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REFLECTION ON THE RHETORIC AND REALITIES OF RESTITUTION

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Introduction

This essay is a critical reflection on restitution, a commonly assessed legal financial obligation (LFO) to offenders in the justice system. Much has been written about the overly punitive nature of fines and fees, which are excessive and, in some cases, not even related to the offense. For the most part, however, restitution to victims has not been the focus of this research.

Courts routinely impose restitution and other victim-related LFOs on offenders.¹ In the juvenile justice context, a purpose of restitution² is to teach youth offenders to take responsibility, which, by extension, aids in the rehabilitation of those youths.³ However, the reality is that restitution is just one of many LFOs that cripples offenders and their families' ability to pay and to complete their conditions of justice system involvement. Offenders and their families do not experience restitution as separate from other LFOs, even if they can see its rationale as different. Furthermore, alternatives to restitution (e.g., community service or letters of apology) are fraught with problems that render them less meaningful to offenders and victims alike.

To highlight the problems of restitution, I use ideas from restorative justice and insights from my ongoing research on youths with LFOs, their families, and victims of juvenile crime.⁴ Restorative justice envisions a radically different way of approaching youth crime compared to the traditional juvenile court. To do that, it calls for a clearer articulation of the reasons behind the court's actions, more frequent communication between all parties, meetings between victims and offenders in lieu of formal court hearings, and a more equal balance of all voices (victims, youth offenders, and the community) in the decisionmaking process. Those ideas shed light on four hidden or unspoken realities of restitution

1. Alexes Harris et al, *Monetary Sanctions in the Criminal Justice System: a review of law and policy in California, Georgia, Illinois, Minnesota, Missouri, New York, North Carolina, Texas, and Washington*, ARNOLD VENTURES (2017) (finding that all nine states in their study on LFOs charged restitution and some had additional 'victim-related' LFOs to support general victim funds, victim assistance fees or brain/spinal injury funds). In Dane County, WI, where I conducted interviews about LFOs in the juvenile justice system, the court charged \$20 per case for the DA's Victim Witness office, whether or not the youth's case involved a direct victim.
2. ANNE SCHNEIDER & PETER SCHNEIDER, POLICY EXPECTATIONS AND PROGRAM REALITIES IN JUVENILE RESTITUTION IN VICTIMS, OFFENDERS, AND ALTERNATIVE SANCTIONS (Joe Hudson and Burt Galaway, eds. 1980) (identifying three types of restitution that promote the rehabilitative ideal in the juvenile justice system: direct services to victims, financial payment to victims and community service. This essay primarily focuses on the latter two, as they were most often mentioned in my interviews.)
3. Sarah Hoskins Haynes, et al., *Juvenile Economic Sanctions: An Analysis of Their Imposition, Payment, and Effect on Recidivism*, 13 CRIMINOLOGY AND PUB. POL'Y 31 (2014); Alex Piquero & Wesley Jennings, *Research Note: Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, 15 YOUTH VIOLENCE & JUVENILE JUST. 1 (2017).
4. The data for this essay are based on fifty-one interviews I conducted in 2018 with twenty families (twenty-one youths and twenty parents) and ten victims in Madison, WI about their experiences and views of LFOs in the juvenile justice system; this research is part of a larger collaboration with the Juvenile Law Center funded by Arnold Ventures. For more detail on this research and the methodology, see Leslie Paik & Chiara Packard, *Impact of Juvenile Justice Fines and Fees on Family Life: Case Study in Dane County, WI*, PHILADELPHIA, PA JUVENILE LAW CENTER (2019).

that compromise its efficacy which this essay addresses: administration of alternatives to restitution, relational distance between victim and offender, timing, and the offender's sincerity in doing restitution. While this piece focuses on restitution in the juvenile justice context, there is relevance for the criminal justice system in its use of restitution and restorative justice alternatives.

I. Key Tenets of Restorative Justice and Relevance for LFO Reform

The essay presents a brief review of restorative justice ideals to highlight the competing goals in actual restitution practices. Simply put, restorative justice envisions an alternative to the traditional criminal justice system in which both the offender and victim are repaired and restored by the intervention.⁵ Strang characterizes the difference between the two in the way that they deal with victims.⁶ The traditional criminal justice system seeks out punishment as a form of revenge for the victim, which may not necessarily consider the victim's desires.⁷ In contrast, restorative justice seeks out "win-win" scenarios for the victims and offenders where they share their perspectives of what happened and learn to have empathy for each other through that process. Instead of the more formalized adversarial process in the courtroom where victims' desires previously were not considered, restorative justice focuses on equalizing power dynamics between parties, increasing transparency in the process, and considering all peoples' voices, including the offender and the victim. Crawford and Newburn identify three goals of restorative justice: restoration, reintegration and responsibility.⁸ Restoration focuses on the victims by having the offenders address the harm caused by the crimes. The other two, reintegration and repair, pertain more to the offenders by identifying ways to help them become more "pro-social" members of the community and learn to be more accountable for their actions in the future.

We can envision different types of restorative justice models based on those goals, which focus on three distinct groups: victims, offenders, and communities. As described by McCold's restorative justice typology, 'fully restorative' programs have features that address all those groups (e.g., peace circles, community conferencing, or family group

5. John Braithwaite, *Crime, Shame and Reintegration* (1989); John Braithwaite, *Restorative justice: Assessing optimistic and pessimistic accounts*, 25 *CRIME AND JUST.: A REV. OF RES.* 1 (1991).

6. HEATHER STRANG, *REPAIR OR REVENGE: VICTIMS AND RESTORATIVE JUSTICE* (2002).

7. *Id.* at 193. Strang does present a more historical account in England before the state formalized a justice system in which repair, not revenge, was the central goal. She writes in those times, the goal was to have the offender make "amends to their victims, so as to restore order and peace as quickly as possible and to avoid vengeful blood feuds"

8. ADAM CRAWFORD & TIM NEWBURN, *YOUTH OFFENDING & RESTORATIVE JUSTICE: IMPLEMENTING REFORM IN YOUTH JUSTICE* (2003).

conferencing).⁹ Those that accommodate two groups (e.g., victim-offender mediation) are “mostly restorative,” and the rest that deal with one group (e.g., victim services, community service, compensation schemes) are “partly restorative.” In a slightly different vein, Braithwaite discusses three kinds of standards for evaluating restorative justice programs: constraining, maximizing, and emergent.¹⁰ Constraining standards ensure that one party does not exert more power over the others and that the restorative justice options do not exceed the current levels of state punishment. Maximizing standards relate to the rehabilitative and transformative moments of these programs for the offenders, victims, and communities. Finally, emergent standards include remorse over injustice, apology, forgiveness of the person, censure of the act, and mercy.¹¹ Braithwaite makes an important distinction between three standards: the last one needs to arise organically out of successful interventions to be meaningful, while the first two can be built into the program design.

With this brief review, we begin to see why the practice of financial restitution and alternatives to that restitution based on restorative justice ideas were not fully satisfactory to victims or offenders in my study. In my interviews, victims reported that some harms (e.g., emotional distress) were not eligible for restitution, which only allowed for physical damages. The court in my study also capped the amount of restitution at \$1000; while the cap recognizes youths cannot work to pay off the same amounts as adults, it does not pacify some victims who are told to pursue any further damages in small claims court. In addition, the court often ordered youths to write letters of apology to the victims, effectively neutering any effect of this potentially “emergent” standard since the youths are compelled to do it, versus having it emanate from their own initiative. None of these situations match up with restorative justice principles, leaving the victims feeling like their needs were not completely met and the offenders feeling as if their voices were unimportant in the process of taking responsibility for their own actions.

II. Four Hidden or Unspoken Realities of Restitution

My research in Madison, Wisconsin found four hidden or unspoken realities to restitution and its alternatives that need to be part of any discussion moving forward about LFO reform. They relate to the practicalities in alternatives to restitution (e.g., community service), the relational distance between victims and offenders, the timing of restitution, and the perception of youth’s sincerity in doing restitution and its alternatives. The families and victims’ experiences reveal how these realities limit the efficacy of the restitution process.

9. See Paul McCold, *Towards a Mid-Range Theory of Restorative Criminal Justice: A Reply to the Maximalist Model*, 3 CRIM. JUST. REV. 357 (2000).

10. John Braithwaite, *Setting Standards for Restorative Justice*, 42 BRITISH J. OF CRIMINOLOGY 563 (2002).

11. *Id.* at 570.

A. *Limited Viability of Community Service as an Alternative to Restitution*

Using community service as an alternative way to “work off” restitution reveals three problems: muddled vision, confusing process, and exploitable labor. Regarding muddled vision, it is hard to restore both the victim and offender if community service has conflicting purposes. In Dane County, parents, youths, and victims express competing views of community service: Is it to teach kids a lesson (e.g., how hard it is to earn money, deterrent effect of doing manual labor or unpleasant tasks, every action has a consequence)? Is it to help develop their prosocial qualities or confidence (e.g., mentoring others, learning a skill)? Is it both? Consider how Sam, a thirty-eight-year-old Asian American victim of car theft,¹² expresses her view of community service:

I feel like they need to do some kinda community service to kinda reevaluate what they did . . . And that way they don't do it again. Like if I do it, this is the actions that I will have to face . . . Or if they do something maybe to appreciate . . . like a children's hospital . . . they have like these playtime[s] with the kids . . . Maybe that will make them think like, okay here I am like doing these foolish stuff when these kids . . . are in here like ill . . . So I want something that's a community service that—that's meaningful . . . that is gonna teach them something . . . they can take that skills when they get older to do that. So they know like . . . I got this . . . I don't need to steal . . . to get that stuff . . . Like I can work hard for it.

Sam articulates her desire for community service that is both educationally and vocationally beneficial for youth offenders while also helping them learn to take responsibility. However, the reality of community service often does not live up to these goals. Youths are not learning transferrable skills by doing community service, which often entails manual labor such as mowing lawns, shoveling snow, or picking up dog feces. Most youths also did not express learning anything about accountability by doing community service; rather, they talked about it more as just another court condition they were told to complete. That affects some youths' willingness to do it. For example, Kobe, a sixteen-year-old black youth arrested for being a passenger in a stolen car, said he would be more invested in community service if it was like “helping, like, old people or children . . . I could help them at school or something . . . Like, just [with old people] like, talking to them and feeding them if I had to. Like, cleaning up after them or something.” Kobe highlights a key restorative justice principle that calls for giving a voice to the offender in taking

12. All names are pseudonyms. I have included only selected demographic information about the families for confidentiality purposes, as most of the youths' cases are still open. Due to the relatively small size of the Dane County juvenile court population, staff would be easily able to identify the families if I put all that information (e.g., parents and youths' ages, race/ethnicity, youths' offenses, past court involvement).

accountability. Fostering a sense of youth agency might increase their potential for rehabilitation and reintegration.

Secondly, participants do not see community service as a meaningful alternative to restitution when the process is not transparent. Both youths and victims expressed confusion about it after the court made the initial determination of the restitution amount. James, a sixteen-year-old black youth arrested for reckless endangerment, said the court never informed him about the number of community service hours he had left to complete. He said that the lack of communication greatly affected his motivation to complete the community service: “Every time I asked them the amount, they still talking about the thousand [dollars in restitution that the court ordered] and . . . I’m like, how? How? I come here like every weekend. In the evening, in the summer on weekdays, on Wednesdays, you know? Like, how do I still got this much? So I just stopped going.” In addition, victims stated feeling unclear about restitution. While the District Attorney’s office initiated and kept in contact with victims about the process, the victims also found that the communication ebbed greatly over time, especially as youths began to do their restitution. Christine, a white victim of assault by multiple teenagers, discussed being perplexed by the process. While she only claimed \$25 in restitution for a MP3 player that was broken during the incident, the court ordered \$500 in restitution without explaining why. She then got a letter saying one youth only owed \$798; she ultimately got a check for \$8.33. She says, “I had no idea what this check was that came . . . I almost felt like, should I even cash it?”

In theory, these two problems with community service could be addressed by policies that are clearer and implemented more efficiently. However, the third and final problem is more complicated to resolve: viewing community service as a new form of forced labor. Recent research discusses how state and local governments and nonprofits benefit from having free labor like community service.¹³ Zatz et al. call it “resource distraction,” finding that the courts in Los Angeles sentenced between 50,000–100,000 people per year to community service in lieu of jail or court-related debt; Herrera et al. found that, in 2013–2014, those sentences translated into 382,000 hours or 219 fulltime jobs.¹⁴ Even if community service is completed, there are still problems, in that there

13. JOHN KRINSKY & MAUD SIMONET, WHO CLEANS THE PARK? PUBLIC WORK AND URBAN GOVERNANCE IN NEW YORK CITY (2017); Noah Zatz et al., *Get To Work or Go To Jail: Workplace Rights Under Threat*, UCLA INSTITUTE FOR RESEARCH ON LABOR AND EMPLOYMENT, UCLA LABOR CENTER, AND A NEW WAY OF LIFE REENTRY PROJECT (2017); Lucero Herrera, et al., *Work, Pay, or Go to Jail: Court-Ordered Community Service in Los Angeles*, UCLA LABOR CENTER AND UCLA SCHOOL OF LAW (2019). I should note that these studies focused on adults and/or the use of community service as a court-mandated alternative to jail or court fees that are separate from restitution. However, the underlying criticism of community service remains applicable for this essay’s focus on restitution.

14. Zatz, *supra* note 13, at 3; Herrera, *supra* note 13, at 23.

are no benefits or worker safety mechanisms in place. Herrera et al. outlines the repercussions in terms of limited or no labor protections (e.g., standards, worker safety, and feedback) for the people performing that community service and for the people in the paid labor pool displaced from those positions.¹⁵

B. *Lack of Recognition of the Complexities to the Relationship Between Victim and Offender*

In discussing restitution, we often conceptualize victims and offenders as two distinct groups of people, strangers to one another until this random act of crime ties them together. However, the reality is not so simple; victims could be related to the offenders, or they could be part of the same community, possibly interacting every day. In Madison, the court does not charge parents who are victims of their youths' offenses for the LFOs incurred by their youths' case, but it does still charge restitution to the youths. Consider how Evan, a white male whose daughter was charged with assaulting him, states that the court ordered restitution even though he did not want it. He says: "I wasn't like seeking restitution by any means . . . I knew that there was probably going to be some sort of restitution, um, ordered by the judge." He then offers his own opinion about another type of restitution: direct service to the victim:

Do like service for the actual person they committed a crime against . . . if they could somehow serve the individual directly . . . obviously [I] don't know how that'd look. Honestly it would be up to the victim . . . Say like uh, a kid, there was a property crime versus like a violent crime, they stole from in their house or something . . . would they be able to like come over and like mow their grass . . . something like that. Where it would be like a uh, kind of like a chore type thing in order to have some sort of restitution that way.

Evan's words make sense for certain crimes (e.g., property versus violent) and for certain victims who are open to the idea. At the same time, prioritizing the victim's desires brings up the concern mentioned in the previous part about the limits to rehabilitation and reintegration of youths if they do not have agency in that process.

Moreover, Evan's ideas only address a financially measurable "harm," not the potential emotional damage to the victim. Consider the words of Dorothy, a sixty-year old white woman, about the impact of the crime on her, which includes more than just the physical action; a couple youths stole her car from her garage which was open to the street:

15. Herrera, *supra* note 13, at 25. In addition, Krinsky and Simonet's study mentions the complexities in managing multiple groups of 'volunteers,' which include court-mandated community service workers, workfare and summer youth employment programs. Even if the work crew was comprised of only court-mandated people, the park supervisors were never sure if the workers were there for nonviolent offenses or potentially had preexisting conflicts with one another. That made it potentially unsafe for the supervisors and all of the volunteers on that work crew. Krinsky & Simonet, *supra* note 13.

You violated my privacy . . . You came into my house . . . You know, if that's part of the restitution, then maybe they would realize it's not just . . . about getting the money, it's for the accountability part . . . like, "You know what? You don't even . . . these are real people, too, with families, and struggles, and all this stuff . . . And then, you're just thinking about yourself to steal a car, or to go on a joy ride.

Furthermore, if the victim and offender live in the same community, there is a possibility of fear of retaliation on both sides. Sam, the victim mentioned in the previous part, reported feeling vulnerable after her car was stolen from outside her apartment building; her family placed furniture in front of the front door as a barricade from potential intruders for months afterward. She explains how that affected her family life, saying: "We had to close ourselves in and I had a four-year-old [that] had to deal with that . . . we had to show him not to be scared of the world but yet we were scared of the world so . . . it was, yeah. It was really hard for that." She did not appear in court due to the same fear; she explains: "I felt really uneasy and uncomfortable . . . if these kids were doing this, what if the parents retaliate if I decide to say something? . . . So I never went." Her family then decided to move to another unit in the apartment complex a few months later.¹⁶ Both victims and offenders expressed similar feelings when asked about the possibility of participating in victim-offender mediation sessions if they were offered as an option instead of restitution.¹⁷ Sally, a seventy-five-year old white victim of property damage, is hesitant, not just for herself but also for her family and the youth offender; she explains:

I wouldn't want to meet him . . . cause I don't know that it would do any good . . . I don't want to have to see him in the store or something and— . . . I wouldn't want it to put him uncomfortable if he's gettin' over it . . . And another reason I wouldn't want them to definitely to know our name . . . my granddaughters are in the same high school with him . . . I wouldn't want, you know they [granddaughters] have a different last name so they really might not know.

These concerns and fears could be addressed with a strong facilitator at a victim-offender mediation session, who helps manage the expectations, language used, and dynamics between the parties.¹⁸ However,

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16. They were not the only victims to report moving out of their home after the incident; Peter, a victim of car damage, also moved out of his neighborhood as he no longer felt safe after living there without those worries for several years.
 17. To be clear, the court in Madison did not offer these mediation sessions; I asked participants about mediation as a hypothetical alternative to financial restitution.
 18. Jung Jin Choi, & Michael Gilbert, *'Joe Everyday, People off the Street': a Qualitative Study on Mediators' Roles and Skills in Victim-Offender Mediation*, 13 CONTEMPORARY JUST. REV. 207 (2010); Mary Riley & Hennessey Hayes, *Youth Restorative Justice Conferencing: Facilitators' Language—Help or Hindrance?*, 21 CONTEMPORARY JUST. REV. 99 (2018); Christine Slater, et al., *Youth Justice Coordinators' Perspectives on New Zealand's Youth Justice Family Group Conference Process* 15 J. OF SOC. WORK 621 (2015).

these ongoing relationships or potential future run-ins and unanticipated repercussions of the incident (e.g., emotional and moving costs) still demand our attention to understand more fully the impact of LFOs.

C. *Potentially Different Timeframes and Scopes Between Paying Restitution and Repairing Harm to Victim*

While the court in Madison granted restitution to all of the victims in my study who requested it, it did not necessarily give a time limit on how long it would take offenders to pay it. In Madison, youths can work off part of the restitution by doing community service at a local nonprofit, which then sends the payments onto the victims; this process can lead to delays in getting those payments to the victims.¹⁹ Christine, the assault victim mentioned in the first part, got the check for partial restitution two years after the incident happened. Frank, a thirty-five-year-old white man, had his bike stolen out of his apartment building's locked parking garage. He has received a couple checks already for restitution but says, "If I get a \$24 check every six to eight months . . . it's gonna take a while . . . three to four years." Beyond the restitution for the bike, Frank also details the other effects that the incident has had on his life:

Things like that you don't think about. Um, and it's just—it was—it was time taken to-to-to do . . . out of my, you know, my family life, to file a police report, you know, respond to them, file an insurance claim, multiple responses with them . . . I wanna say it was Jun-June or July, when it happened. I didn't get, uh, the official, um, return from my insurance until . . . I think September . . . I was able to—to go out and—and get it—purchase a bike . . . so that I could start riding—riding to work again . . . so there was financial value, you know, to that time . . . as well because then I was having to drive into work. Uh, sometimes having to pay for parking, sometimes not . . . And just, yeah, just overall . . . time spent, doing other things than—than what I—my normal routine was just . . . because of, you know, of . . . [the youth's] Silly decision to—to go in and—and . . . take a bike.

While Frank might understand that these were just kids making a "silly decision," the aftermath of that decision is far from silly. Frank used to ride his bike to work in order to save on gas, parking costs, and car maintenance. The three months that the insurance company took to process his claim increased his commuting expenses. In addition to the new financial expenses incurred beyond just replacing the bike, he talks about time he lost in dealing with the police and insurance company to fill out his insurance claim, taking away from his "family life" and "normal routine." Just as Sally mentioned the emotional impacts of the crime, Frank describes a cascading number of problems created by this one incident, which financial restitution does not always resolve.

19. The youths get \$725 an hour minus Social Security tax (approximately \$6.70/hour). So, if a youth owes \$250, that would be 37 hours of community service at \$6.70/hour. If she has the maximum amount of restitution which is capped at \$1000, that would be just over 149 hours.

Similarly, Fred, a fifty-five-year-old white man, discussed the damage to his rental property after youths fired a gun into the apartment of another youth due to a grievance between them; the bullets did not hit anyone but did hit the walls and bathtub. The damage exceeded the maximum amount of restitution (\$1000 per youth) assessed to youths in Madison. However, due to the high deductible on his insurance, Fred did not fix completely the damage to the unit, as he insists the place was still “functional.” That meant the victims were harmed even more by this incident by not having a fully operating bathroom. In addition, Fred was worried about having the insurance premiums go up or, worse yet, being dropped as a client. Both Frank and Fred’s experiences raise the following questions: How can restitution address the harm to the victim if the timing and amount of it do not match up with the repairs needed? If victims are part of the state’s rationale to assess LFOs to offenders, should the state be expected to “front” the money to the victims and have the offenders pay it back?²⁰ If the answer is yes to that last question, it could open up the possibility for offenders to become more embedded in state surveillance and in further debt.

D. *Questioning the Offender’s Sincerity in Performing Restorative Justice Options*

While the court might impose a restorative justice option as an alternative to a LFO or other punishments, it might not feel that way to either the youth or victim if either senses an insincerity behind the youth’s actions in doing that option. For example, one way to repair the harm caused to the victim is by writing a letter of apology. Many victims in my study requested such a letter from the youth offender. If they did get a letter, however, they also believed it felt coerced. Frank said, “That’s something that could be . . . could be forced . . . you know, a translation from somebody else . . . Just going through the motions to get through the process on their end.” Peter, a sixty-eight-year-old white man whose car was damaged by a youth who hit it while driving in a stolen car, felt dissatisfied with the letter of apology that the youth wrote to him, mainly because of the delay in receiving it. He mentions that he had to ask the DA’s Victim Witness Office several times about it, which further aggravated his sense that the youth did not really want to write it. He explains, “It was a handwritten letter . . . he actually wrote a good paragraph . . . But truthfully, to me, it was sad that I had to force the issue . . . Because at that point, more than six months later, it loses the sincerity of what you’re going through. I felt that he had been compelled.” He felt more invested in this letter than any financial restitution, even though his car was totaled, because he realized the youth and his family probably could not pay for the repairs. His goal in asking for the

20. If the state did guarantee payment, Fred said he definitely would have fixed up the property completely.

letter was to show he cared about the youth's rehabilitation, in which he felt the letter played a key part.

On the other hand, some youth offenders had differing views of those letters, which were not related necessarily to being unwilling to admit responsibility for their wrongdoing. Some said they would not do it if they did not commit the offense, felt wronged by the victim in some way, or did not see a benefit regarding their case. Derrick, a sixteen-year-old white youth arrested for smoking marijuana on school property, explained his view of it:

I see why they do it. But it was hard to remember, like hey I gotta do that, when there's so many other things like school, homework . . . You don't really have time for it. You know. I mean the fact that I'm going to court and stuff really is already teaching me a lesson.

Derrick's account indicates that a letter of apology is one task on a long list youth are supposed to do. Moreover, it does not feel like it is a replacement of anything else but an additional responsibility on top of the court obligations, which he believes should be sufficient for him to learn "a lesson." This youth's experience exemplifies a violation of Braithwaite's constraining standard, further demonstrating the limited efficacy of restorative justice alternatives used in this context.

Conclusion

This essay has highlighted some of the inherent conflicts in emphasizing restitution as part of an offender's sentence, using insights from restorative justice and the perspectives of youth offenders, families, and victims. It also showed that financial restitution and monetizing alternatives to restitution—as they are implemented in practice—should not be considered as the main means to "repair harm" and "teach responsibility." Victims do not often see financial restitution as the most important priority; most of them understood that the youths could not pay, so they wanted to make sure the youths focused on their rehabilitation or took on some responsibility. The victims were also unsatisfied with alternatives that emphasized responsibility such as letters of apologies because they felt the youths only did them to reduce the amount of their LFOs. For youths and their families, restitution was just a part of a frustrating and confusing experience with the justice system and other LFOs, in which restitution was added onto the traditional juvenile court responses, instead of replacing them.

In the broader discussion about LFO reform, the ideal option would be to abolish all of them. However, abolishing restitution is a bit more complicated, as that does not help with enhancing offender accountability or redressing harm to the victim, which could include both material and emotional after-effects from the crimes. I am not arguing for the creation of new solutions per se, but for more of an empirically grounded and localized understanding of peoples' experiences with restitution and

restorative justice to better see the conditions under which the options are realistic and meaningful. Moving forward, it would help to remember the key components to successful restorative justice initiatives:

- clearly defined aims of each alternative;
- clear and ongoing communication among all parties about the process;
- well-trained facilitators for any potential meetings between victims and offenders; and
- inclusion of all voices (victims, youth offenders, and the community) for determining the forms of restitution, including direct service to victims or community service options.

In closing, any attempt to include restitution as a means to instill a sense of accountability in the offender should heed the words of Rose, a twelve-year-old black youth arrested for a school fight:

It [community service] could, well yeah, and like [restorative justice] circles yeah, that'll help you learn responsibility cuz that's basically what they talk about . . . But anything to do with money. Like, if it's teaching you how to deal with your money, then I guess that's responsibility but if you tellin, yeah you have to pay it, that's not responsibility . . . No, that's not nothin to do with responsibility.

As Rose describes, financial restitution, especially in the juvenile justice context, is not the way to achieve a satisfying resolution for either the youths or most victims. Furthermore, monetizing punishment is effective if the youths have no meaningful way to earn the necessary amount to complete that court condition. Instead, if restorative justice options such as community service could be separated from the financial components of restitution, perhaps youths such as Rose would respond more effectively to the justice system's decisions and attempts to teach them responsibility.