

WORK REFERRAL/COMMUNITY SERVICE PROGRAM
(Department of Correction)

An Evaluation Report
Submitted to the
Corrections Committee
of the
Governor's Commission on Criminal Justice

by
Pat Robinson
Monitoring/Evaluation Unit - GCCJ

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ABSTRACT

In 1974 a work service program within the Department of Correction was formally established by state statute. The program consisted of two distinct components, work referral and community service. Through the work referral component, offenders were sentenced to work for a state or municipal agency in order to pay off assessed fines (offenders are credited \$2.00 an hour for each hour of work - no money is actually exchanged). The community service component was used primarily as an alternative sentencing option for non-serious offenders. Through this program, offenders were sentenced, often in conjunction with probation, to perform a specified number of hours or days of work for a state or community agency. Unlike work referral, an offender sentenced to community service had no option to pay off his/her sentence. The purpose of this report, which was phase one of a two phase evaluation, was to examine the performance of the work service program within the state from January 1976 through March 31, 1978.

Based on an examination of archival material in the Department of Correction, interviews with program staff and users, and a review of national literature, the report contained the following findings:

1. Both the work referral (WR) and community service (CS) programs operate in primarily the same way. A judge will sentence the offender to the program. The court calls the work

program staff and informs them of the offender's sentence.

The offender is expected to report to the WR/CS office shortly after sentencing. During an intake interview, a work site is agreed on. If the offender completes his/her sentence on schedule, a letter is sent to the sentencing judge so indicating and the case is closed. If he/she is not working to complete his/her sentence without good cause, a letter is sent to the sentencing judge and a *capias* may be issued.

2. In New Castle County during the period 1/1/76 through 3/31/78 a total of 1668 persons were referred to the work referral program and sentenced to work a total of 150,468 hours. Of these 1668 persons, 772 (46 percent) completed their sentence, working off \$310,140 in costs and fines; 334 directly paid off \$62,227 in costs and fines; 323 were returned to court for failure to complete their sentence; and 239 were still active.

3. In New Castle County during the period 1/1/76 to 3/31/78, a total of 339 persons were sentenced to do the community service program. Of these 339 persons, 201 clients completed their sentences totalling 4,422 days of community service.

4. The work referral/community service program was expanded to Kent and Sussex counties through a federal grant of \$30,205 from the Governor's Commission on Criminal Justice in December 1977.

5. In Kent and Sussex Counties during the period 12/1/77 to 3/31/78 a total of 128 persons were sentenced to the work referral program. Of these, 114 persons had completed their

sentence, and a total of 3,673 hours of work were performed representing \$7,346 worth of costs and fines. Eleven percent (14 clients) were returned to court for failure to complete their sentence.

6. In Kent and Sussex Counties during the period 12/1/77 to 3/31/78 a total of 59 persons were sentenced to community service. Twenty-nine persons had completed their sentences performing a total of 162 days of work.

The report concluded that the work referral/community services program appears to be providing a worthwhile service. However, the report discussed the following concern. It was not clear exactly how the program is used. Literature published by the Department of Correction indicates the objective of the community service is to defer misdemeanor offenders from incarceration."¹ It was not determined if CS was used in lieu of incarceration. A preliminary review indicated comparable offenders did not receive prison sentences. However, this is not to be construed as a criticism of the program. Simply providing an additional sentencing option for judges which may be more appropriate for selected offenders is a worthwhile contribution to the criminal justice system. However, users of the program must be cautioned against the possibility of "widening the nets" through this program, that is offenders who would otherwise receive suspended sentences may be sentenced to CS and therefore extend the reach and costs of criminal justice with questionable benefits.

¹Fink, Paul B.J., "Work Programs", Department of Correction, December 15, 1977.

The report contained the following recommendations:

1. The Department of Correction should consider establishing written guidelines to assist judges in determining appropriate sentences when sentencing an offender to community service. For example, one program in Oregon uses the following guidelines:

- ° first offense petty theft - 24 to 40 hours
- ° possession of less than one ounce of marijuana - 24 hours;
- ° certain charges for driving under the influence of intoxicating liquor - 40 hours.

Also, the department should consider establishing minimum and maximum sentences.

2. When judges sentence offenders to WR or CS, they do not always specify when the sentence is to be completed. This can result in program staff having little leverage in encouraging clients to complete their sentence, and can lead to a client being under supervision for an inordinate amount of time. For example, an offender may be sentenced to 60 days of community service. Without time limits contained in the sentence, the client could conceivably work two days per month, and be in the program for two and a half years. In many instances this would result in a less effective and efficient program. Therefore, it is recommended that the statutes creating the work referral and community service be revised so that judges are required to include specific time periods within which the offender must complete the sentence.
3. It was the opinion of the evaluator that while members of the judiciary were aware of the work referral/ community service program, they did not know precisely how it operated. Therefore, it is recommended that during the month of September, the Department of Correction develop a concise training packet which details the methods and procedures and success rates of the work programs (GCCJ staff will provide whatever assistance possible). It is further recommended this packet be presented to members of the judiciary and pre-sentence officers during training seminars during October. Three months after they provide this training, the GCCJ should conduct a follow-up to determine if the judiciary has increased its use of the program.
4. GCCJ will complete a phase II portion of this evaluation. This report will include at a minimum, the following data: 1) an update of the statistics contained in

this report; 2) follow-up rearrest data of persons who successfully complete the program and who do not; 3) an examination of the use of the program through reviewing court dispositions for selected time periods; 4) a study to determine if there are additional offenders for whom this sentence would be feasible (e.g. are offenders placed on probation who would be eligible for this program?); and 5) relative costs and effectiveness of sentencing a similar offender to probation.

I. Introduction

In late 1974, the Department of Correction formally implemented a work service program. The program consisted of two distinct components, a work referral component, to which offenders were sentenced in order to pay off costs and fines, and a community service component to which offenders were sentenced in lieu of incarceration. The purpose of this report, which is phase one of a two phase evaluation, is to examine the accomplishments of the work service program. The second phase, to be completed in early 1979 will update some information contained in this report, but will emphasize the impact this program has had, both on clients served and on the criminal justice system.

II. Work Referral

A. Background

In 1974, the work referral program was implemented, based on Delaware Code Title 11, Section 4105. The program was designed to address the problem of offenders simply not paying costs and fines, or being not able to pay them. The legislation enabled a court, either at time of sentencing or at a later date, to order a person who could or would not pay costs and fines to report to the Department of Correction in order to work for a specific number of hours necessary to discharge the fines and costs imposed. It should be noted that the person would not be paid for the work performed. Rather, based on a wage

determined by statute (at this time, that wage is \$2.00 per hour), the amount of work performed would be credited to and deducted from the total amount owed. The offender retained the right to pay off the remainder of the assessed costs and fines at any time.

B. Approach

The work referral program is housed in the community services department of the Department of Corrections. Initially, the program operated primarily in New Castle County. In December 1977, the program was expanded to Kent and Sussex Counties through a federal grant from the Governor's Commission on Criminal Justice (see Section IV, page 7 for a more in-depth discussion of this aspect of the program). The program initially consisted of a supervisor and administrative assistant.

The operation of the program has changed little since its inception.¹ Generally, a court will call the program and indicate a particular offender has been sentenced to a specific number of hours (or has a specific fine to work off). The offender is told to report to the work referral program within a certain time period. Often the client will report the day or following day of sentencing. The other major way the program receives referrals is through the probation and parole services. A client may be approaching his/her date of termination from probation or parole supervision and may have not paid off assessed costs

¹Prior to the federal grant, there was no staff assigned specifically to the program in Kent or Sussex Counties. This is discussed in Section IV. The narrative and data contained in Sections II and III refer only to New Castle County.

and fines. The probation and parole counselor may then ask the sentencing judge to order the offender to report to the work referral program to complete the costs and fines portion of his/her sentence.

Upon reporting to the work referral program, an intake interview is conducted in which the program is clearly explained to the client. It is determined where the client lives and what type of work he/she can perform and where he/she will be placed. Whenever possible, the client is given a choice so that he/she may choose the most suitable (and therefore most likely to be completed) work assignment. The work site selected is informed that the client has been assigned there and is told the client's sentence and when he/she will be working. The work site is then responsible to maintain time sheets indicating the dates and amount of work performed. Sometimes the work site is notified of the client's offense, but this is not done as a matter of routine.

Upon completion of the work assignment, a letter is sent to the sentencing judge informing him the client has completed the sentence. The case is then closed. While under supervision, there is feedback between the work site assigned and the program staff concerning a client's performance. If the client fails to report for work and does not have a legitimate excuse, a letter will be sent to the judge so indicating. A *capias* may then be issued. Often the person will be returned to the program and given another chance, or he/she will pay the remaining fine

when returned to court. If after being returned to court, the offender still does not complete his/her sentence or pay the fine, he/she may be incarcerated on a contempt of court charge.

C. Accomplishments

Table I provides a breakdown of the number of persons referred to the program from January 1, 1976 through March 31, 1978 (data was incomplete for the time prior to January 1976), as well as additional information. As this table shows, a total of 1668 persons were referred to the program and sentenced to a total of 150,468 hours of work. Of these 1,668 persons, 772 (46 percent) completed their sentence² and 334 (20 percent) paid their fines and costs. A total of 472 clients were returned to court. Of these, 149 (32 percent) eventually either completed their sentence or paid their fines (these persons are included in the 722 and 334 figures). The remaining 239 persons were still active. The 1668 persons sentenced were ordered to work off a total of 150,468 hours or \$310,140 in costs and fines. Of this amount, \$62,227 was paid directly and \$102,920 was worked off (based on \$2.00 per hour), representing a total collection rate of 53 percent.

III. Community Service

Sentencing selected offenders to perform services for the community has become an increasingly popular sentencing option for judges. Premised on the notion that a fine and/or jail term is not always in the best interest of society or the

²Actually this represents a completion rate of 58 percent since 334 persons paid their fines and should not be counted in the group of those who could possibly successfully work off their fines.

TABLE I

New Castle County Work Referral Program Referrals
1-1-76 to 3-31-78

	<u>Total Referred</u>	<u>Total Completed</u>	<u>Total Paid or Paying</u>	<u>Total Returned to Court</u>	<u>Other</u>	<u>Total Returned to Court, then Completing Sentence¹</u>	<u>Total Hours Sentenced</u>	<u>Total Hours Worked</u>	<u>Total Paid</u>
1976	357	181	61	139	22	46	40,060 (\$80,120)	13,261 (\$26,522)	\$13,214
1977	1103	516	242	309	137	101	93,809 (\$187,618)	33,940 (\$67,880)	\$44,742
1-1-78 to 3-31-78	208	75	31	24	80	2	16,599 (\$33,198)	4,259 (\$8,518)	\$4,271
Total	1668	772	334	472	239	149	150,468 (\$300,936)	51,460 (\$102,920)	\$62,227

¹These persons are included in the "Total Completed" and "Total Paid or Paying" column. The addition of the Total Completed, Total Paid or Paying, Total Returned to Court and other columns, minus the Total Returned to Court then Completing Sentence, will equal the Total Referred.

offender, many courts have embraced the concept of community service in lieu of the traditional sentences, particularly in cases involving misdemeanors.³

A. Background

Delaware implemented a community service program in May 1974, with Delaware Code, Title 11, Section 6533 as the basis for the program. The program was designed to provide courts with an alternative sentencing option for offenders for whom a fine or incarceration would be inappropriate. Rather than using one of these traditional sentences, the community service program gave judges the option to sentence an offender to perform a specified number of hours or days in community service. Unlike the work referral program, offenders sentenced to community service could not pay off their sentence.

B. Approach

The community service program operates essentially in the same manner as the work referral program. A judge would sentence an offender to community service, and notify the community service office. The community service office would then arrange a placement and notify the court upon completion of the sentence. It is not as usual for a probation and parole counselor to request a client be sentenced to community service as it is for one to request a referral to work referral. However, in both programs, many clients were under supervision of probation and parole (39 percent of those sentenced to community service and 48 percent of those sentenced to work referral).

3. James Beha et.al., Sentencing to Community Service, U.S. Department of Justice, October 1977, p. iii.

C. Accomplishments

Table 2 presents the number of clients referred to the community service program for the period 1-1-76 through 3-31-78, as well as additional information. As this table shows, a total of 339 persons have been sentenced to the program. The average sentence was 31 days (the range was two to 180 days). To date, 201 clients have completed their sentences totaling 4,422 days of community service.

IV. Kent and Sussex Counties

A. Background

As indicated above, in May 1977, the Governor's Commission on Criminal Justice awarded \$30,205 (federal funds) to the Department of Correction for the Work Referral/Community Service Kent and Sussex project. The funds were to provide for salaries of two counselor trainees (one in Kent and one in Sussex) and one administrative assistant who would spend three days per week in Kent County and two days in Sussex (additional project information is provided in Exhibit A, page 9). Prior to implementation of the project, the program operated on a limited basis in the two counties. There was no full time staff. If a judge wished to sentence an offender to either work referral or community service, he would contact a secretary or receptionist who would then contact a work site to which the offender would be sent. There was no face-to-face contact between Adult Correction staff and the offender, and there was little follow-up conducted. The purpose of the federal grant was to provide staff

TABLE 2

New Castle County Community Service Referrals
1-1-76 Through 3-31-78

	<u>Total Referrals</u>	<u>Total Completed</u>	<u>Total Returned to Court</u>	<u>Total Returned to Court and then Completed</u>	<u>Other</u> ¹	<u>Total Number of Days Sentenced</u>	<u>Total Number of Days Worked</u> ²
1976	81	57	24	7	7	2165	1313
1977	229	139	61	20	26	6756	2989
1-1-78 to 3-31-78	30	5	5	0	3	1706	120
Total	340	201	90	27	36	10,627	4422

¹For example, the case may be closed by order of the judge before the sentence is completed.

²This is based only on persons who completed their sentences. Sentences currently being worked off are not included. Forty clients were still active as of 3-31-78.

EXHIBIT A

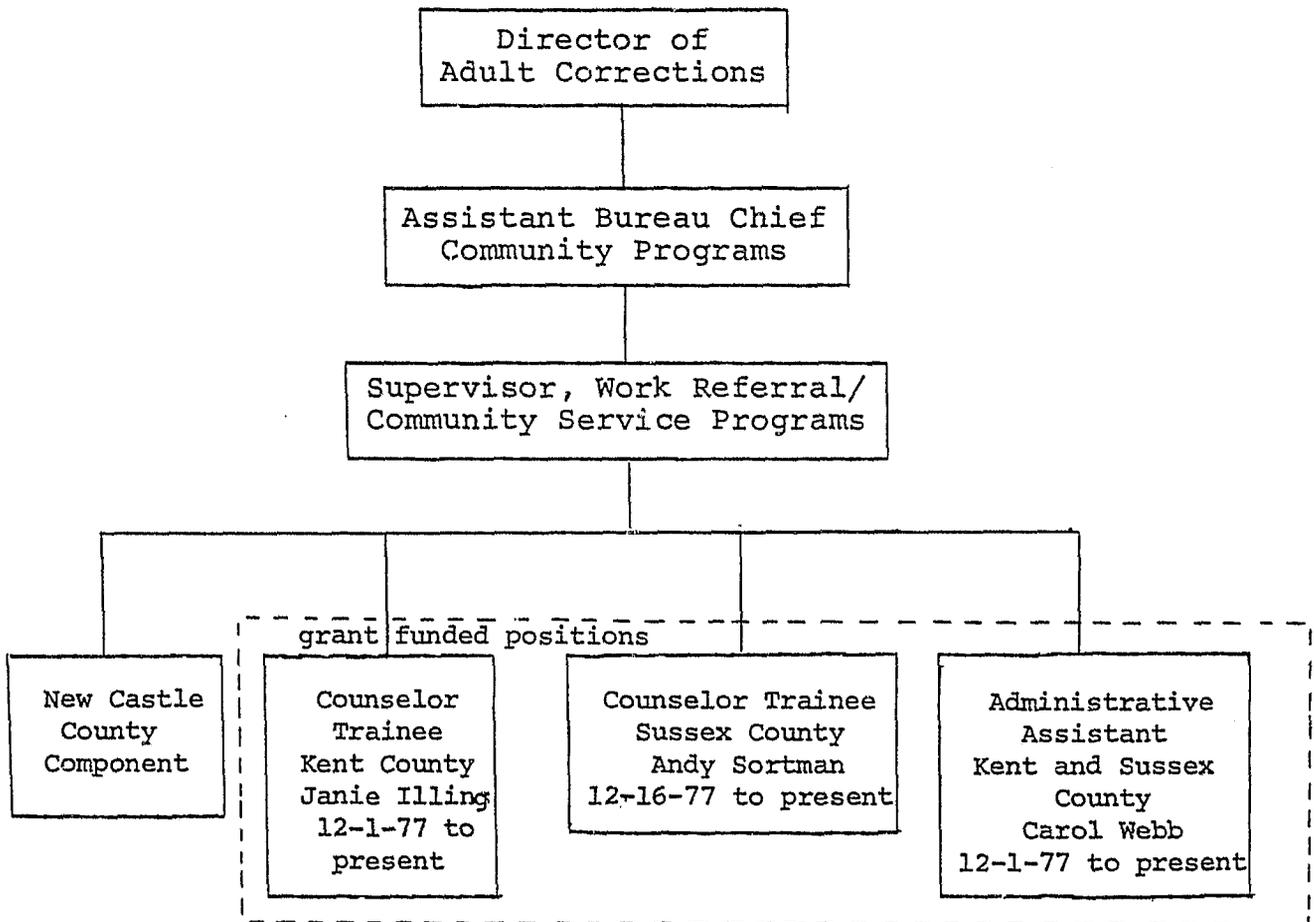
PROJECT INFORMATION

General:

Grant Number: 77-065
 Grant Title: Work Referral/Community Service -
 Kent and Sussex County
 Implementing Agency: Department of Correction
 Project Director: Paul B. J. Fink
 Project Period: 11-16-77 to 11-16-78

<u>Budget:</u>	<u>Federal</u>	<u>State</u>	<u>Total</u>	<u>Expenditures (as of 3-31-78)</u>
Personnel	\$30,205	\$2,096	\$32,301	\$9,858
Travel		1,260	1,260	45
	\$30,205	\$3,356	\$33,561	\$9,903

Organization:



to operate and expand the work referral/community service program and to provide increased supervision for those offenders sentenced to these programs.

Although the application approved by GCCJ described as "critical" the need for the expansion of the program into Kent and Sussex, the project experienced a slow start-up due to difficulties encountered in hiring staff. Although the grant was awarded in May with a start-up date of July 1, 1977, no one had been hired by November, and the project period was changed to November 15, 1977 to November 15, 1978. Staff was finally hired in December 1977, and through June 30, 1978, there had been no vacancies. The Kent County component is located in the Williams Service Center in Dover, and the Sussex County component is in Georgetown.

B. Project Description

The work referral (WR) and community service (CS) components in Kent and Sussex operate primarily in the same manner as in New Castle County. Upon sentencing an offender to WR/CS, the court calls the appropriate counselor and informs him/her that the person has received a particular sentence. The offender then has an intake interview with the counselor, often on the same day as sentencing occurred. During the intake interview, the program is explained to the offender and in the case of WR, it is clearly explained that the person will not actually receive any money. The counselor then attempts to develop a work site as near the offender's residence as possible, and which involves some type of work in which the offender has had prior experience. Generally,

the client is expected to begin work immediately and to continue without interruption until the sentence has been completed. According to project staff, most people placed on work referral are unemployed, so this poses little hardship. For persons who are employed, special schedules either involving night work or working on weekends are arranged. After assigning a client to a work site, the counselor follows up to determine if the client showed up as planned. Some work sites call the counselors to inform them when an offender has not shown up. A contact person at each work site has the responsibility for maintaining the client's time card (see Appendix A, page 25 for a sample time card). If the offender does not appear for work, the counselor sends him/her a letter requesting an explanation and reiterating the consequences of non-compliance. If the offender does not respond within one week or does not have a reasonable explanation, a letter is sent to the appropriate judge who issues a capias for the offender. Upon working the required number of hours, a letter is sent to the judge indicating the offender has completed his/her sentence, and the case is closed.

C. Project Objectives and Accomplishments

The measurable project objectives contained in the application approved by GCCJ and the progress made through March 31, 1978 in attaining them will be discussed.

Objective 1: To have 30 persons per month from Kent County (or 360 referrals per year) and 20 persons a month from Sussex County (or 240 referrals a year) referred to the project.

Accomplishment: The project has not quite achieved this objective. Table 3 depicts the number of referrals received by the project since project staff was hired.

Table 3								
Persons Sentenced to Work Referral/Community Service in Kent and Sussex County from December 1, 1977 through March 31, 1978								
County	December 1977		January 1978		February 1978		March 1978	
	<u>WR</u>	<u>CS</u>	<u>WR</u>	<u>CS</u>	<u>WR</u>	<u>CS</u>	<u>WR</u>	<u>CS</u>
Kent	12	7	28	14	17	12	17	9
Sussex	1	0	15	1	10	0	12	0

Objective 2: To achieve a 75 percent success rate through close follow-up on clients' work performance.

Accomplishment: Of the total 188 offenders supervised by the project as of March 31, 1978, only 21, or 11 percent, have been returned to court for failing to adequately complete their work assignment.

Exhibit B (page 14) provides a breakdown of various client characteristics of those persons referred to the project.

Exhibit C (page 16) provides a list of the employers and/or work sites utilized by the project.

D. Project Benefits

There are numerous benefits to the work referral/community service concept. It provides an alternative sentence for offenders who would benefit little from incarceration or probation, but at

the same time, it impresses on them the seriousness of their offense. Work referral/community service also benefits the community. During the first three months of this project, a total of 5,788 hours of work has been performed on work referral and/or community service.⁴ If it is assumed that the majority of these offenders would otherwise be incarcerated, the cost savings to the taxpayer would be substantial.⁵ Also, there is some impact on the overcrowded conditions within the institutions. Finally, there is an intangible benefit and that is the impact the program has on the offenders. According to project staff, for many clients, this is the first time they have ever had a meaningful work experience in which they had to be to work on time and they had to perform satisfactorily in their position or face the consequence of incarceration.

It is difficult to measure or quantify the benefits of this type of program. An assumed goal of the program, which was not clearly delineated in the grant application, is to provide an alternative sentencing option for the judges in Kent and Sussex Counties. Clearly the project has done that to some extent. During a sample one year period prior to implementation of the project (February 29, 1976 to February 28, 1977) in Kent and

⁴The following is a very concrete example of cost savings to taxpayers: One of the work sites used by the Dover office had requested a \$5,000 grant from HEW to conduct a study of migrant workers in Delaware. In the interim between requesting and receiving the funds, the agency received three referrals from this project who conducted the study and negated the need for the \$5,000 grant.

⁵See page 20 for further discussion of this issue.

EXHIBIT B

Client Characteristics of Offenders Supervised
by Work Referral/Community Service -
Kent and Sussex County
December 1, 1977 to March 31, 1978

1) <u>Sex</u>	<u>WR</u>	<u>CS</u>	<u>Total</u>
M	114	53	167
F	<u>14</u>	<u>7</u>	<u>21</u>
	128	60	188

2) <u>Age</u>	<u>WR</u>	<u>CS</u>	<u>Total</u>
18-25	65	35	100
26-35	34	13	47
36-50	14	3	17
Over 50	2	3	5
NA	<u>13</u>	<u>6</u>	<u>19</u>
	128	60	188

3) <u>Sentence (in hours)</u>	<u>WR</u>	<u>CS</u>	<u>Total</u>
0-10	2	2	4
11-30	43	23	66
31-60	27	13	40
61-100	19	10	29
101-150	13	1	14
151-250	11	10	21
251-500	3		3
500-1000	3		3
Over 1000	3		3
N/A	<u>4</u>	<u>1</u>	<u>5</u>
Total	128	60	188

Exhibit B Continued

4) Source of Referral

	<u>WR</u>	<u>CS</u>	<u>Total</u>
JP 1			
JP 2	3		3
JP 3	9		9
JP 4	19		19
JP 5	1		1
JP 6	2		2
JP 7	42	34	76
JP 8	10	2	12
JP 10	1	1	2
MC	1	1	2
CCP	10	11	21
FC	6		6
SC	20	11	31
NA	<u>4</u>	<u> </u>	<u>4</u>
Total	128	60	188

5) Type of Offense

	<u>WR</u>	<u>CS</u>	<u>Total</u>
Motor Vehicle	39	18	57
Complaint and Summons	10	-	10
Driving While Intoxicated	10	3	13
Shoplifting	9	9	18
Personal Injury	7	7	14
Public Intoxication	8	-	8
Disorderly Conduct	4	3	7
Theft	3	4	7
Burglary	2	3	5
Loitering	3	-	3
Other Property (e.g R.S.G.)	1	3	4
Drugs	1	1	2
Miscellaneous (e.g. CCDW)	12	3	15
N/A	<u>19</u>	<u>6</u>	<u>25</u>
Total	128	60	188

EXHIBIT C

Work Sites Used by Kent and Sussex
Work Referral/Community Service Project

American Legion
Camden Town Hall
Cheswold Highway Yard
Clayton Senior Center
Delaware Housing Authority
Dover Baptist Temple
Dover Christian School
Harrington Highway Yard
State Maintenance
Migrant and Season Farm Workers'
Association
Modern Maturity Center
State Sign Shop
Smyrna Town Hall
Milford Town Hall
Stevenson House
Williams Service Center
YMCA
J.P. Court #7
Delaware Home and Hospital
Milford Police
Clayton Police
Division of Fish and Wildlife
Holy Cross School
Hartley Senior Center
People's Place II

Salvation Army
Delaware Ecumenical Council
Courtland Manor
Delaware State College
Redman's Lodge
Kent/Sussex Industries
Community Action
Division of Parks and
Recreation
Inter-agency Council
801 House
Mental Hygiene Group Home
Sussex County Court House
J.P. Court #4
Delaware State Police Troop #5
Ellendale Detox Center
Family Court
Georgetown Alcoholism Services
State Highway Yards
Laurel Day Care Center
Laurel Senior Center
Pyle State Service Center
City of Seaford
Sussex County Airport
City of Rehoboth
Methodist Manor House
Nanticoke Memorial Hospital

Sussex there were no persons in Kent and Sussex sentenced to Community Service, while during the four months after project implementation, a total of 59 offenders have received this sentence. It should also be noted that during the sample year, an average of 27 persons per month in Kent County and 14 in Sussex County were sentenced to work referral, while after project implementation an average of 22 persons per month in Kent County and ten per month in Sussex County received this sentence. However, the mere number of clients served does not present an entirely accurate picture. Despite the number of referrals remaining somewhat constant, the project has had an impact on increasing the number of referral sources and the types of offenders referred to the program. Also, the hours of sentence per client has also increased. Exhibit D presents a comparison of the percentage of clients served in selected categories before the grant was implemented and while the grant has been in operation.

Perhaps most important, the success rate of the program has increased significantly with the implementation of the project. Based on pre-grant records examined, 28 percent of the clients referred to the program did not complete their sentence compared to 11 percent after project implementation. Furthermore, a disproportionate number of pre-grant clients who did not complete their sentences had sentences of over 60 hours compared to 20 percent of the entire sample pre-grant population. Hence it would appear that the supervision provided by the staff has had a beneficial impact in increasing the scope of the program and the

EXHIBIT D

Comparison of Percentages of Pre-Grant
and Grant Clients in Selected Categories

1. Sentence (in hours)	Pre-Grant	Grant
0-10	11.0	.4
11-30	45.0	35.0
31-60	24.0	29.0
61-100	8.0	15.0
101-150	7.0	7.0
151-200	4.0	11.0
251-500	1.0	.2
501-1,000	0	.2
Over 1,000	0	.2
N/A	0	2.0
	<u>100.0</u>	<u>100.0</u>

2. Source of Referral	Pre-Grant	Grant
JP 1	2%	0%
JP 2	3	2.0
JP 3	13	5.0
JP 4	25	10.0
JP 5	1	.5
JP 6	4	1.0
JP 7	36	40.0
JP 8	3	7.0
JP 9	0	1.0
MC	0	1.0
CCP	8	11.0
FC	1	3.0
SC	4	16.5
NA	0	2.0
	<u>100%</u>	<u>100.0%</u>

Exhibit D continued

3. Type of Offense	Pre-Grant	Grant
Motor Vehicle	43%	35%
Shoplifting	6	11
Personal Injury	5	9
Driving While Intoxicated	10	8
Complaint and Summons	2	6
Public Intoxication	6	5
Disorderly Conduct	5	4
Theft	3	4
Burglary	0	3
Loitering	0	2
Other Property (e.g. R.S.G.)	8	3
Drugs	0	1
Miscellaneous (CCDW)	<u>12</u>	<u>9</u>
	100%	100%

program's success rate.

Cost Benefits

During the period 12-1-77 through 3-31-78, a total of 3,673 hours of service were performed in the work referral component. Based on two dollars per hour, this represents \$7,346 worth of fines and costs being paid off. An additional 1,293 hours, or 162 days, of work were performed in the community service aspect. If the work performed in the community service component were also valued at two dollars per hour, the total dollar value of the work performed would equal the project expenditures. However, if it is assumed that even some of the clients would have been incarcerated had they not been sentenced to this program, the cost benefits of the program would increase dramatically. For example, based on a cost of \$20 per day to incarcerate an offender, if only ten percent of the clients were sentenced to thirty days in prison, the costs would be greater than for this entire project.

E. Conclusions

Despite a slow start-up, this project seems to be progressing well. It has been fairly well received by the criminal justice system as well as potential or actual employers. Further, the project appears to be beneficial to the community in a number of ways.

V. Program Concerns

To date, this examination of the work referral/community service program has revealed the following concerns.

1. Use of program. It is unclear whether the program is intended to primarily provide an alternative to incarceration or simply an additional sentencing alternative. If the program is intended to provide an alternative to incarceration, it is questionable whether that, in fact, has occurred. A preliminary examination of available data indicated that offenders are not being incarcerated for failure to pay costs and fines, and that persons sentenced to community service are significantly different from persons incarcerated in regard to criminal histories.⁶ Whether or not similar offenders would have been incarcerated prior to the implementation of the community service program has yet to be determined.

Saying the WR/CS program may not be an alternative to incarceration should not be construed as a criticism of the program. It should be obvious the traditional sentences—fine, probation or incarceration—are not the best method of intervention for all offenders and to provide an additional option is indeed a valuable service.

The work referral/community service concept is particularly valuable because the state and community receives something in return for the supervision provided. However, there may be a danger in using the program as an alternative sentencing option:

⁶This is based on a review and comparison of persons referred to Kent and Sussex County WR/CS program and persons incarcerated in March 1977. This review found the large majority of persons sentenced to Community Service were first offenders convicted of misdemeanors or traffic offenses. A similar population was not found among incarcerated offenders.

Some of the same problems arise with community service as with other dispositions.

Persons who make a good appearance, have a skill, are "well mannered", and not "anti-authoritarian", are reliable and in a good position to do volunteer work, usually do well under this disposition. They are well accepted by community agencies, easy to place, and do not require prodding or other efforts to enhance compliance. Many are the sort who, in the absence of such a program, might be diverted or receive a suspended sentence without special conditions. This needs to be kept in mind in instituting a program - people presently not seen as requiring punishment or publicly financed intervention in their lives may become the main participants. This would extend the reach and costs of criminal justice, and the offsetting benefits would be questionable.⁷

VI. Conclusions and Recommendations

The work referral/community service program appears to be providing an alternative sentencing option for the state's judiciary. Through a federal grant, it appears the concept is being successfully implemented in Kent and Sussex Counties. Whether or not the program has significantly impacted on the overcrowded conditions of the correction institutions has yet to be determined. However, there is some question as to what degree this type program can actually effect that problem:

Indeed, in the context of many [community service] programs - which are intended to impress the minor offender with the consequences of his or her actions - these outcomes are not to be expected. Neither recidivism nor the pressures of overloaded probation caseloads and jail facilities can be appreciably reduced by a program which focuses on a population of minor misdemeanors.⁸

⁷John Galvin et.al. Instead of Jail, U.S. Department of Justice, October 1977, p. 31.

⁸Beha, p. 31.

In order to increase the effectiveness and efficiency of the program, the following recommendations were made:

1. The Department of Correction should consider establishing written guidelines to assist judges in determining appropriate sentences when sentencing an offender to community service. For example, one program in Oregon uses the following guidelines:

- ° first offense petty theft - 24 to 40 hours;
- ° possession of less than one ounce of marijuana - 24 hours;
- ° certain charges for driving under the influence of intoxicating liquor - 40 hours⁹.

Also, the department should consider establishing minimum and maximum sentences.

2. When judges sentence offenders to WR or CS, they do not always specify when the sentence is to be completed. This can result in program staff having little leverage in encouraging clients to complete their sentence and can lead to a client being under supervision for an inordinate amount of time. For example, an offender may be sentenced to 60 days of community service. Without time limits contained in the sentence, the client could conceivably work two days per month, and be in the program for two and a half years. In many instances this would result in a less effective and efficient program. Therefore, it is recommended that the statutes creating the work referral and community service be revised so that judges are

⁹Op.cit. p. 14. In the Kent County component, the sentence for shoplifting ranged from 12 to 80 hours.

required to include specific time periods within which the offender must complete the sentence.

3. It was the opinion of the evaluator that while members of the judiciary were aware of the work referral/community service program, some did not know precisely how it operated. Therefore, it is recommended that during the month of September, the Department of Correction develop a concise training packet which details the methods and procedures and success rates of the work programs (GCCJ staff will provide whatever assistance possible). It is further recommended that this packet be presented to members of the judiciary and pre-sentence officers during training seminars during October. Three months after they provide this training, the GCCJ should conduct a follow-up to determine if the judiciary has increased its use of the program. If there has been only a minimum increase, a questionnaire should be issued to the judiciary to (1) again remind them of the program, and (2) attempt to discover why the program isn't used.

4. GCCJ will complete a phase II portion of this evaluation. This report will include at a minimum, the following data: 1) an update of the statistics contained in this report; 2) follow-up rearrest data of persons who successfully complete the program and who do not; 3) an examination of the use of the program through reviewing court dispositions for selected time periods; 4) a study to determine if there are additional offenders for whom this sentence would be feasible (e.g. are offenders placed on probation who would be eligible for this program?); and 5) relative costs and effectiveness of sentencing a similar offender to probation.

APPENDIX A

Sample Time Card

STATE OF DELAWARE
DIVISION OF ADULT CORRECTION
WORK SERVICE PROJECT

NAME OF WORKER

ADDRESS OF WORKER

DAYS COURT CHARGE

The above named person did work on the following days for the hours shown at the project stated below.

MONTH	DAY	HRS.	MONTH	DAY	HRS.	MONTH	DAY	HRS.
	1			11			21	
	2			12			22	
	3			13			23	
	4			14			24	
	5			15			25	
	6			16			26	
	7			17			27	
	8			18			28	
	9			19			29	
	10			20			30	
							31	

APPROVED SITE

PREPARED BY _____
WORK AREA SUPERVISOR

APPROVED BY _____
WORK SERVICE COORDINATOR

END