Service Orders*, London, H.M.S.O., 1975.

J. Hudson, B. Galaway and S. Chesney, "When Criminals Repay their Victims; A Survey of Restitution Programs", 60 *Judicature*, 1977, 313-322.

Law Reform Commission of Canada, *Restitution and Compensation*, Working Paper No. 5, 1974 (Reprinted in 17 *Canadian Journal of Criminology and Corrections*, No. 2, April, 1975.

J. G. Mackay and M. K. Rook, *The Work Order Scheme*, An Evaluation of Tasmania's Work Order Scheme, Undated.

A. Newton, "Aid to the Victim. Part I: Compensation and Restitution", 8 *Crime and Delinquency Literature*, 1976, 368-390.

New Zealand Justice Department, *Periodic Detention in New Zealand*, 1973.

B. Read, "How Restitution Works in Georgia", 60 *Judicature*, 1977, 323-331.

J. A. Seymour, "Periodic Detention in New Zealand", 9 *British Journal of Criminology*, 1969, 182-187.

P. Stenning and S. Ciano, "Restitution and Compensation and Fines", 7 *Ottawa Law Review*, 1975, 316-329.

J. S. M. West, "Community Service Orders", in *Control Without Custody?* ed. J. F. S. King and W. Young, Cambridge Institute of Criminology, 1976.

J. S. M. West, "Community Service Orders — How Different?" 24 *Probation Journal*, 1977, 112-120.

A. Willis, "Community Service as an Alternative to Imprisonment", 24 *Probation Journal*, 1977, 120-125.