

STATE OF SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
POLICY AND PROCEDURES

Title:	Juvenile Monetary Restitution and Community Service	Policy No.:	F-8.3	Page(s):	1 of 6
Authority:	County Offices. Division of Community Service				
Juvenile Justice Code:	n/a				
PbS Related Standard(s):	n/a				
July 08, 2015 Effective Date		SIGNED/ <i>Sylvia Murray</i> Sylvia Murray Director			
DATES UPDATED:					

POLICY: The Department of Juvenile Justice (DJJ) employs the principles of Balanced and Restorative Justice when working with juvenile offenders. The accountability goal of restitution provides juveniles with a concrete mechanism through which they can make amends to society by taking an active role in accepting full responsibility for their delinquent behavior. DJJ encourages the use of supervised community service work or monetary restitution as a special condition or sole sanction of probation or parole.

PROCEDURAL GUIDELINES:

A. Definitions

1. Restorative Justice: A response to youth crime that strikes a balance between the needs of victims, offenders and communities, with each participant actively and equally involved in the justice process.
2. Restitution: The act of making good or giving equivalent for any loss, damage, or injury, and may take the form of community service, supervised work, donation to charity or monetary reparation.
3. Community Service Worksite: A nonprofit organization offering a juvenile offender a variety of DJJ approved work activities.

B. Monetary Restitution and Community Service Recommendation Criteria

1. A DJJ County Case Manager (CM) can recommend restitution based on one or more of the following criteria:
 - a. Restitution must be for the offense(s) for which the juvenile is diverted or adjudicated delinquent and is a logical and attainable consequence of said offense(s);
 - b. The juvenile's safety and well-being including their physical, mental, and emotional state, as well as their financial ability. When recommending community service work, the juvenile's substance use will be considered;

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- c. Available community resources to assist the juvenile in seeking employment or coordinating community service work;
 - d. The safety of the individual victim and community; and/or
 - e. The victim's input and requests.
2. When recommending monetary restitution, in addition to the criteria outlined in section 1. A-e of this policy, the County CM will consider:
- a. The victim's documented monetary loss provided to the Solicitor's office, Family Court, or SC Board of Juvenile Parole. The CM will request a copy of this documentation for the juvenile's case file.
 - b. Statutory and case law mandate that family court judges can only order restitution as a condition of probation. A judge can, however, establish a restitution amount in commitment cases for either the Parole Board or Release Authority to consider when determining conditions of release.
 - 1) The County CM will seek to have the Family Court establish the amount of restitution and record the amount on the commitment order.
 - 2) If the victim requests monetary restitution, but the amount is neither established in the commitment order nor received through written documentation of loss from the Solicitor's Office, the County CM, upon request, can assist the staff of the SC Board of Juvenile Parole to obtain the documentation of loss.
 - c. The ability of the juvenile and/or parent to provide monetary reimbursement.
 - d. The County CM will not recommend monetary restitution as a condition of DJJ monitored diversion cases. If the Solicitor recommends monetary restitution as a sanction, DJJ will not accept monetary payments. The payment will be worked out through the Solicitor's office in compliance with DJJ Policy F-7.3, Case Resolution and Court Presentation.
3. When recommending community service work, in addition to the criteria outlined in section B.1. a-e of this policy, the County CM will also consider the nature of the current offense and the juvenile's prior history. The County CM will use Attachment F-8.3A, Recommended Number of Community Service Hours by Category, as a guide for the recommended number of hours.

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4. No deviation from court ordered restitution obligations or restitution ordered as a condition of parole will be made unless approved by the respective authority.

C. Keying Monetary Restitution and Community Service Obligations into JJMS

1. Court-ordered Probation

- a. Within two (2) business days of receipt of the court order, the County CM will ensure the court order is uploaded into JJMS.
- b. The County CM will key into JJMS the monetary restitution and/or community service obligation requirements as established by the court order, ensuring accurate association with the juvenile, the juvenile's offense and the victim. If the victim information not previously available is now available, it will be entered at this time.

2. Conditional Release by the DJJ Release Authority

- a. The Release Authority Manager is responsible for uploading the conditional release agreement into JJMS and entering the disposition to include monetary restitution and/or community service.
- b. The County CM will key into JJMS the monetary restitution and/or community service obligation requirements as outlined in the DJJ Release Authority conditional release agreement. The County CM will ensure accurate association with the juvenile, the juvenile's offense and the victim. If victim information not previously available is now available, it will be entered at this time.

3. Conditional Release by the SC Board of Juvenile Parole

- a. The SC Board of Juvenile Parole staff is responsible for uploading the conditional release into JJMS and entering the disposition to include monetary restitution and/or community service.
- b. The SC Board of Juvenile Parole staff is responsible for entering into JJMS the monetary restitution and/or community service obligation requirements as established by the SC Juvenile Parole Board conditional release agreement.

D. Monetary Restitution, Payment Procedures and Monitoring

1. The County CM will review court ordered/conditional release monetary restitution requirements and method of collection with the juvenile and

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parent(s)/guardian(s) during the initial appointment. The payment schedule and plan will be established using the Monetary Restitution Payment Agreement, Form F-8.3A.

2. The County CM will share available job opportunities with the juvenile. The County CM can require the juvenile to keep a list of persons/ businesses contacted concerning employment.
3. DJJ will collect and disburse monetary restitution payments at a central location as follows:
 - a. County office staff are prohibited from accepting cash payments. Payments will be accepted only in the form of a money order or certified check made payable to DJJ Finance Division/Victims.
 - b. Fiscal Affairs keys the monetary payment amount received into JJMS and disburses payment to victim(s).
 - c. The County CM will notify Fiscal Affairs of any changes in victim contact information. Fiscal Affairs will key victim updates (i.e., address changes) into JJMS.
4. The County CM will monitor the juvenile's compliance with monetary restitution requirements by verifying payments credited on the JJMS Obligation screen.
5. A juvenile required by a court order to make a monetary donation to a charitable organization will provide verification through a written receipt to the County CM and a copy maintained in the juvenile's case file.

E. Community Service, Worksite Selection and Monitoring

1. Community Service hours will be performed at a nonprofit work site. The County Director is responsible for the identification, recruitment and qualification of community service worksites using Community Service Worksite Information Form F-8.3E.
2. Each county office will maintain a listing of approved worksites for juvenile assignment.
3. The County CM, with supervisor approval, can recommend community service hours as a graduated response to a juvenile's noncompliance with probation/parole. The assigned number of community service hours will not be keyed into JJMS.

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4. The County CM, the juvenile, and the juvenile's parent(s)/guardian(s) will:
 - a. Discuss available community service worksites and outline potential concerns;
 - b. Complete and sign the Community Service Obligation Agreement (Form F-8.3B) required as a condition of probation/parole during the initial appointment, diversion contract or graduated sanction; and,
 - c. Decide upon a worksite. The County CM will coordinate the referral, however the worksite supervisor has final approval.
5. The worksite supervisor will maintain written verification of hours completed and document and evaluate the juvenile's job performance using the Community Service Timesheet and Performance Evaluation (Form F-8.3C).
6. The County CM will monitor the juvenile's progress, maintain written verification of hours completed and key completed hours into JJMS upon receipt of the Community Service Timesheet and Performance Evaluation.
7. Juveniles requesting to complete community service at an alternative worksite not currently used by DJJ will complete a Community Service Juvenile Alternative Worksite Request Form, F-8.3D.
 - a. The Community Service Juvenile Alternative Worksite Request Form, F-8.3D along with the Community Service Worksite Information Form, F-8.3E must be completed by the proposed worksite supervisor, submitted to the case manager and approved before the juvenile can begin work.
 - b. The same requirements as stated in sections E. 5 and 6 of this policy will be followed.
8. The County CM will report an incident, accident, injury or other significant event involving a juvenile while performing community service consistent with DJJ Policy I-3.2, Reporting Events using Form I-3.2A, DJJ Event Report.
9. DJJ will provide insurance for juveniles placed at worksites only after the worksite and parent insurance is found to be unavailable.
10. Juveniles ordered monetary restitution and community service who perform community service to earn money to pay monetary restitution, such as under the Earn & Return program, cannot be credited for community service hours ordered by the Family Court, Board of Juvenile Parole, or the DJJ Release Authority.

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Juveniles on a contract or in Juvenile Arbitration are not eligible to participate in the Earn and Return program.

F. Completion of Monetary Restitution/Community Service Hours

Upon the successful completion of the restitution obligation, the juvenile's case can be reviewed for case closure, in compliance with DJJ Policy F-9.2, Termination of Probation/Parole Supervision and Case Closure.

RELATED FORMS AND ATTACHMENTS:

Attachment F-8.3A, Recommended Number of Community Service Hours by Category
Form F-8.3A, Monetary Restitution Payment Agreement
Form F-8.3B, Community Service Obligation Agreement
Form F-8.3C, Community Service Timesheet and Performance Evaluation
Form F-8.3D, Community Service Juvenile Alternative Worksite Request
Form F-8.3E Community Service Worksite Information

REFERENCED POLICIES:

F-7.3, Case Resolution and Court Presentation
I-3.2, Reporting Events
F-9.2, Termination of Probation/Parole Supervision and Case Closure

SCOPE:

This policy applies to regional and county office staff members, and Release Authority staff.

LOCAL PROCEDURAL GUIDE:

A local procedure guide approved by the Regional Administrator is required for counties that deviate from these procedures.

TRAINING REQUIREMENT:

Regional and county office staff members, and Release Authority staff are required to review this policy within 30 days of its distribution.