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Public Opinion Survey about Alternatives to Financial Restitution

Report

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All points of view in this report are those of the authors alone.**

Executive Summary

This report presents findings from a national public opinion survey about restitution reform. Unlike other types of monetary sanctions (fines and fees), restitution is often not able to be reduced, waived, or written off as bad debt after a certain period of time, even if the person has no foreseeable means to pay it. Yet the reality is that most victims still do not get restitution, or if they do, it is only partial or delayed payments. The victims, then, are largely only symbolically reflected in our current restitution policies.

Given these unique challenges of restitution reform, we designed a survey to assess public opinion about the purposes of restitution and possible acceptable forms of nonfinancial restitution. It was informed by my previous interview study of victims' experiences with court-ordered restitution (Paik, Romanello, and Thompson 2023) that found in most cases, the harms caused by the crime and the restitution process designed to address those harms rarely aligned in any meaningful way, largely due to bureaucratic complexities and discordant timelines of the court process and the victim's individual healing process. As such, we designed the survey to ask more nuanced questions about nonfinancial forms of restitution, providing various explanations as informed by our interviews, to see if or how those nuances would affect public opinion about restitution.

The survey was administered in May 2024 with 4,200 respondents. It revealed four main findings:

1

Individual accountability as central goal of restitution

Respondents ranked accountability for the person who committed the crime as the main priority of restitution, over repairing harm to the victim, keeping the community safe or making amends to the victim.

2

Varying levels of support for accountability as the top priority

While accountability was the main priority for all respondents, there were some variations. Women, Republicans, older generations, Christians (Protestant and Catholic) and people with less than a college degree rank accountability as the top priority in higher proportions compared to their counterparts (e.g., men, Democrats/Independents, younger generations, people of other faiths and college degrees).

Views of alternatives to financial restitution

3

Community service and self-improvement activities were more popular options for nonfinancial restitution than letters of apologies or meeting the victim to make amends.

Predictors of support for nonfinancial restitution

4

Generation, political ideology, victim status and gender mattered more than other demographic variables (e.g., race, education, class, region, religion, arrest history) in predicting support for nonfinancial restitution in the survey. That is, older generations, Republicans, victims, and males generally were more likely to be **against** nonfinancial restitution compared to their counterparts. However, these findings, while statistically significant, should be considered with the caveat that the overall model explained a very small amount of variability in the sample.

Based on those findings, we offer these two policy recommendations:

1. Targeted educational campaigns about restitution

Even though the survey explained at various points why people cannot pay restitution and the deleterious impact on victims who ultimately never receive that restitution, it could be that more information is needed to convey the complexity of that process. In particular, campaigns could address one or more of the following themes: a) depicting people with court-ordered restitution in more nuanced ways, outlining the reasons they cannot afford to pay restitution besides lack of willingness and the fact that many of them also have been victims of crime; b) debunking the idea that people could simply work off restitution in prison and highlighting the fiscal implications for taxpayers of this reliance on incarcerating for nonpayment; c) describing victims' challenges in actually getting financial restitution; d) showing how accountability can be achieved through nonfinancial forms of restitution.

2. Development of more focused and viable forms of nonfinancial restitution

The survey findings suggest greater support for community service and self-improvement activities, over letters of apology and meetings between the victims and the people who committed the crime, as alternatives to financial restitution. As such, we recommend that programs offering nonfinancial restitution options focus more on cultivating feasible and constructive community service options that people can reasonably complete (e.g., flexible or weekend hours to accommodate work schedule or childcare responsibilities) and are geared towards enhancing accountability (e.g., volunteering at a housing nonprofit if charged with home burglary or doing community service directly for the victim, if appropriate).

Regarding self-improvement activities, programs could give credit for people taking educational classes or applying for jobs. As some respondents noted, if the people do get a job, they are more likely to be able to pay back restitution.

In closing, the findings from this survey highlight the centrality and importance of addressing individual accountability in reform efforts to financial restitution. The two recommendations offered above highlight ways of reconceptualizing that idea of individual accountability beyond simply financial restitution and moving beyond the default punitive response to peoples' failure to pay restitution. In short, we are calling for a re-envisioned relationship between the state, victim, and person who committed the crime in regards to restitution whereby the victims' needs are met in a timely manner through a state fund, while the people with court-ordered restitution have an opportunity to pay back the state financially as they are able and via credit through nonfinancial options (e.g., community service/prosocial activities). A restitution process based on that kind of relationship would ultimately benefit all three parties and the broader society – more so than the current reliance only on financial restitution.

Introduction

This report presents findings from a national public opinion survey about restitution reform. The idea of reforming restitution poses several challenges that often lead it to being referred to as the ‘third rail’ of monetary sanction reform. Those reform efforts broadly refer to initiatives to reduce or eliminate burdensome forms of legal debt for justice-involved individuals and their families. Briefly highlighting the distinctions between these monetary sanctions hints at those challenges. Fees are assessed to recoup the costs of the person’s case in the criminal legal system; fines are financial penalties tied to the offense itself; and restitution relates to costs resulting from the damage and harm that the victim experiences as a result of the crime. For both fines and fees, much research has been done to show their excessiveness (e.g., people who qualify for a public defender having to pay for said attorney, interest and surcharges imposed on top of the fines and fees), the ‘double punishment’ that happens when people are incarcerated *and* asked to pay fines/fees for the same offense, and the collateral consequences for those individuals, their families, and our society in general.¹

One major difference between fines and fees from restitution is the intended recipient of the funds. For fines and fees, the state benefits from the person’s payments. In contrast, victims are at the heart and center of restitution: if they are hurt from the crime, restitution is designed to help restore or repair what was broken. Morally and legally then, restitution is seen as something that cannot be reduced, waived, or written off as bad debt after a certain period of time, even if the person legitimately cannot pay.

Yet the reality is that most victims do not get restitution, or if they do, it is only partial or delayed payments. Contrary to common opinion, this scenario is not simply due to the resistance or refusal to pay by the people who committed the crime. Rather, in most situations, it is challenging and often impossible for most people to pay their restitution in a timely manner that would be helpful for the victim, given their criminal record which often limits their ability to get a job to pay the restitution that could lead to additional penalties (e.g., suspended driver license and/or incarceration for nonpayment of legal debt) that further delay restitution payments to the victim.

Given these unique challenges of restitution reform, we designed this survey to assess public opinion about the purposes of restitution and possible acceptable forms of nonfinancial restitution. It was informed by my previous interview study of

¹ For reviews of this research, see [Harris, Pattillo and Skyes. 2022. “Studying the System of Monetary Sanctions.” *Russell Sage Foundation Journal of the Social Sciences*. 8\(2\) 1-33](#) and [La Scala-Gruenewald and Paik. 2023. “Legal Financial Obligations in the United States: A Review of Recent Research.” *Sociology Compass*.](#)

victims' experiences with court-ordered restitution (Paik, Romanello, and Thompson 2023); in that study, we asked about the types of harms that the victims faced as a result of the crime, as well as their experiences in learning about, requesting and receiving court-ordered restitution. In most cases, those two aspects – harms and restitution - rarely aligned in any meaningful way, largely due to bureaucratic complexities and discordant timelines of the court process and the victims' individual healing processes. As such, we designed the survey to ask questions about nonfinancial forms of restitution, providing explanations informed by our interviews, to see if or how those nuances would affect public opinion about restitution.

The survey was administered in May 2024 with 4,200 respondents. The main findings are as follows:

Individual accountability as central goal of restitution

Respondents ranked accountability for the person who committed the crime as the main priority of restitution, over repairing harm to the victim, keeping the community safe or making amends to the victim. Of all four options, making amends to the victim was the lowest ranked priority.

Varying levels of support for accountability as the top priority

While accountability was the main priority for all respondents, there were some variations among subgroups. Larger proportions of women, Republicans, older generations, Christians (Protestant and Catholic) and people with less than a college degree rank accountability as the top priority than their counterparts (men, younger generations, people of other faiths and with college degrees or higher) .

View of alternatives to financial restitution

Respondents expressed higher levels of support for community service and self-improvement activities as options for nonfinancial restitution than for letters of apologies or meeting the victim to make amends.

Difficulty in predicting support for nonfinancial restitution

Generation, political ideology, victim status and gender appear to matter more than other demographic variables (e.g., race, education, class, region, religion, arrest history) in predicting support for nonfinancial restitution. However, that statement should be taken with the caveat that while the statistical model was statistically significant ($p < .001$), the overall model explained a very small amount of variability. This could be due to two reasons: the individual accountability view of restitution is so prominent that it is hard to overcome, even with the explanations for why the person could not pay. Second, variations in peoples' opinions could be shaped by policy differences that are not just regional but exist at a much more granular level (state, county) that were not captured in the survey data.

The organization of the report is as follows. It first describes the methodology of the survey and the demographics of the respondents. The following sections expand on the key findings mentioned above in more detail. We close with some recommendations related to restitution reform strategies and initiatives.²

Methodology

The survey was designed to take less than 10 minutes – asking questions about the person’s views of the justice system, their involvement with the justice system as a victim or someone who had been arrested, and their views about restitution. Regarding their views, the survey specifically asked about what the main purpose of restitution should be, what financial restitution should cover and for what crimes, and what sources of funds should cover that restitution. It also asked a series of questions about support for nonfinancial restitution if the person is not able to pay for it, including three vignettes to highlight that issue.³

We developed the survey design and sampling strategy in consultation with Arizona State University Biostatistics Core and YouGov. Before administering the survey, we pretested it with 20 people to identify areas of possible confusion with the questions. YouGov conducted the survey in May 2024. It interviewed 4342 respondents who were then matched down to a sample of 4200 to produce the final dataset. Respondents were matched to a sampling frame on gender, age, race, and education.

The sampling frame is a politically representative "modeled frame" of US adults, based upon the American Community Survey (ACS) public use microdata file, public voter file records, the 2020 Current Population Survey (CPS) Voting and Registration supplements, the 2020 National Election Pool (NEP) exit poll, and the 2020 CES surveys, including demographics and 2020 presidential vote.⁴

² One caveat must be mentioned: we do not discuss victim compensation here although we did ask a few questions related to it. For more about compensation, see [Paik, Leslie, Brittany Romanello, and Aaron Thompson. 2023. "Victims' Experiences with Restitution and Compensation."](#) and [Levine, J., & Russell, K. \(2023\). "Crime Pays the Victim: Criminal Fines, the State, and Victim Compensation Law 1964–1984." *American Journal of Sociology* 128\(4\): 1158–1205.](#)

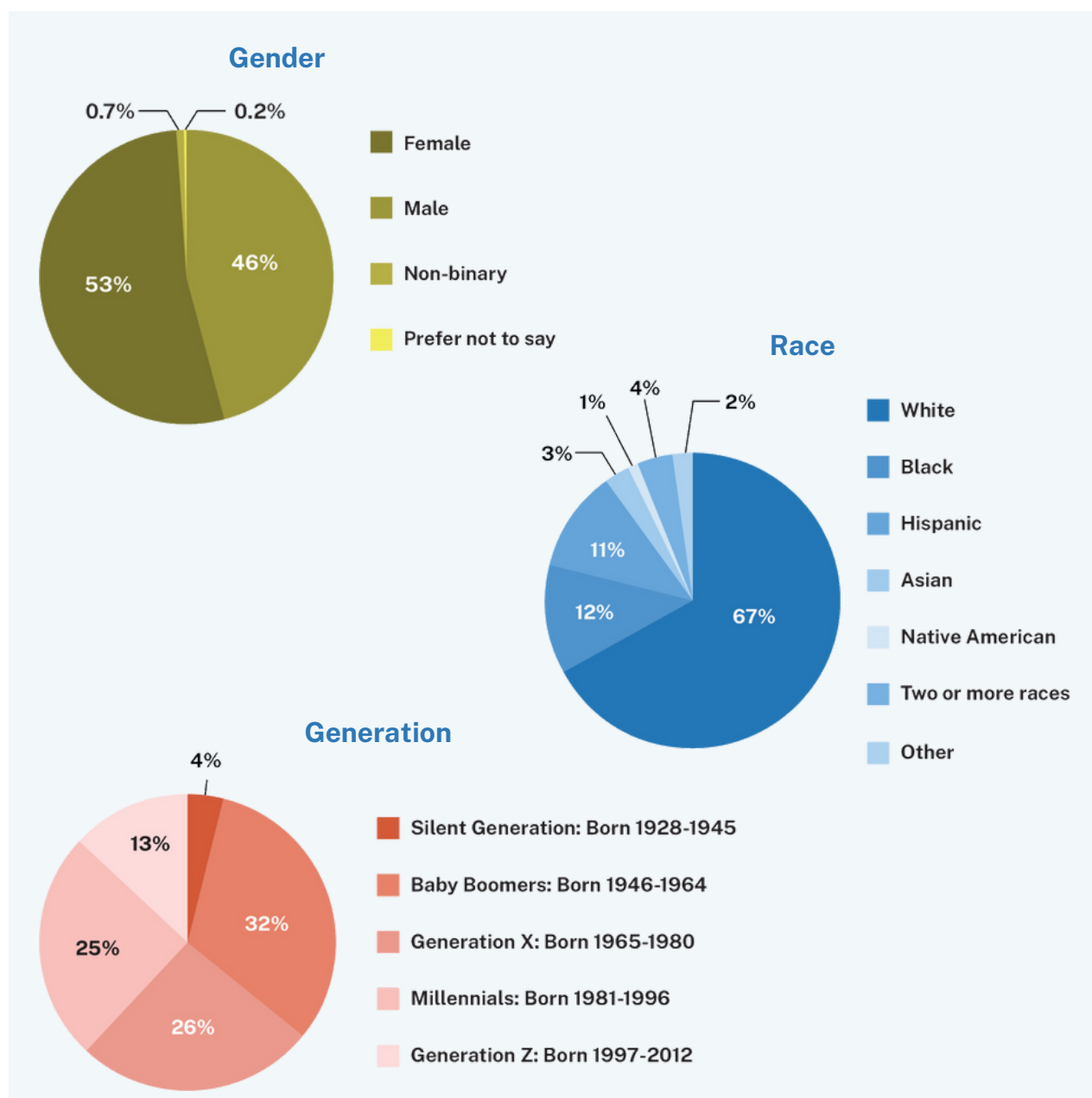
³ This report will only discuss findings related to the first general vignette.

⁴ The matched cases were weighted to the sampling frame using propensity scores. The matched cases and the frame were combined, and a logistic regression was estimated for inclusion in the frame. The propensity score function included age, gender, race/ethnicity, years of education, and region. The propensity scores were grouped into deciles of the estimated propensity score in the frame and post-stratified according to these deciles. The weights were then post-stratified on 2020 presidential vote choice as well as a four-way stratification of gender, age (4-categories), race (4-categories), and education (4-categories), to produce the final weight.

Descriptive Statistics

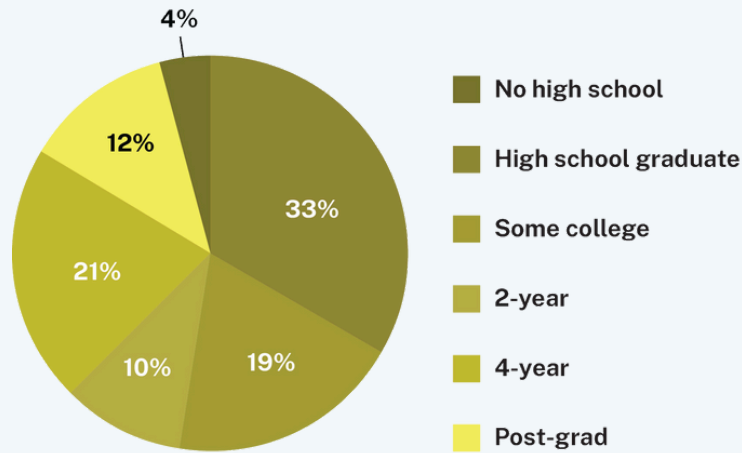
This section presents more information about the demographics of the sample in terms of gender, race, education, family income, generation, religion, region and political affiliation.

In terms of gender, the sample was slightly more female (53%) than male (46%), with 1% reporting non-binary. Over two-thirds of respondents were white, with 12% Blacks and 11% Hispanic. In terms of age, respondents reported their birth years (range 1930-2005) which we converted into a “generation” variable, using the categories from the Pew Research Center. 4% of respondents were born in the Silent Generation (1928-1945); 32% are part of the Baby Boomers (1946-1964); 26% are Generation X (1965-1980), 25% are Millennials (1981-1996) and 13% are Generation Z (1997-2012).

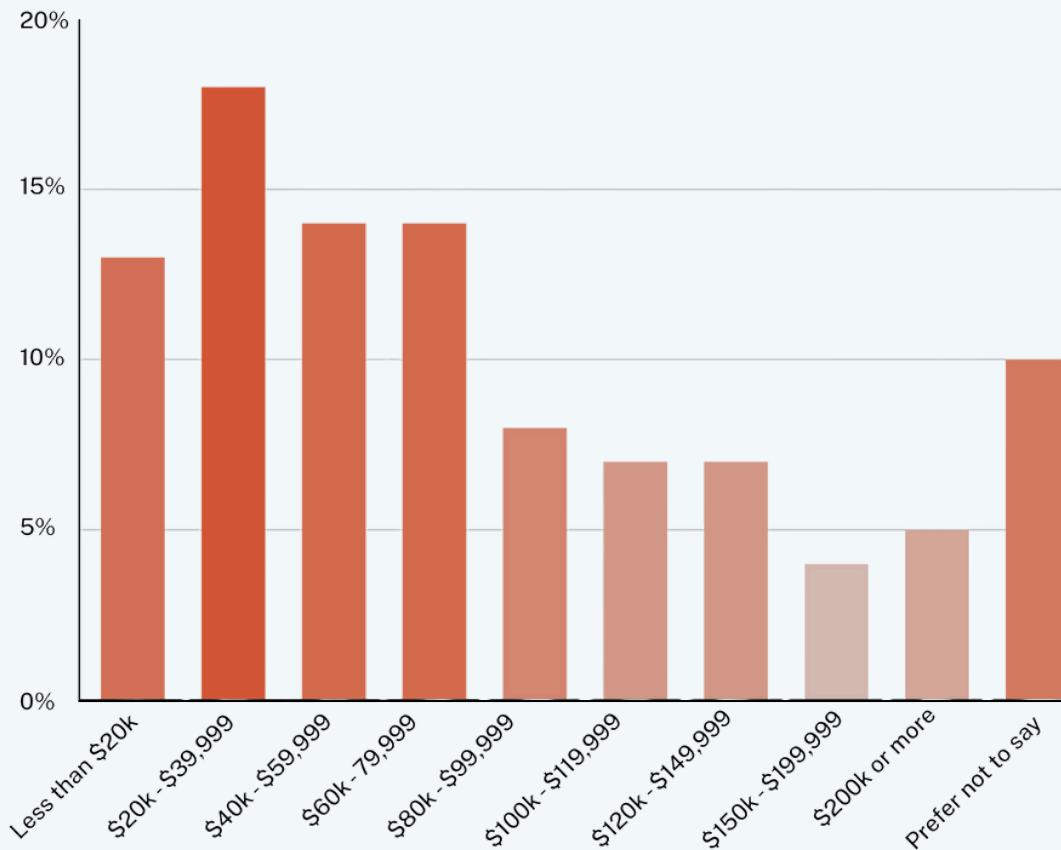


Regarding education, one-third of respondents had a college degree or higher (21% college and 12% post-graduate), with another third having a high school diploma and 29% having some college/2-year degrees (19% and 10% respectively). Family income has a similar distribution with almost 1/3 of respondents reporting \$80,000 or higher, 28% between \$40,000-79,999 and 31% with less than \$40,000.

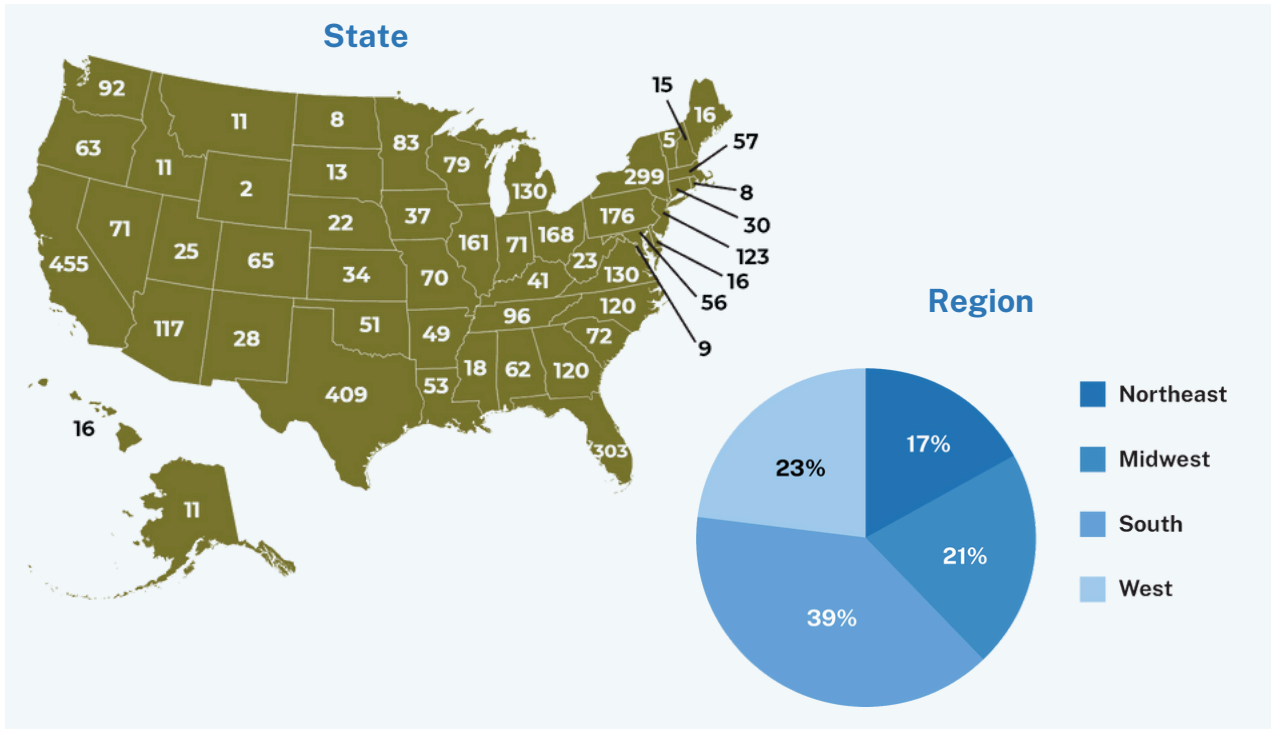
Education



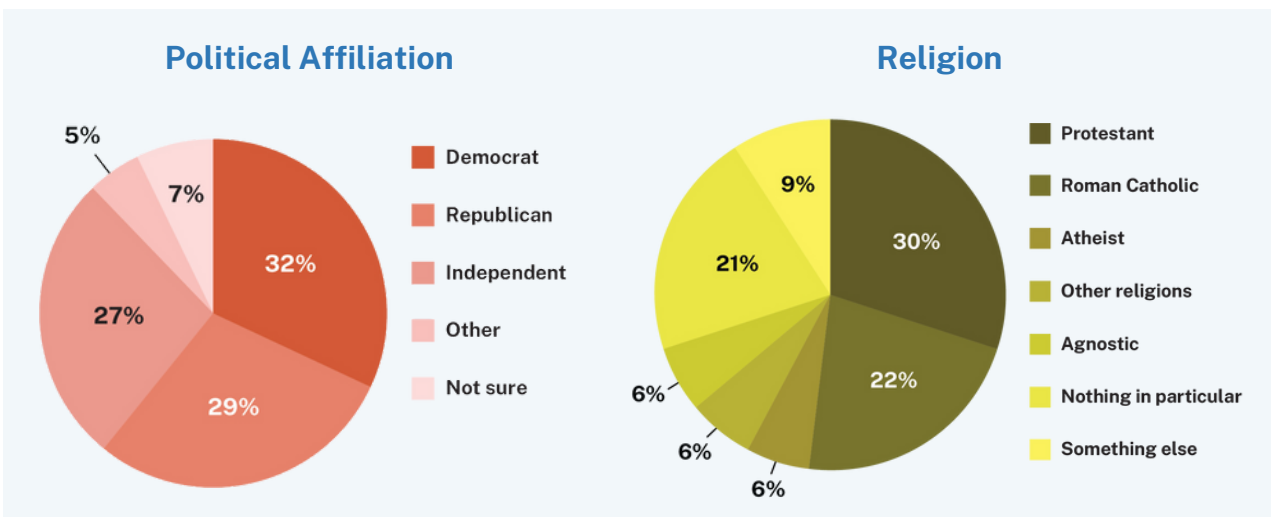
Family Income



A larger proportion of respondents came from the South (39%) and West (23%), with 17% residing in the Northeast and 21% in the Midwest. The states with the largest number of respondents were California (n=455), Florida (n=303), New York (n=299) and Texas (n=409). The states with the smallest number of respondents were Wyoming (n=2), Vermont (n=5), North Dakota (n=8) and Rhode Island (n=8).

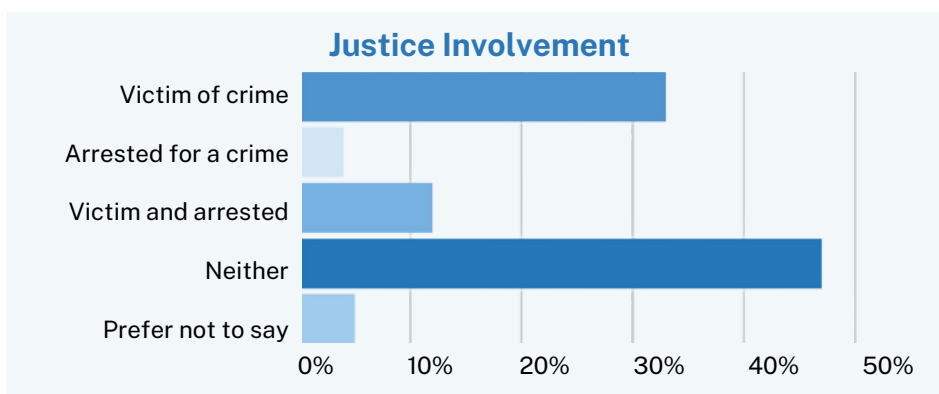


There was a similar proportion of respondents among Democrats and Republican (32% and 29% respectively), with 27% reporting being Independents and an additional 7% being unsure. Religious affiliation was much more varied, with over half being Christian (30% Protestant and 22% Catholic) and over a third reporting no strong religious background, either as nothing in particular (21%), atheists (6%), or agnostic (6%). The rest of respondents had another type of faith, either in a formal sense (Mormon, Eastern Orthodox, Jewish, Muslim, Buddhist, Hindu) or a general ‘something else’.

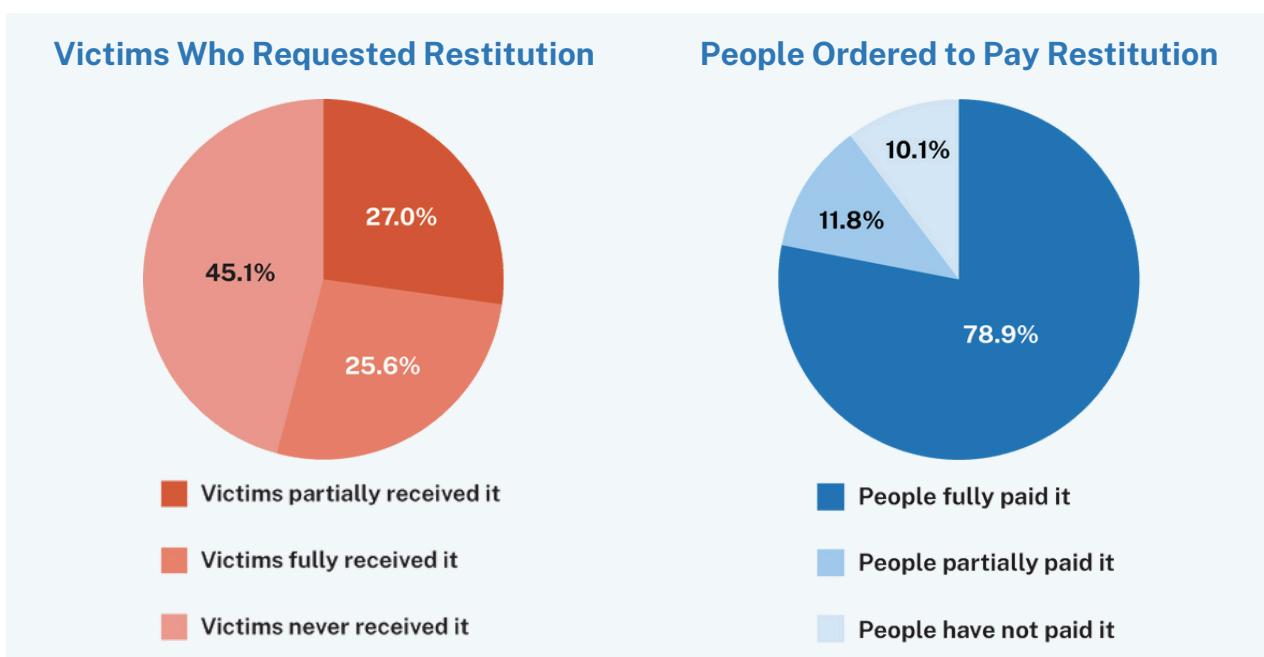


Criminal Justice and Restitution History

In this sample, over half of respondents (n=2035) had some experience in the justice system, with 33% (n=1373) as victims of crime and 4% (n=157) as being arrested for a crime. An additional 12% of the entire sample (n=505) reported experiences as **both** a victim and someone who was arrested, representing 25% of all people with justice involvement. Conversely, 47% of respondents (n=1975) did not have any experience as a victim or someone arrested for a crime.



In terms of restitution, victims and people who were arrested had somewhat different experiences, with less than a fifth of all victims (n=1878) requesting restitution (16% or n=293) and of those, just over a quarter receiving the full amount (25.6%). In contrast, over a third of all people who were arrested (n=662) were ordered to pay restitution (36% or n=237) and among those people, almost 4/5 (78.9%) paid it in full. The survey did not go into more detail related to the amounts of that restitution or for what particular crimes. It could be that the victims who requested restitution asked for higher amounts due to the extent of the damages related to the crime, while the people in this sample who were ordered to pay restitution had lower amounts for crimes with lower financial damages.



Findings on Views about Restitution

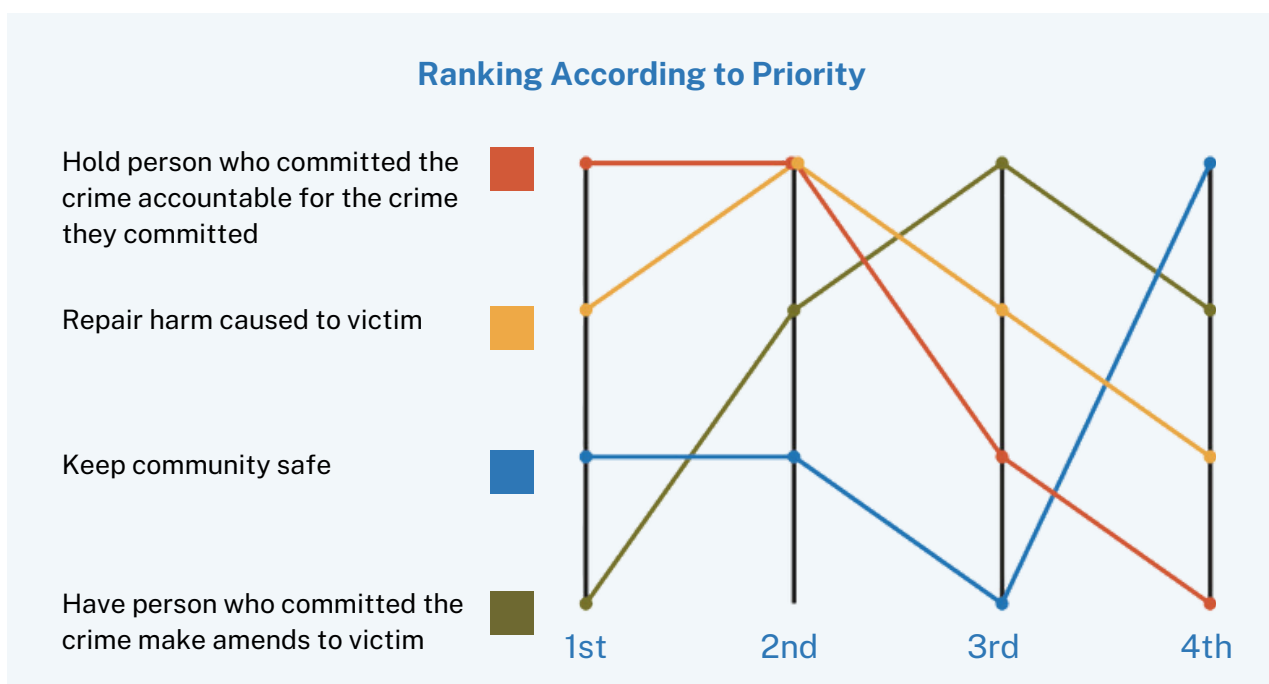
We then set out to ask peoples' opinions about restitution, providing the following detailed definition:

“Restitution is money that a court orders a person to pay a victim for the harm they caused. It is meant to help the victim(s) heal, cover expenses related to the crime, and make amends. There are two types:

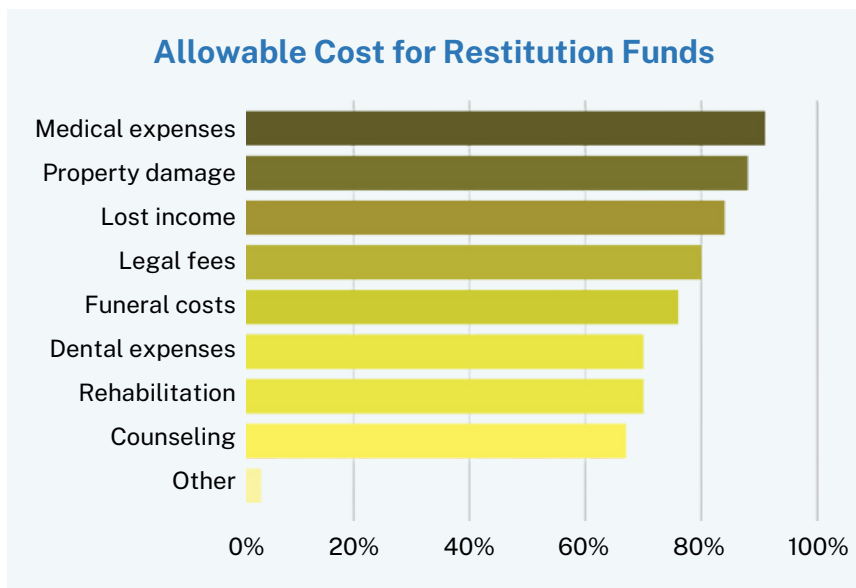
- 1) **Direct restitution:** person who commits the crime pays the victims for their losses
- 2) **Indirect restitution:** the government compensates victims for some of those losses, such as medical expenses and lost wages”

We further clarified this restitution was only for situations “where the victim is an individual experiencing a crime committed by another person, NOT cases involving businesses, corporations or state entities.”

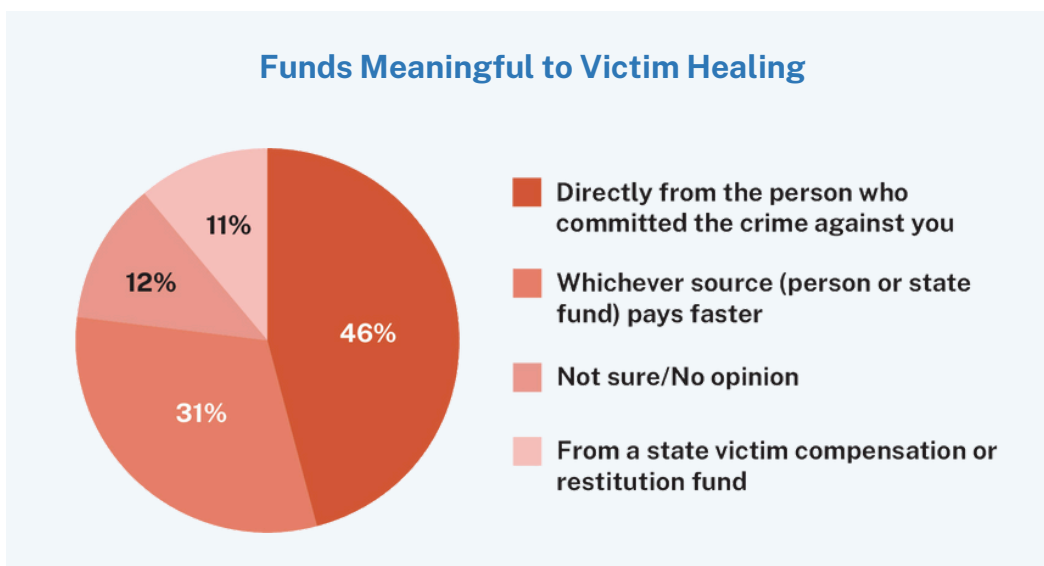
When asked what the main purpose of restitution should be, almost half of the sample focused on the accountability of the person who committed the crime, followed by repairing the harm caused by the crime. The least chosen option was having the person making amends to the victims. This ranking of options was consistent across several demographic sub-groups (e.g., gender, race, class, education, political affiliation, region, victims, people who were arrested).



When asked what costs should be covered by restitution funds, over two-thirds of respondents picked all the categories. There was some variation with more respondents picking categories with material costs (e.g., medical, property damage, lost income) over long-term costs (rehabilitation and counseling).

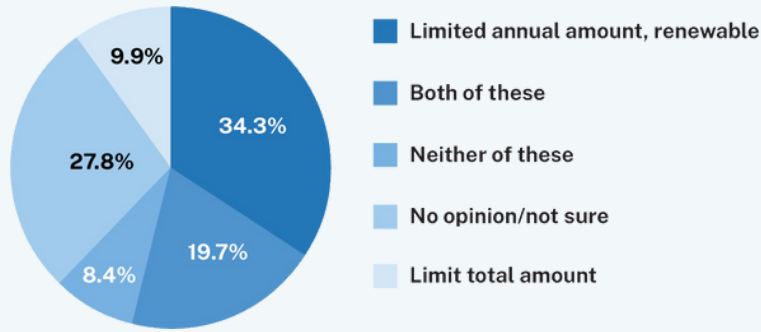


The survey asked other questions about funding financial restitution in terms of sources that are most meaningful to victim healing. The following chart shows that the largest percentage of respondents (46%) said it was important for victims' healing if the restitution was paid directly by the person who committed the crime against them. That was 15% higher than the option of getting paid from either the person or a state fund and 35% than those who chose a state fund. In short, respondents opted for direct restitution, even if it meant waiting longer than turning to a state fund that could pay more quickly.



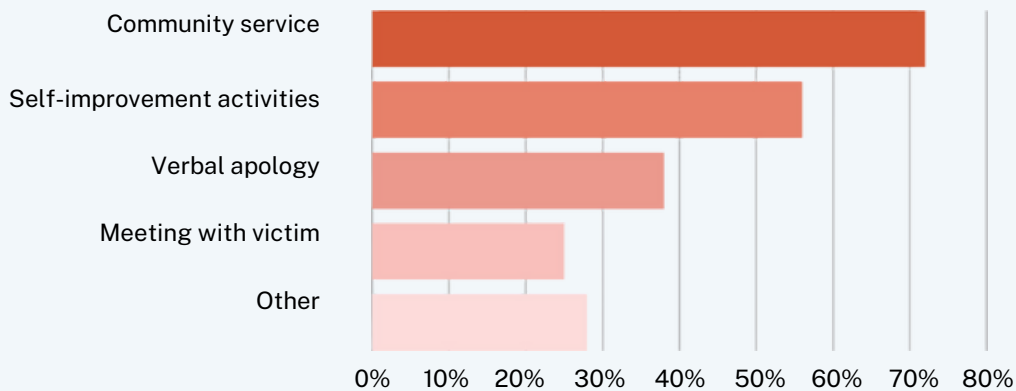
The next figure shows the respondents' levels of support for keeping a restitution fund (separate from a victim compensation fund) sustainable over time. The largest share of respondents (34%) were in favor of an annual cap to victim restitution but allowing for the option to receive that maximum until their full restitution was paid. 10% supported a general maximum cap, even if it was less than the victim's actual expenses; 20% supported both options. 28% did not support either option and 8% were not sure or did not have an opinion either way.

Support for Measure to Ensure Funding Doesn't Run Out

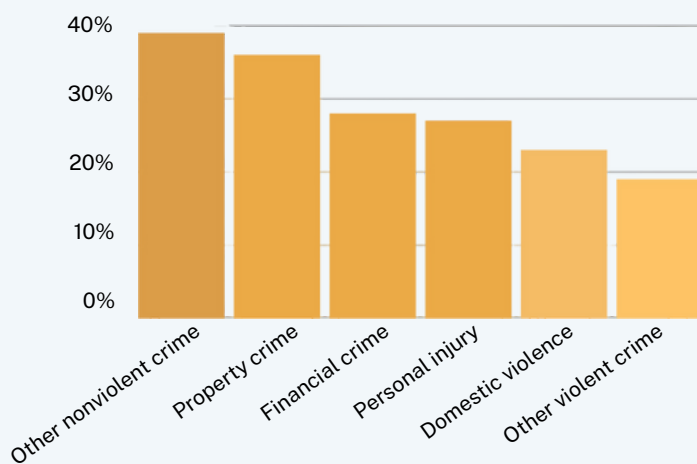


The survey then asked respondents about their support for alternatives to financial restitution if the person was unable to pay the ordered amount. Almost three-quarters chose community service and over half chose self-improvement activities. Direct interactions with the victims – either in the form of a verbal apology or meeting with the victims – were less popular. The other category was filled with mainly incarceration-related responses or ‘none’ (e.g., the person should pay financially regardless of how long it would take).

Acceptable Forms of Alternatives to Financial Restitution



Acceptable Crimes for Alternatives to Financial Restitution



Finally, respondents had differing views on which crimes would be acceptable to consider for nonfinancial restitutions. There was more support for nonviolent crime over violent crime. More specifically, other nonviolent crime and property crime seemed most suitable for this option, versus interpersonal (personal injury, domestic violence) and other violent crime.

Predictors of Support for Alternatives to Financial Restitution

When looking at differences among respondents based on race, gender, class and other variables, we did not find major ones regarding purpose of restitution; as mentioned earlier,

accountability always was the highest ranked priority and repairing harm to victim as the 2nd highest. However, there were some differences in the percentages of those priorities. More women than men wanted accountability (52% versus 44%), as did Republicans (55%) compared to Democrats (44%) and Independents (46%). People with higher levels of education (4-year and post-grad) were more likely than those with some college or high school degrees to say repair harm to victims (36% and 39% versus 29% and 24%). Over half of Baby Boomers and Gen X chose accountability first compared to younger generations (40% of Millennials and 37% of Gen Z). The only subgroup that did not follow this ranking of priorities was religion, with atheists and agnostics picking repairing harm to victim as the main priority over holding the person who committed the crime accountable.

	Main Purpose of Restitution (Top two priorities)	
	Hold person accountable	Repair harm to victim
Gender		
Men	44%	34%
Women	52%	26%
Political Affiliation		
Democrat	44%	33%
Republican	55%	24%
Independent	46%	34%
Other	47%	35%
Not sure	49%	20%
Education		
No high school	51%	24%
High school	53%	24%
Some College	50%	29%
2-year	47%	30%
4-year	42%	36%
Post-grad	42%	39%
Religion		
Protestant	51%	28%
Roman Catholic	49%	25%
Other Faiths	44%	32%
Atheist	35%	47%
Agnostic	40%	43%
Nothing in particular	48%	31%
Something	50%	25%
Generation		
Silent	45%	30%
Baby Boom	58%	23%
Gen X	51%	30%
Millennial	40%	34%
Gen Z	37%	35%

To further explore what factors might affect peoples’ support for nonfinancial restitution, we gave a specific vignette where the person who was arrested (Shawn) could not pay the court-ordered restitution to the victim (Jay):

While Jay was out of town for a work trip, a group of burglars broke into Jay’s home and stole \$4,000 worth of merchandise (that amount includes an estimate for an irreplaceable family heirloom, a wedding ring of Jay’s grandmother). Only one person, Shawn, was arrested after trying to sell one of Jay’s pieces of art. The court sentenced Shawn to 2 years in prison; the court also ordered Shawn to pay \$4,000 in restitution and an additional \$2,000 in court fees and criminal fines. Jay no longer feels safe in the house, constantly watching out for unfamiliar people and cars outside the house.

We conducted a statistical analysis to examine predictors of opposed to nonfinancial restitution using a logistic regression approach. The predicted probabilities of opposition (Table 1) show victims, males, Republicans, and older generations are more likely to **oppose** nonfinancial restitution:

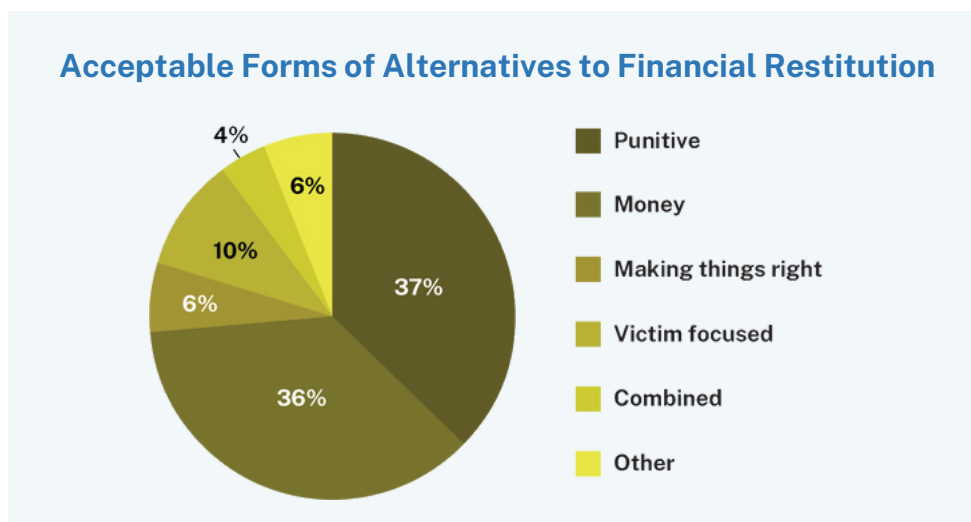
Table 1: Opposition to nonfinancial restitution by victim status, gender, political affiliation, and generation

Victim Status	Gender	Party	Generation				
			Silent	Baby Boomer	Gen X	Millennial	Gen Z
Non-victim	Male	Democrat	36.9%	32.9%	29.2%	25.8%	22.6%
Non-victim	Male	Independent	50.8%	46.5%	42.2%	38.1%	34.1%
Non-victim	Male	Republican	51.4%	47.1%	42.8%	38.6%	34.6%
Non-victim	Male	Not sure	32.2%	28.5%	25.1%	22.0%	19.2%
Non-victim	Male	Other	50.5%	46.2%	41.9%	37.8%	33.8%
Non-victim	Female	Democrat	38.9%	38.3%	37.6%	37.0%	36.4%
Non-victim	Female	Independent	35.9%	35.3%	34.7%	34.1%	33.5%
Non-victim	Female	Republican	43.6%	43.0%	42.4%	41.7%	41.1%
Non-victim	Female	Not sure	--	39.2%	38.6%	38.0%	37.3%
Non-victim	Female	Other	46.2%	45.6%	44.9	44.2%	43.6%
Victim	Male	Democrat	39.9%	35.8%	31.9%	28.3%	24.9%
Victim	Male	Independent	54.0%	49.7%	45.4%	41.1%	37.0%
Victim	Male	Republican	54.6%	50.3%	46.0%	41.7%	37.6%
Victim	Male	Not sure	--	31.2%	27.6%	24.3%	21.2%
Victim	Male	Other	53.7%	49.4%	45.1%	40.8%	36.7%
Victim	Female	Democrat	42.0%	41.3%	40.7%	40.1%	39.4%
Victim	Female	Independent	38.9%	38.3%	37.7%	37.0%	36.4%
Victim	Female	Republican	46.8%	46.2%	45.5%	44.8%	44.2%
Victim	Female	Not sure	--	42.3%	41.7%	41.0%	40.4%
Victim	Female	Other	49.4%	48.7%	48.1%	47.4%	46.8%

The red boxes indicate the highest levels of opposition to nonfinancial restitution with the green boxes indicating the lowest (e.g., more open to nonfinancial restitution).⁵ For example, among male Republicans who have not been victims, the opposition is largest among the oldest generation (51%) compared to the younger ones (35%). Similarly, if you compare that group to male Republicans who have been victims, the latter group is more against nonfinancial restitution across all generations (e.g., 55% of victims in the silent generation compared to 51% of nonvictims in the silent generation).

While the statistical model was statistically significant ($p < .001$), the overall model explained a very small amount of variability in people's support or opposition to nonfinancial restitution. There are a couple possible explanations to contextualize that finding. One factor contributing to that variation might be justice policy that often occurs at the state, county, and local jurisdictional levels which could not be captured in a nationally representative sample whose smallest geographical subset is by state. A second one could be related to the respondents' views about the main goals for restitution being more associated with holding the person accountable over repairing harm to the victim or other purposes. It is plausible that despite the survey's multiple ways of explaining the limitations of financial restitution (including how it translates to victims often **not** getting said restitution), respondents still associated the person's accountability with paying that financial restitution.

One way to capture that second explanation is to look at the participants' free text responses to the question about appropriate forms of nonfinancial restitution that Shawn could do. Respondents who felt that the survey options for nonfinancial restitution (e.g., community service, letter of apology, self-improvement activity, meeting with the victim) were inadequate suggested alternatives that we then coded into 6 general categories:



⁵ The boxes with dashes indicate not enough responses in those subgroups for a meaningful coefficient.

Below we offer more detail into what those categories entailed.

A. Punitive

The majority of respondents felt that Shawn deserved punitive measures, which we grouped into three sub-types: 1) incarceration, 2) sequential accountability, (3) retribution. Regarding incarceration, the respondents' primary focus was punishment through imprisonment, with many advocating for long-term sentences. Some respondents also believed that incarceration combined with mandatory work requirements, either during or after the prison term, would be one way for Shawn to compensate Jay. Respondents who support a more sequential approach believe there should be a two-step process: first, the person serves time in prison and then compensates the victim. Others believe that the person should pay restitution, and if they are unable to pay, they should be sent to jail for life or until they can pay back the restitution. These two perspectives are illustrated by the following comment:

Jail time! Remember too, it's mostly nonsense that they can't pay! They just don't want to! The courts can order them to pay over a 5-10 year period monthly and if one payment is missed then back to incarceration! They otherwise will be repeat offenders and in the future will be the same people that will eventually bring the political structure down!

Other respondents focused on punishing the person through retributive means, or getting even by inflicting physical harm in line with an 'eye for an eye,' with comments such as, "Thieves should have their right hand and left foot cut off."

B. Money

The second largest group of respondents believe that the person who committed the crime must compensate the victim, whether through getting a job, garnishing wages, or placing a lien on the person's assets. They see financial payment not only as a way to make things right but also as a means of demonstrating that stealing is wrong. As one respondent shared:

Shawn needs to pay Jay. It was wrong for them to break into her home...[she doesn't] feel comfortable there and she lost things she will never see again. Them break[ing] in[to] her home, that was selfish. People need to stop taking things that don't belong to them and get a job and get the things they need. It's so easy for people to take from someone then to get a job and buy what they need. Sad but true.

This financial restitution was meant to address both the stolen property and emotional pain that the victim may have experienced:

I really think he needs to pay for what he stole and the victim counseling. He made a choice and hurt someone.

C. Making Things Right

Some respondents believed that Shawn needed to make things right by replacing or returning what was stolen. As one respondent suggested, “[Shawn] also needs to find out what happened to the family heirloom so it can be returned to the family.” Additionally, respondents felt Shawn should identify the others who were involved with the crime to ensure justice is served, as noted by one person’s comment that “accomplices [should be] turned in for justice to occur.”

D. Victim-Focused

Other respondents were primarily concerned with the well-being of the victim, Jay. They believed that Shawn should provide direct services to the victim as a way of making amends. Suggested services included community service directly to the victim: “Shawn does work for Jay like cutting lawn, washing car, etc. until he reaches the amount.” Some respondents also provided suggestions for supporting the victim (e.g., funding security systems to prevent further burglaries). Additionally, some respondents felt that the decision regarding the form of punishment should be left to the victim rather than the court.

E. Combined Approaches

Some respondents supported a blended punishment approach that involved multiple steps and conditions. These variations included paying restitution as part of parole. Additionally, some responders believed the person who committed the crime should perform all the nonfinancial restitution measures mentioned in the survey. Some respondents believe that the consequences for the person should be conditional, based on that person’s specific role in the crime. They also suggested conditions related to the amount of time served in prison:

If the criminal receives any form of pay while in prison, it should be garnered to resolve the court-ordered debt, and the prisoner remains there until the debt is satisfied. If the accused rolls over on his co-conspirators with them under the same imprisonment terms, they could have any and all prison pay garnered resulting in an earlier release for the first [person] captured and convicted.

Additionally, some respondents felt that the government, needs to be harder on crime, offering one suggestion:

If he's locked away for two years, then he can't work to pay, so take off the two years so he can work. But if he does it again, he goes to jail for life. The government needs to make laws harsher so people would be afraid of committing crimes.

F. Other

This category of responses had a variety of ideas of other sources for the restitution: Shawn's family, the other people involved in the burglary, or Jay's insurance. One raised the idea of 'root causes' of crime, writing we need to "solve the issues that lead to criminality in the first place." A few focused specifically on Shawn in two ways: 1) having Shawn engage in self-improvement activities to then be better positioned to pay restitution and 2) having Shawn give property of their own to Jay.

Conclusion

Our survey findings reveal that even with qualifying explanations about flaws in the current system of restitution, peoples' views of restitution remain centered on two aspects: 1) the person who committed the crime takes accountability for harming the victim and 2) the primary form for that restitution should be financial reimbursement to the victim. By qualifying explanations, we outlined why people may not be able to afford to pay the restitution that is not related to a lack of motivation to pay and the reality that many victims never get paid the full amount of the court-ordered restitution under the current process. Yet even with those explanations and peoples' acknowledgement that it would take a long time to pay victims back in full, the overall survey findings suggest a continued reliance on the idea of financial direct restitution as the only meaningful way to satisfy the victims.

When presented with a vignette of a hypothetical crime and restitution process, people generally were equivocal about whether to support nonfinancial forms of restitution if the person was not able to pay. Our logistic regression model found that some factors predicted opposition to nonfinancial restitution: victim status, generation, political ideology and gender. Yet the overall model, while statistically significant, only accounted for a small amount of variability in the sample. These results could be attributed to the individual accountability trope of financial restitution being so dominant as to overshadow any of the proposed nonfinancial alternatives. It also could be that peoples' opinions are informed by local, county, and state laws related to restitution that were not captured in the survey data.

While these findings could be seen as supporting the current restitution policies, they also offer insights to inform future reform efforts in the following two ways:

1. Targeted educational campaigns about restitution

Even though the survey explained at several different points why people legitimately cannot pay restitution and the deleterious impact on victims who ultimately never receive that restitution, it could be that more information is needed to convey the complexity of that process. This information would help contextualize and communicate the rationale for nonfinancial restitution. In particular, campaigns could address one or more of the following four themes:

- A. Depicting people with court-ordered restitution in more nuanced ways: this theme would outline the reasons they cannot afford to pay restitution besides lack of willingness, showing how challenging and often impossible it can be for a person to pay their financial restitution in the face of their other legal debt that often is disproportional to the crimes for which they are convicted and the collateral consequences of legal system involvement that stymies any or all attempts to pay that restitution (e.g., criminal records limiting employment options). In addition, it would highlight how many of these people have also been victims of crime, challenging the victim-offender dichotomy that often skews our understanding of this issue (as evidenced in our sample, where 25% of the people with justice involvement in our sample were both a victim and someone arrested for a crime).
- B. Debunking the idea that people can work off restitution in prison: this theme would outline the reality of what it means to have a person work in prison to pay their restitution: it would take years, since the person earns low wages (typically less than \$1 per hour) if they are even paid at all for their labor while incarcerated. That translates to victims receiving intermittent checks in amounts less than \$5.00 while having to pay for the costs upfront. Another implication to highlight would be the taxpayer dollars spent on incarcerating the person for nonpayment that are often much higher than the amount needed to invest in a statewide fund to cover the victims' costs (often less than \$5,000) while focusing on having the person take accountability in other ways.
- C. Describing victims' challenges in getting financial restitution: this theme could focus on victims' experiences in trying to get financial restitution to highlight the challenges to that process. As discussed in my previous study (Paik, Romanello, Thompson 2023), a large part of the victims' frustration with restitution pertained to the glaring disjuncture between their expectations of what the criminal legal system told them initially and the reality of what it could actually deliver regarding financial restitution.

D. Showing how accountability is achieved through nonfinancial restitution: this theme could feature alternative restitution programs to raise public awareness about nonfinancial restitution as an equally, if not more, satisfactory option to enhance individual accountability. These programs decouple the timing of paying the victims for the costs related to the crime from the timing by which the person with court-ordered restitution can take accountability either through financial or nonfinancial means. One contemporary model for that idea is the San Francisco's AFTER Program (Aims to Foster Transformation and Ensure Restitution) which provides upfront compensation to victims of crimes committed by youths while those youths take accountability through a variety of activities including community service.

2. Developing more focused and viable alternatives for nonfinancial restitution

When discussing restitution reform, the options of community service, letters of apology and victim offender mediation often presented. Yet the survey suggests respondents are less interested in the latter two.⁶ These findings suggest a need to focus on community service, creating more feasible and constructive options for people to do. By feasible, we mean options where people can reasonably complete it (e.g., flexible or weekend hours to accommodate work schedule or childcare responsibilities; no costs in signing up for community service options), and the credit is *proportional* to the restitution ordered. In addition, the options could be geared towards enhancing accountability (e.g., volunteering at a housing nonprofit if charged with home burglary or if appropriate, doing community service for the victim).

Another focus could be on self-improvement activities, which was the other favored option in the survey. Some of the respondents noted that if the person does get and keep a job, they are more likely to be able to pay back restitution and also break free from the enduring grasp of the criminal legal system. One possible model would be the Incentives Program run by Tempe Community Supervision, a program of the City of Tempe Community Health and Human Services Department. In the Incentive Program, people can receive credit towards their program fees for participating in and completing pro-social activities (e.g., GED classes, self-help group meetings, job applications, fitness classes), all of which are free and geared towards promoting behavioral change in various realms. The Incentives Program leverages free city and community programs and services, which maximizes existing resources and

⁶ While that finding could be interpreted as a rationale to move away from restorative justice initiatives, we would posit the opposite: that is, for restorative justice initiatives to achieve their goal, both the victim and the person charged with the crime have to engage *willingly* with the sole intent of repairing harm to the victim. Adding a financial component to it (e.g., letter of apology as a way to reduce financial restitution) makes it harder to believe the sincerity of the person's motive to participate.

eliminates any new costs. Community Supervision clients not only increase their skills and abilities, but the city has also not seen a significant reduction in overall cost recovery. While this program is not focused on restitution, one could imagine a modified version of it to apply towards a restitution credit.

In closing, both of these recommendations highlight ways of reconceptualizing the idea of individual accountability beyond simply financial restitution and moving beyond the default punitive response to peoples' failure to pay restitution. In short, we are calling for a re-envisioned relationship between the state, victim, and person who committed the crime in regards to restitution whereby the victims' needs are met in a timely manner through a state fund (perhaps as combined with the compensation funds), while the person with court-ordered restitution has an opportunity to pay back the state in both financial ways (if they have the ability to do so) and nonfinancial ways (e.g., credit for engaging in prosocial activities). This would keep the victim from having to wait for years for payments that may never come, while also saving the government from the excessive costs of incarceration and providing real possibilities to the people with court-ordered restitution to be able to move forward in positive ways through educational and employment opportunities. A restitution process based on that kind of relationship would ultimately benefit all three parties and the broader society – more so than the current reliance only on financial restitution.