

DAKOTA COUNTY DISTRICT COURT
COMMUNITY WORK SERVICE
DEMONSTRATION PROJECT

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-GUIDE-

Community Work Service
with Felons

DAKOTA COUNTY DISTRICT COURT

COMMUNITY WORK SERVICE

DEMONSTRATION PROJECT

FINAL REPORT

Funded by

The Minnesota Department of Corrections

Completed by

Alternative Behaviors Associates

April 1982

U.S. Department of Justice
National Institute of Justice

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INTRODUCTION

The Dakota County District Court Community Work Services Demonstration Project was funded by the Minnesota Department of Corrections between November 1981 and March 1982 (16 months). The purpose of the project was to demonstrate the feasibility of using the community work service sanction with adult felon and gross misdemeanor offenders.

The purpose of this project report is to provide descriptive information about the project which officials may use to plan community work service projects for district courts.

The final report is intended to determine whether the project objectives were met. The final report is not empirical research on the subject of community work service; it is descriptive data only.

The objectives for the project were:

1. A minimum of 50 gross misdemeanor and felony offenders will participate in the community work services program, with 75 percent successfully completing their community work service sentence hours.
2. The community work service alternative will be seen as more than just the usual sentence as viewed by system officials, offenders and the community.
3. The alternative community work service program will provide measurable repayment to the community in the form of community work.
4. The community work service sentence will be less costly than usual institutional sentences for the same offenses.
5. The community work service sentence reduces the time the offender spends in the system as compared to the usual sentence for the same offenses.

THE FINAL REPORT POPULATION

This project report is based primarily on a sample of the referrals and participants in the project since not all participants have completed their work service and some will not do so for several months.

100

Of the total 104 referrals to the project, 90 offenders were accepted into the program. To date, 42 have completed their work service, 28 were terminated from the program for not completing, and the remaining 20 are continuing their work service. Assuming those continuing do complete, the completion rate will be 68.8 percent for the entire project. That is slightly higher than the completion rate of the sample group in the final report (63.9 percent.) This final report is based on the first 70 referrals who have been accepted into the program and who have completed their community work service.

In addition to the data about participants, information about the project was obtained from probation officers, judges, attorneys, police and community agencies.

The primary method of data collection was a data sheet which the project coordinator filled out for each case. This data sheet was developed on the basis of a project final report design which specified the types and sources of data to be collected for each objective. The following is the data collected for each objective.

OBJECTIVE 1: A minimum of 50 gross misdemeanor or felony offenders will participate in the community work service program, successfully completing their community work service sentence hours at a rate of 75 percent.

Referrals

The total number of referrals in the final report collected data sample was 70 clients* who were referred from the following sources:

Probation Officers	65
Jail Staff	3
Transfers from Other Counties	2
TOTAL	<u>70</u>

* For the entire program there were 104 referrals with 90 participants. This survey evaluation is based on a sample of 70 cases.

All 70 referrals were screened. Six referrals were not accepted based on the following recommendations:

Rejected upon recommendation from judges	2
Rejected upon recommendation from probation officers	3
Rejected upon recommendation from community treatment agency	<u>1</u>
TOTAL	6

Reasons were mixed. In some cases the program was not seen as the appropriate sanction for the case; in others the clients were not seen as appropriate candidates because of treatment needs.

Of the 64 accepted into the program, three refused to participate. Instead, they chose to pay financial restitution. The remaining 61 participants had a variety of reasons for agreeing to participate. Those who were able to specify reasons are grouped as follows:

No money or job	50%
Wish to avoid jail	25%
Saw program as better alternative	8%
Interest in finishing quickly	8%
Interest in community service aspect of the program	9%

Completion Rates

Of the 61 offenders who chose to participate, 39 (63.9 percent) completed their community work service. Of the 39 who completed, 26 were first-time offenders and 13 were repeat offenders. Of the 22 non-completions (36.1 percent), 17 were first-time offenders and five were repeat offenders. Of the non-completions 13 started their work service but did not complete it; nine never started. Most of these agreed to community work service in court, but never came to their assignment conference. All but one of the 22 had their stayed sentences imposed. Major reasons for not completing are grouped as follows:

Failure to show for first interview OR failure to sign a community work service contract	9
Became employed	4
Failure to keep work placement schedules	<u>9</u>
TOTAL	22

This table shows the above distributions:

<u>Referrals</u>	<u>First-Time Offenders</u>	<u>Repeat Offenders</u>	<u>Total</u>
Completions	26	13	39
Non-Completions	17	5	22
Non-Acceptance	1	5	6
Client Refusals	3	0	3
TOTAL	47	23	70

The goal of 75 percent completion was not met since only 63.9 percent of the sample completed their work service hours. However, when completion is computed for those starting the program only, excluding non-starters, the rate of completion becomes 75 percent. Non-completion should not be considered non-success when viewed within the overall context of court sanctions. Probation officers report success with several clients who did not complete their community work service but completed their original sentences such as fines, restitution and/or payment to public defender funds. The community work service sentence was seen as useful in obtaining compliance with other sanctions.

Following is information showing the level of compliance with original sentence of those who did not complete community work service:

Paid fine	2
Did not pay fine	5
Paid public defender fund	2
Did not pay public defender fund	3
Paid restitution	2
Making restitution payments	2
Did not pay restitution	2
Transferred to other counties (payment unknown)	4
TOTAL	<u>22</u>

Three of the four cases transferred were people with stayed jail sentences. Two people who paid fines or public defender funds did so after a few days in jail.

Completion by Old and New Cases*

It appears that completions, when controlled for old and new cases, are higher with new cases. Consider:

<u>Referrals</u>	<u>Old Cases</u>	<u>New Cases</u>
Referrals	20	50
Not accepted by program	3	3
Not accepted by participant	3	3
Total participating	<u>14</u>	<u>47</u>
Total convictions	8 (57%)	31 (66%)

Completion by Type of Placement

When completion and non-completion are controlled by type of placement, non-profit agency placements have a higher percent of completion than public agency placements. There is no significant difference in placements with direct and indirect work with people. See the following chart for descriptive information:

<u>Assignments</u>	<u>Completed</u>	<u>Not Completed</u>	<u>Total</u>
Public agency	22 (61%)	14 (39%)	36
Private agency	1	0	1
Non-profit agency	16 (76%)	5 (21%)	21
Direct with people	18 (75%)	6 (25%)	24
Indirect	31 (74%)	11 (26%)	42
Homebound	0	0	0

Some clients received more than one placement, thus the totals do not correspond with other tables.

Completion by Type of Offense

Completion and non-completion of community work service by type of offense committed is not a very reliable indicator within the evaluation population since the numbers in each offense category are small. However, there was a significant number of participants in three offense categories: Theft (17), welfare fraud (12), and burglary and attempted burglary (14).

* An old case is a probation case which was being actively supervised by a probation officer prior to the program.

Theft offenders usually completed work service (12 of 17) while welfare fraud offenders did not (5 of 12). More than 50 percent of the burglary offenders completed (8 of 14).

The following is a descriptive chart of participants completing and not completing by offense:

<u>Offense</u>	<u>Completed</u>	<u>Not Completed</u>	<u>Total</u>
Theft	12	5	17
Welfare fraud	5	7	12
Burglary	4	4	8
Attempted burglary	4	2	6
Robbery	2	0	2
Receiving stolen goods	2	2	4
Aggravated violations	1	2	3
Criminal negligence	2	0	2
Criminal sexual conduct	1	2	3
DWI	1	0	1
Aggravated criminal damage to property	1	1	2
Aggravated forgery	0	2	2
Tax evasion	0	1	1
Unlawful sales	0	1	1
Resisting arrest	2	0	2
Possession	1	0	1
Tampering with witness	1	0	1
Odometer tampering	1	0	1
Probation Violation	1	0	1

Some offenders were convicted of more than one offense.

Completion by Number of Community Work Service Hours

Participants who had shorter work sentences tended to complete their community work service at a slightly higher rate than those with longer work sentences. The majority completed in about a month or less.

	<u>Community Work Service Hours Assigned</u>			
	<u>20 - 50</u>	<u>51 - 100</u>	<u>101 - 200</u>	<u>200 +</u>
Completed	19 - 68%	11 - 62%	5 - 62%	4 - 56%
Not completed	<u>9</u> - 32%	<u>7</u> - 38%	<u>3</u> - 38%	<u>3</u> - 44%
TOTAL	28	18	8	7
Average stay in program	33 days	36 days	118 days	118 days

The average number of days in program excludes those people who agreed to be in the program but never started.

Completion by Type of Sentence Stayed

It is interesting to note that in the case of stayed restitution (all welfare fraud cases) the largest percentage fail to complete (62 percent). In the other categories more completed than not. Please see below.

	<u>Completed</u>	<u>Not Completed</u>	<u>Total</u>
Stayed Restitution	5 (38%)	8 (62%)	13
Stayed fines	13 (65%)	7 (35%)	20
Stayed public defender funds	6 (55%)	5 (45%)	11
Stayed (reduced) probation time	2 (100%)	0	2
Stayed jail time	13 (72%)	5 (28%)	18

Some participants had more than one sanction stayed.

Completion by Social Characteristics

A great deal of information is contained in the following. People who completed community work service tend to be better educated, employed more often, and younger than those who did not. General characteristics of the overall project population can be obtained by inspecting this chart.

	<u>Completion</u>	<u>Non-Completion</u>	<u>Non-Participation</u>	<u>Total</u>
<u>Marital Status</u>				
Single	29	17	6	52
Married	7	4	1	12
Divorced	1	1	1	3
<u>Sex</u>				
Male	31	19	6	56
Female	6	3	3	12
<u>Ethnic</u>				
White	35	16	8	59
Black	1	5	1	7
Other	1	1	0	2
<u>Education</u>				
Less than high school	10	12	1	23
High school	21	6	4	31
More than high school	4	1	1	6
<u>Employment (prior/current)</u>				
Yes	16	7	3	26
No	21	15	6	42

	<u>Completion</u>	<u>Non-Completion</u>	<u>Non-Participation</u>	<u>Total</u>
<u>Employment History</u>				
Good	11	2	2	15
Fair	22	12	4	38
Poor	4	7	2	13
<u>Average Age</u>	23.9	26.5	32	--

Completion by Residency

It is clear that residency in the county is significant as related to community work service completion. This might suggest for future program planning that non-resident clients be screened carefully or not included.

	<u>Completion</u>	<u>Non-Completion</u>	<u>Non-Participation</u>	<u>Total</u>
County resident	34 (63%)	12 (22%)	8 (15%)	54
Non-resident	5 (31%)	10 (63%)	1 (6%)	16

New Convictions after Community Work Service by Completions and Non-Completions

After this short period of time, the persons who completed the program included one probation violation. Of the non-completions, there were two new convictions and two probation violations. Because of the small numbers, nothing significant can be inferred from this.

Imposition of Sentences

Of all the non-completions (22) only one did not have the stayed sentence imposed.

OBJECTIVE 2: The community work service alternative will be seen as more than just the usual sentence as viewed by system officials, offenders, and the community.

Data for this objective is arranged in two sections: The offender survey and the survey of system officials which includes representatives from community agencies participating in the program. In both surveys the measurement of justice was the respondent's opinion about fairness. This was a survey of opinions only and did not measure attitudes.

Offender Survey

After their participation had ended, offenders were asked by survey whether the community work service option was more fair, equally fair, or less fair than their specific original sentence. Approximately 50 percent of the offenders responded.

<u>Offenders</u>	<u>More Fair</u>	<u>Equally Fair</u>	<u>Less Fair</u>
Completions	23	5	0
Non-completions	3	4	0
TOTAL	<u>26</u>	<u>9</u>	<u>0</u>

A significant number of responding offenders saw community work service as more fair than traditional sentences.

Opinion Survey of System Officials and Community Representatives

The opinion survey was sent to 39 individuals and 30 responded. The following chart shows the number of respondents by role. The question asked was, "Using your own definition of fairness, community work service sentences compared to 'traditional sentences' are, in general: More fair, equally fair, less fair, neither is fair."

<u>Role</u>	<u>Fair</u>	<u>Equally Fair</u>	<u>Less Fair</u>	<u>Neither is Fair</u>	<u>Total</u>
Judge	4	3	2	0	9
Prosecuting attorney	0	2	0	0	2
Work placement supr.	2	1	0	0	3
Probation officer	3	3	0	0	6
Defense attorney	2	1	0	0	3
Law enforcement	1	0	2	0	3
Other	1	1	0	0	2
TOTAL	<u>13</u>	<u>11</u>	<u>4</u>	<u>0</u>	<u>28</u>

Using perceived fairness as a measure of justice, a very high percentage of respondents perceived community work service as more fair than traditional sentences as compared to respondents who perceived them as equally fair.

System officials were asked to compare community work service with regular sentences in the following questions: "In your opinion, with which

felony and gross misdemeanor offenses might a community work service sentence be more fair, equally fair, and less fair than traditional sentences?"

More Fair for Which Offenses:

Judges	"Property crimes" (mentioned by four judges) "Theft", "Criminal damage to property" "All sentences and offenses" "Welfare fraud", "Theft by check"
Prosecutors	"Property offenders", "Criminal neglect" "Aggravated violations"
Work placement supervisors	"Offenses that disrupt family living situations"
Defense attorneys	"1st and 2nd offenders who aren't violent" "DWIs", "Bad checks", "Welfare fraud" "Criminal damage to property" "Property offenders" (mentioned by two)
Law enforcement	"For fleeing police officers" "Aggravated violations", "None"

Equally Fair for Which Offenses:

Judges	"Non-severe crimes against persons" "Aggravated driving offenses" "Burglary", "Possession"
Prosecutors	"Many offenses"
Work placement supervisors	No response
Probation officers	"Welfare fraud", "Offenses other than theft", "A just sanction for offenses that don't warrant jail", "Burglary", "Theft", "UUMV"
Defense attorneys	"Burglary", "Theft", "1st and 2nd offenders who aren't violent", "Violent cases except murder"
Law enforcement	"Theft", "Burglary", "Criminal sexual conduct"
Other	No response

Less Fair for Which Offenses:

Judges	"Crimes of personal violence" (mentioned by two judges), "Organized crimes", "Serious assaults and rapes", "Most if not all offenses", "Sex crimes"
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Prosecutors	"Where jail punishment is needed", "When monetary amount (worth of work) is less than minimum wage", "Criminal sexual conduct"
Work placement supervisors	No response
Probation officers	"Crimes against persons", "Multiple felony offenders"
Defense attorneys	"Violent crimes" (mentioned by two attorneys), "Violence related crimes excepting family violence", "Murder", "Crimes against persons"
Law enforcement	No response
Other	"Personal offenses", "Personal injury offenses and others where there is ability to pay restitution and fines"

General Comments on Fairness

Judges	"The defendant's background, character and potential are more important than the offense", "I don't feel community work service takes into account the need for example and accountability to be reflected in the sentence"
Probation officers	"Fairness with community work service can be judged only on a case-by-case basis, not by offense", "Community work service is usually fair"

(Persons in other roles did not comment)

Applications in Other Areas of the State

System officials and community representatives were asked to respond to questions regarding the use of community work service in other areas of the state. The first was: "From your perception of the value of the community work service program in Dakota County District Court, do you think it merits duplication in district courts in other areas of the state?" (yes or no). Responses were as follows:

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
Judges	7	2	
Prosecutors	3		
Work placement supervisors	4		
Probation officers	6		
Defense attorneys	3		

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
Law enforcement	1	1	1
Other	2		
TOTAL	26 (87%)	3 (10%)	1 (3%)

The second question was: "Do you think that colleagues in roles similar to yours in other parts of the state would support the development of a similar community work service program in their area?" (yes or no).

Responses were as follows:

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
Judges	7	2	
Prosecutors	3		
Work placement supervisors	4		
Probation officers	6		
Defense attorneys	3		
Law enforcement	0	2	1
Other	2		
TOTAL	25 (83%)	4 (13%)	1 (3%)

Finally, respondents were asked to make general comments about community work service, list what they believed to be positive aspects of the sanction, list possible weak points, and make suggestions for future programs. Following are the collected responses to these questions:

General Comments

Judges	"Community work service adds a needed alternative to confinement"
Prosecutors	"I basically approve of community work service as a viable program", "Jail space is needed"
Work placement supervisors	"Suggest community work service as content for the community education fall conference", "Program is nothing but positive, it's well run and there are minimal problems with offenders"
Probation officers	"Need to follow the standardized dollars-hours table"
Defense attorneys	"There's not enough room to put everyone in jail"
Law enforcement	"Believe that the program costs more to operate than the benefits"
Other	"Programs like this are difficult to raise start-up funds for"

Positive Aspects

Judges	No comment
Prosecutors	"People with little money and motivation are forced to do something about the crime they committed", "Any sanction is better than none"
Work placement supervisors	"Greater self-responsibility for the client", "Communities have a greater chance of benefiting at reduced cost", "Meets volunteer needs", "Careful administration of the program", "Positive approach to sentencing", "Builds self-worth", "Provides a resource to community agencies"
Probation Officers	"Good alternative", "Excellent program", "Alternative to traditional sentences", "Helps to develop job skills", "Provides for community involvement", "More flexibility in sentencing", "A reasonable and fair alternative", "Learning of work skills and responsibilities", "Gives back to the community", "Some gain of self-esteem possible", "A way to satisfy financial restitution which is difficult to collect"
Defense attorneys	"Excellent for first time offenders"
Law enforcement	No comment
Other	"Reduces jail probation", "Gets cases discharged earlier"

Possible Weak Points

Judges	No comments
Prosecutors	"Isn't appropriate for certain cases", "Too easy to avoid completion", "Sometimes jail is necessary"
Work placement supervisors	"Not utilized enough by courts"
Probation officers	"May encourage jail if work uncompleted", "May get community work service when could afford fine, etc.", "Self-esteem develops in the long term, not with a community work service sentence", "Might be used when jail or fine could be more therapeutic", "Funding is difficult"
Defense attorneys	No comment
Law enforcement	No comment
Other	No comment

Suggestions for Future Programs

Judges	"Suggest letter of apology to victims as method of atonement"
Prosecutors	"Have Bob Kigin (Community Work Service Coordinator of this project) run it!"
Work placement supervisors	"Expand!"
Probation officers	"Need at least a half-time coordinator"
Defense attorneys	No comment
Law enforcement	No comment
Other	No comment

OBJECTIVE 3: The alternative community work service program will provide a measurable repayment to the community in the form of community work.

Work Service Hours Completed and Their Economic Value

In the study sample, 61 participants agreed to be in the program, 39 completed their work service, 13 partially completed work service, and nine never started. A total of 3,716 community work service hours were completed. Average hours per participant who did at least some work service were 71.5 hours.

Using the value of \$5.00 per hour, the total value of community work service was \$18,580 or an average contribution of each person in the program of \$357.31.

Stayed Amounts of Restitution, Fines, and Public Defender Funds

Financial Restitution: It was program policy not to recommend for work service persons who had little or no means to pay financial restitution. In the 18 cases where work service was offered in lieu of financial restitution, all but one was welfare fraud. The five who completed community work service did so in lieu of a total restitution of \$16,095. The eight who did

not complete work service caused a total of \$7,080 in restitution to be reinstated. In one case the restitution was not reinstated primarily because of health reasons.

Fines: Twelve people completed community work service in lieu of fines totaling \$4,350. Seven people who didn't pay fines were reinstated for a total of \$2,450 in fines.

Public Defender Funds: Six people completed work service in lieu of public defender funds totalling \$1,200. Five people had a total of \$840 in public defender funds reinstated for non-completion of work service.

Program Cost

The cost of the program was \$32,926. This excludes consultant time developing the demonstration and doing the evaluations. The total number of participants in the entire program was 90 (different from the total in the sample used for this evaluation). Cost was \$365.84 per client.

Cost Breakdown for 16 months:

Office, rent, phone	\$ 1,065
Office supplies, brochures	780
Community work service coordinator	25,122
Secretarial services	1,040
Travel	2,480
General administration	2,439
(8% of above--\$30,487)	
TOTAL	\$32,926

For an annual cost of: \$24,694

Estimated cost to continue program for another year after start-up costs are eliminated:

Half-time coordinator	\$12,050
Office, rent, phone	800
Office supplies	240
Secretarial services	800
Travel	1,500
TOTAL	\$16,390

OBJECTIVE 4: The community work service sentence will be less costly than traditional institutional sentences for the same offense.

Eighteen of the 63 program participants in the sample were given work service as an alternative to jail time. Thirteen of 18 or 78 percent completed work service when it was an alternative to jail. The average amount of stayed jail days for the 18 participants was 49 days; for those completing work service it was 54 days.

The total number of days "saved" through community work service was 697 days although jail staff estimate that inmates usually serve 60 percent of their sentence time.

The cost per day per client at the Dakota County Jail is \$35. The jail cost for the 13 participants who completed work service would have been \$14,637 had they served 60 percent of their stayed jail time.

The program cost for 16 months was \$32,926 or \$365.84 per participant (of the 90 who were accepted into the program). The estimated cost for continuing the program with the same number of participants for a second year is \$16,390.

The average jail population during 1981 was 39.4 people with a licensed capacity of 27 and operating capacity of 36 and a total maximum capacity of 54 per day.

It is clear in the case of Dakota County that the work service option assists the county in dealing with overcrowding at the jail and the cost saving, while significant, is a projected figure and not based on actual savings.

Offenders already serving jail time could complete their sentence by doing community work service if accepted into the Dakota County court program with the sentencing judge's authorization. Although there were a few (three in the sample) referrals, none were accepted.

Work Service and Prison

The program was open to accepting offenders who were sentenced to prison but no such cases were referred nor did any judge see fit to deviate from the sentencing guidelines to use the option.

OBJECTIVE 5: The community work service sentences reduce the time the offender spends in the system as compared to the usual sentences for the same offenses.

It appears that community work service programming for persons already on probation was successful in releasing some offenders from probation early. Probation agents were asked to identify community work service participants who upon completion of work service were released early from probation. They identified seven cases that were released early for a total of 16 years, six months, and 24 days of probation. There are two additional cases where the offender will be released early from probation as soon as community work service is completed. Over half of the people were welfare fraud cases while the others had fines or public defender payments and were being kept on caseloads chiefly because they were unable to pay. While it is clear that the program saved probation agents' time, determining the amount of time is difficult since release without the program could not be accurately predicted. Also the amount of time needed to supervise different types of cases varies widely.

RECOMMENDATIONS

As expected, the community work service sanction was demonstrated to be a viable sanction for felon and gross misdemeanor offenders. Acceptance of felony community work service was high among justice system officials and the community in general. It is particularly useful for property-related offenses and in some cases person offenses. The program appears to be reasonably inexpensive when compared with possible savings of jail

costs, probation costs, and the value of the service given to the community. Community work service is useful as an additional alternative to the range of sentencing options.

The following are recommendations for improvement of the felony work service program in Dakota County which may also apply elsewhere:

1. Use caution in accepting non-county residents into the program since transportation problems make these offenders a poor risk for completing work service.
2. It appears that the completion rate of offenders eligible for the program can be improved by attempting to acquire more commitment from potential participants. Some suggestions are:
 - a. The agent should understand the level of commitment of the offender before recommending the community work service at the time of sentencing.
 - b. Ensure that each sentencing judge question the offender about their commitment to do the community work service if the option is to be used by the judge.
 - c. Develop a procedure where the offender can be placed on work service and sign the work service agreement on the same day as sentencing.
3. There is a tendency to perceive community work service as an ideal sentence for welfare fraud cases. While it is sometimes helpful, it is not a high success client category for work service (5 of 12 completed). It is speculated that amounts of restitution to be paid are not as significant as other factors, such as the client's attitudes toward work itself or the court process.
4. The option of releasing offenders from jail early upon agreement to do community work service should be used.



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DAKOTA COUNTY DISTRICT COURT

COMMUNITY WORK SERVICE

DEMONSTRATION PROJECT

FINAL REPORT SUMMARY = 5

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INTRODUCTION

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The final report is intended to determine whether the project objectives were met. The report is not empirical research on the subject of community work service; rather it is descriptive data only.

The objectives for the project were:

1. A minimum of 50 gross misdemeanor and felony offenders will participate in the community work service program, with 75 per cent successfully completing their community work service sentence hours.
2. The community work service alternative will be seen as more just than the usual sentence when viewed by system officials, offenders, and the community.
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4. The community work service sentence will be less costly than usual institutional sentences for the same offense.
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The final report of the project was based on a sample of the first 70 referrals to the program by collecting information on the offender and his/her experience with the program. Additional information was obtained from justice system officials by using a short questionnaire. Copies of the complete evaluation can be obtained by contacting Community Services,

Minnesota Department of Corrections, 430 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101.

OBJECTIVE 1: A minimum of 50 gross misdemeanor or felony offenders will participate in the community work service program, successfully completing their community work service sentence hours at a rate of 75 percent.

A total of 104 offenders were referred to the project from January 1, 1981 to February 1982. A total of 90 were accepted into the program. About 75% of these were felony convictions and about 65% were first time offenders. Probation agents made the majority of referrals.

Completion of community work service varies depending on the method considered. Assuming that those who, at the time of this writing, are still finishing their work service do complete, the completion rate will be 68.8 percent. In the formal evaluation of the first 70 referrals, 61 initially agreed to participate, and 63.9 percent completed their work service. If one considers only those participants who agreed to participate and attended an initial interview to get work service assignment, the completion rate is 75 percent. An important factor in the completion rate is the fact that nine people in the evaluation agreed to participate at the time of sentencing, but never met with the work service coordinator.

Non-completion should not necessarily be considered unsuccessful since probation agents report that about a third of those that did not finish community work services did meet their original sentences by paying fines, restitution, etc..

Completion rates were also studied by looking at various characteristics of individuals and their offenses. In this project offenders who were first offenders completed work service more frequently than those

which the probation agent supervised prior to the program. First and multiple offenders did equally well. Offenders assigned to non-profit agencies completed at a slightly higher rate than did those assigned to public agencies. While the type of offenses for program participants varied greatly, some offense categories with significant numbers had greater success completing work service. Those charged with theft, attempted theft, burglary, and attempted burglary completed at higher rates, but welfare fraud offenders did poorly (42 percent completion).

The completion rate in this project sample is also slightly better when the number of hours of work service assigned is considered. Those with 20 to 50 hours completed 68 percent of the time, those with 51 to 100 hours and 101 to 200 hours completed only 56 percent of the time. Most of the participants completed their work service in 36 days or less.

In reviewing the completion rate in terms of the offense stayed, those who had stayed jail sentences completed at the highest rate (73 of those in the sample group).

Also important is the fact that offenders in the program who lived outside the county were poor risks: only 31 percent of non-residents completed.

OBJECTIVE 2: The community work service alternative will be seen as more just than the usual sentence when viewed by system officials, offenders, and the community.

Data in this section was collected by surveying offenders and criminal justice system officials. The measure of justice was "perceived fairness".

Fifty percent of the offenders in the evaluation sample responded to the survey, primarily people who completed work service. Twenty-six reported work service as more fair than their stayed sentence, nine said

it was equally fair, and none who responded thought it was less fair.

Thirty of 39 justice system officials including judges, attorneys, probation officers, law enforcement officers, and work placement supervisors responded to the questionnaire. Respondents saw work service as more fair than traditional sentences. Officials also gave opinions on work service fairness as related to type of offense.

In response to the question "Do you think the program merits duplication in district courts in other areas of the state?" 87 percent said yes, 10 percent no, and 3 percent didn't know.

In response to the question "Do you think colleagues in similar roles would support the development of a similar program?" 83 percent said yes, 13 percent said no, and 3 percent didn't know.

OBJECTIVE 3: The alternative community work service program will provide measurable repayment to the community in the form of community work.

OBJECTIVE 4: The community work service sentence will be less costly than traditional institutional sentences for the same offense.

The contribution value of community work service based on the value of \$5 per hour of work completed was \$18,580 or \$357.31 per participant who did work service. The program cost for 16 months was \$32,926 or \$365.84 per participant (of the 90 who were accepted into the program). The estimated cost for continuing the program with the same number of participants for a second year is \$16,390. This second year figure is reduced because much of the development of work sites and community information is done in the first year.

Also significant in Dakota County was the effect of the program on reducing pressure on jail crowding. The total number of "saved" jail days was 697 for those doing work service instead. At \$35 per day and assuming the average jail stay for Dakota County is 60 percent of the jail

sentences, the dollar value is \$14,637.

While the program was set up to accept people for work service who were doing jail time as a way to complete their time, only a few referrals were made and none were accepted. Also the program would accept work service in lieu of prison sentences if judges chose to deviate from sentencing guidelines, but no such cases were referred.

OBJECTIVE 5: The community work service sentence reduces the time the offender spends in the system as compared to the traditional sentence for the same offense.

It appears that community work service programming in this project reduced probation time. Seven people completed their probation conditions through work service and were released early; saving 16 years, 6 months, and 24 days of probation time. The value of this is difficult to estimate because of probation agent work. Some offenders may have been released early even without the program.

RECOMMENDATIONS:

While there are some areas of needed improvement in the Dakota County District Court Community Work Service Project, the program is largely successful. Participating officials feel it has merit and duplicability. Other areas of the state will likely have to develop similar programs with fewer resources than this project, and with existing community and professional staffing resources.

** DOCUMENT 29 OF 114 **

ACCN: 89543

TITL: Community Work Service With Felons - A Guide to Developing New Local Programs (From Dakota County District Court Community Work Service Demonstration Project - Final Report, 1982 - See NCJ-89542)

PAUT: J Worel; D Wyne; E Kigin

CORP: Alternative Behaviors Associates, Inc, Minneapolis, MN 55403

SPON: Minnesota Department of Corrections, St Paul, MN 55101

SALE: National Institute of Justice/ National Criminal Justice Reference Service Microfiche Program, Box 6000, Rockville, MD 20850, Microfiche; National Institute of Justice/ National Criminal Justice Reference Service Paper Reproduction Sales, Box 6000 Department F, Rockville, MD 20850, Document

PLTE: 1982 (Copyrighted) PAGE: 31 p

ORIG: United States LANG: English

NOTE: Available on microfiche as NCJ-89542

ANNO: Based on an 18-month demonstration program in Dakota County, Minn., this guide presents practical suggestions for developing an organized, local community work service program.

ABST: Persons interested in starting a program first should list all relevant factors that may support or impede the program, including all persons involved in community planning and community attitudes. An assessment should be made of the need for this sentencing option and the ways it could be helpful to the community, such as benefits for offenders, benefits to victims, and benefits to the criminal justice system. The guide outlines steps to take in administrative and community planning and discusses program planning. Program planning must define the program's purpose and the specific outcomes or objectives desired. The guide also discusses the integration of felony work service programs with other work service and restitution programs which may be operating in local jurisdictions. Other sections explain developing guidelines for client selection, organizing resources to support community work service, administering the program, determining community work service sentences, developing work sites, and building community support. Footnotes and sample program forms are supplied.

** DOCUMENT 30 OF 114 **

ACCN: 89542

TITL: Dakota County District Court Community Work Service Demonstration Project
- Final Report

CORP: Alternative Behaviors Associates, Inc, Minneapolis, MN 55403

SPON: Minnesota Department of Corrections, St Paul, MN 55101

SALE: National Institute of Justice/ National Criminal Justice Reference Service
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Institute of Justice/ National Criminal Justice Reference Service Paper
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PDTE: 1982 (Copyrighted) PAGE: 50 p

ORIG: United States LANG: English

NOTE: Include microfiche version of NCJ-89543. Package includes summary.

ANNO: The Dakota County District Court Community Work Service Demonstration
Project (Minnesota), designed to demonstrate the feasibility of using the
community work service sanction with adult felon and gross misdemeanor
offenders, has been mainly successful in meeting its objectives.

ABST: This report provides descriptive information about the project which
officials may use to plan community work service projects for district courts.
The report is based on information collected about the first 70 referrals to the
program, which was funded between November 1981 and March 1982. Project goals
were to have at least 50 gross misdemeanor and felony offenders participating
in the program, with 75 percent completing their community work sentence hours.
In addition, the community work service alternative was to be perceived as more
just than the usual sentence, and the program would provide measurable repayment
to the community in the form of community work. The community work sentence
would be less costly than usual institutional sentences for the same offense,
and the community work sentence would reduce the time the offender spends in the
system compared to the usual sentence for the same offense. Officials
participating in the program feel that it has merit and duplicability.
Recommendations to improve the program are provided. Data and footnotes are
supplied. For related material, see NCJ 89543. (Author summary modified)

COMMUNITY WORK SERVICE
WITH FELONS

A Guide to Developing New Local Programs

Prepared for
THE MINNESOTA DEPARTMENT OF CORRECTIONS

by
ALTERNATIVE BEHAVIORS ASSOCIATES

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April, 1982

U.S. Department of Justice
National Institute of Justice

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89543



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The authors wish to thank former Chief Judge Robert Bruenig and Chief Judge Jerome Kluck of Minnesota's First Judicial District, the state probation/parole officers, and the other judges and criminal justice system officials of Dakota County who assisted in planning and implementing the 18 month demonstration program upon which this guide is based. We also wish to thank the Minnesota Department of Corrections officials under whose auspices the project was sponsored and funded, and without whose personal support the demonstration could not have been a success. Particularly, we wish to thank Bruce McManus, Tom Lawson, Morrie Heilig, Lee Paulson, and Jeff Martin.

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INTRODUCTION

The intent of this guide is to help local district court jurisdictions who are interested in developing community work service programs appropriate to their communities. It presents, in summary, the knowledge and experience gained in an 18 month demonstration program in Dakota County, Minnesota. It provides practical "how to do it" suggestions for developing an organized, local community work service program.

The demonstration found that community work service is a useful sanction for sentencing a significant range of felony and gross misdemeanor offenders. Briefly, the program was found to be helpful in achieving the following benefits:**

1. Providing an organized and practical alternative to standard sentences.
2. Providing a flexible sanction which can be tailored to special needs of individual cases, including:
 - a. "Common sense" punishing.
 - b. Victim compensation.
 - c. Rehabilitation opportunities.
 - d. Feasible sanctions for offenders with low employability.
3. Providing an opportunity for positive public information about the court.
4. Providing needed volunteer community service.
5. Providing an economical method of imposing tangible consequences for illegal behavior.

Since the completion of the demonstration program, Dakota County has continued the project on a smaller scale because of lack of funds.

**A detailed program final report is available from the Community Services Support Unit, Minnesota Department of Corrections, 430 Metro Square Bldg., St. Paul, Minnesota 55101.

COMMUNITY WORK SERVICE--BACKGROUND

The growth of restitution programs in general and community work service in particular has been very significant in Minnesota during the last seven years. This growth reflects a trend extending across the nation as well as across Canada, Great Britain, and some other countries.

While it has been done informally for years, the biggest increases in community work service in Minnesota have been in the area of juvenile justice. While there were no formal juvenile community work service programs in 1975, by 1980, 41 out of the total 87 counties had developed such programs. During the same period, 20 counties instituted adult programs, primarily work service for misdemeanants popularized by Judge Chaleen and Jim Heinlen in Winona almost eight years ago.¹ By 1980, too, the procedures and legal issues for work service programs had, in a practical sense, been resolved. For example, liability for offender injury when completing work service is covered under a state law regarding community work service.

As programs were developing, many community corrections areas and counties began to assign community work service to selected felons on an organized basis. In 1979, Dodge, Olmsted, and Fillmore Community Corrections Area outlined policies and procedures to allow selected felons to do community work service in lieu of jail time. Polk, Norman, and Red Lake Community Corrections Area also developed a policy to allow very carefully selected felons to do community work service.

¹"Restitution in Minnesota, Lesson Plans", Lesson 3, Prepared by Alternative Behaviors Associates for the Minnesota Department of Corrections, 1980.

Involvement of felons in work service began to be used in a practical and limited sense in Blue Earth County. Probably the most extensive involvement of felony community work service was implemented in late 1979 in the Arrowhead Region as part of the Women's Restitution Program.

A seminar about British Community Work Service held in Minneapolis, Minnesota was one of the factors which encouraged the Minnesota Department of Corrections to develop a demonstration project in a district court jurisdiction that would be exclusively for felony and gross misdemeanor offenders. In the fall of 1980, the Minnesota Department of Corrections, with the help of the District Court, funded and implemented the Dakota County District Court Community Work Service Program.

Located just south of the Twin Cities, Dakota County has a rapidly growing population of just under 200,000. It contains a range of urban, small town, and rural communities. The county seat is Hastings. Dakota County which is within the First Judicial District, is not a participant in the state's Community Corrections Act.

Some of the communities located in Dakota County are South St. Paul, Egan, Apple Valley, Burnsville, Farmington. Many of the communities contain large numbers of people who commute to the Twin Cities daily for work.

PRELIMINARY PLANNING

The first step for persons interested in starting a program, or in considering its viability, is to make a list of relevant factors which may be expected to be supportive of the effort and those factors which may be expected to be blocks or impediments to it. Factors include all personalities who may be important to community planning as well as any community attitudes which are articulated by leaders or local media which are relevant to community work service. An

An assessment should be made of the need for this sentencing option and the ways it would be helpful to the community. Levels of unemployment and indigence may be helpful to document since they affect the suitability of financial punishments. Only with a list of factors on both sides of the ledger (obstacles as well as supports) can an informed decision be made regarding the possibility of organizing a program. Some examples of factors are:

SUPPORTS

- An interest in sentencing alternatives.
- Availability of community resources for work placements.
- Community involvement in the justice system.
- Involvement of volunteer programs.
- Financial resources available.

OBSTACLES

- Resistance to trying alternatives
- Lack of resources and work placements.
- Lack of community awareness of the justice system.
- Poor communication or conflict within the criminal justice system.
- Community fear of offenders.

Two general approaches to planning are discussed in this section: Administrative planning involving a small number of people; and community planning involving a larger group, though still of manageable size.

Administrative Planning

This type of planning is usually done by an administrator/decision-maker. Some of the advantages of this type of planning include efficiency --since there is a minimum of confusion from out-side forces--and control --since discretion when needed or appropriate is possible; authority and responsibility are present.

Community Planning

This type of planning is done in a broader framework. The administrative personnel usually acts as a facilitator in the planning process.

The key decision-maker may be involved directly (for example as convener) or indirectly in a consultive role as above. A reasonable number of significant people who represent relevant interests in the criminal justice system (and sometimes selected community representatives as well) are asked to participate in a planning task force for a given number of meetings. Members might include a judge who is especially interested, the sheriff, the jail coordinator or counterpart if applicable, municipal police, public defenders, etc.. Usually four to six meetings will suffice. More meetings than this may shift task force's efforts to issues or purposes other than planning a community work service program. This type of planning is the more demanding of the two types. It requires careful preparation so that the task force may consider issues and options. These should be pre-focused by the administrative person so that time is not wasted and so that people do not become frustrated. The advantages of this type of planning make the added efforts worthwhile. Some of the advantages are:

1. Development of a broader base of "ownership" of the program.
2. Increased commitment for the program.
3. Availability of expanded sources of information and experience.
4. The opportunity to reduce confusion and resistance regarding the program in the beginning.
5. Opportunities for education and promotion of inter-agency or inter-departmental communication.
6. The opportunity to promote a higher capacity of the local criminal justice system to work cooperatively and productively on common issues.

Community planning was used in the Dakota County project. By using a planning committee comprised of representation from the bench, law enforcement, court services, county attorney, and public defender, a high level of participation and commitment to the project was obtained.

PROGRAM PLANNING: PHILOSOPHY AND OBJECTIVES

The most important decision in planning District Court Community Work Service is the intention. What is the purpose? Clear identification of the purpose and outcomes or objectives is important for at least two reasons. First, the objectives will guide practical decisions in the program. Second, results can be reported in a competent manner. The latter is important in community work service because it tends to be viewed as beneficial for a great variety of reasons, depending on perspective: victim, community, judge, agent, offender, county attorney, sheriff, county board member, etc.. The objectives do need to be appealing to a great many people and organizations.

The following list can be helpful in identifying potentially significant program benefits:

Possible Benefits for the Offender

1. To help the offender not repeat criminal behavior.
2. To reduce length of time in the criminal justice system.
3. To help the offender learn self-control and responsibility for behavior.
4. To prevent isolation of the offender from the community.
5. To provide self-improvement opportunities for the offender.
6. To provide positive work experience for the offender.
7. To involve the offender in sentencing by providing options such as ten days in jail or 20 hours of work service.

Possible Benefits to Victims

1. To provide community or victim repayment.
2. To increase the perception of equity.
3. To increase victim satisfaction by associating the punishment with the crime.
4. To reduce potential victim hostility by making the sanction more visible.

5. To allow for the involvement of the victim in the justice process.

Possible Benefits to the Criminal Justice System

1. To punish.
2. To reduce recidivism.
3. To solve agency or court problems such as overcrowding of jails, calendar backlog, and staffing issues.
4. To reduce costs.
5. To increase cooperation from the victim and the offender.
6. To gain community support for law enforcement and criminal court through more visible and practical results seen by the community.
7. To provide or increase the alternatives in sentencing.

Possible Benefits to the Community

1. To increase community knowledge and awareness of the criminal justice system.
2. To increase community input and involvement.
3. To increase the quality of community resources.
4. To provide the community with physical improvements.

More detailed information on these benefits is discussed in two documents: "Restitution in Minnesota, Lesson Plans", available from the Minnesota Department of Corrections; and "Planning Restitution Programs", Criminal Justice Institute, White Plains, New York.

Some documentation and experience suggest that certain approaches to the discussion of objectives for community work service are better than others. The following is a brief discussion of some major points:

1. Treatment objectives for offenders are especially difficult to document and are not very popular at this point in corrections. However, simple documentation of positive work service behavior can be useful.
2. Reduced recidivism is also difficult to prove due to the way in which community work service offenders are selected.

3. Victim or community compensation is commonly documented in such programs and is a popular goal, since the value of work service hours can easily be calculated.
4. Community work service goals or philosophy involving the concept of punishment is commonly used and accepted. Generally speaking, community work service as a punishment is accepted, but with the attitude that it is less harsh than other sanctions such as jail or large fines. These "punishment objectives" are not difficult to document.
5. The notion of providing alternative sentencing options is extremely popular with judges and probation officers and can be used as a practical objective. It is common knowledge that traditional types of sentences do not work for certain types of offenders, such as requiring \$5,000 in restitution in a welfare fraud case or asking a large fine from a 20 year old unemployed and unskilled worker.
6. Saving money by using community work service is a popular objective, though difficult to document. Even though community work service sentences cost less than jail sentences or prolonged probation to retrieve impossible financial restitution, it is unlikely that jail costs and probation costs will be reduced in the short run.
7. Another set of objectives that seems to have merit revolves around the notion of justice and restitution. It seems just and fair that an offender repay the community for harm done.

Felony community work service program philosophy and objectives should focus around punishment as well as the practical idea of increasing the sentencing options. This suggestion is based upon the demonstration project in Dakota County.

For a detailed discussion of the purposes and aims of community work service, read "Effects of Community Service on Attitudes of Offenders", A. Thorvaldson, PhD., Research and Evaluation Unit, Policy Planning Division, Ministry of Attorney General, Province of British Columbia.²

²For copies of "Effects of Community Service on Attitudes of Offenders", write Thorvaldson, Research Unit, Ministry of Attorney General, The Bridge, 4th Floor, 800 Horner Street, Vancouver, BC, V6Z205.

The Dakota County District Court Community Work Service Program developed the following objectives:

1. A minimum of 50 gross misdemeanor or felony offenders will participate in the community work service program, successfully completing their community work service hours at a rate of 75 percent (within 16 months).
2. The community work service alternative will be seen as more just than usual sentences as viewed by system officials, offenders, and the community.
3. The alternative community work service program will provide measurable repayment to the community in the form of community work.
4. The community work service will be less costly than usual institutional sentences for the same offense.
5. The community work service sentence reduces the time the offender spends on probation as compared to the time spent with the usual sentence for the same case.

PROGRAM PLANNING: BASIC OPTIONS

This section discusses the integration of felony work service programs with other work service and restitution programs which may be operating in local jurisdictions.

It is likely that procedures for collecting financial restitution are already established, and there may be juvenile or misdemeanor work service programs in the county jurisdictions. Many cooperative and joint program efforts are possible, but one general principle emerges from restitution program experience: *Financial restitution program procedures should be separate from community work service.* The purposes of community work service and financial restitution are different. For example, community work service is generally an alternative to a more traditional sentence and has aims of punishment and tangible community repayment, retribution, or justice. Financial restitution on the other hand has victim compensation as its function. This notion of the separation of financial restitution and community work service programs does

not mean that staff members cannot function in both programs.

There are several examples in Minnesota of work service programs being integrated or working cooperatively at the juvenile and adult levels. The advantages are numerous and include the following:

1. Joint efforts at organizing work sites avoid duplication of staff efforts and avoid confusion among participating work sites.
2. Joint efforts avoid differences in procedures and criteria for setting work service hours, a factor which is especially important where the program serves both juveniles and adults.
3. Cooperative efforts may save staff resources particularly when work service caseloads may be too small to merit full-time staff in separate programs.

The option exists to use community work service as a form of diversion based on local justice system need.

It is recommended that financial and work service programs should be separate in function and procedure, while work service programs at the juvenile and adult levels should be integrated or should work cooperatively. Also, felony community work service can operate as an alternative in pre- and post-sentencing programs.

PROGRAM PLANNING: SELECTION OF ELIGIBLE CLIENTS

Development of guidelines for client selection is recommended. Planners should decide whether the program is to be limited to property offenders, for example, or can be used for selected person offenders as well. In the Dakota County demonstration project, it was decided to keep intake criteria somewhat less restrictive in order to use community work service with a wide variety of offenders. The following guidelines were developed for Dakota County:

General

The project will service a minimum of 50 convicted gross misdemeanor and felony offenders who will receive sentences to community

work service or work service to victims in lieu of short jail sentences, fines, financial restitution, straight probation, or, in a few selected cases, prison sentences.

Inclusionary Guidelines

1. Gross misdemeanants and felons sentenced in Dakota County District Court.
2. Property offenders who are unable to pay financial restitution because of lack of financial resources or employment problems (financial restitution will remain a high priority when possible).
3. Offenders who are unable to pay fines because of lack of financial resources or employment problems.
4. Property offenders whose victims are willing to accept work service at their property or place of business.
5. Selected aggravated traffic offenses (gross misdemeanants).
6. Selected personal injury claims.
7. Other selected crimes against persons.
8. Other offenders whose jail/prison sentences do not serve the public, the courts, or the offender as determined by the District Court.

Exclusionary Guidelines

1. Offenders who are chemically dependent as determined by chemical dependency assessment unless the offender is participating in a chemical dependency treatment program.
2. Offenders who have a history of mental illness, hospitalization, or chronic mental health problems.
3. The multiple offender who continues to be a threat to the safety of the people of the community.
4. Other offenders whose cases indicate reasons against assignment to the project.

When discussing and developing selection criteria, it is recommended that alternatives to the usual sentence be clear. If community work service is to be used as a voluntary alternative which the offender may choose, then failure to complete should result in the immediate imposition of the original sanction, i.e., jail, fine, trial to determine guilt if

used as a diversion, etc.. This suggests that a clear statement of the sentences and the alternatives should be made (see PROGRAM PLANNING: Determining Sentences, below). Clarity is necessary to prevent confusion and can be helpful in plea bargaining. If community work service is to be used as the sole sanction (see below), it should also be anticipated in developing selection criteria.

There is no need to become overly involved in detail in developing the selection criteria; they are to be used as guidelines, as a checklist from which one may depart depending upon the merits of each particular case.

PROGRAM PLANNING: Organizing Resources to Support Community Work Service

Supporting new community work service programs financially is difficult but not impossible. It becomes more difficult when organizing new activities without giving up other activities since new monies are required. Shifting existing resources is more easily accomplished. Both approaches are discussed in the following funding ideas. It is also important to determine the type of work service program to be implemented before determining the resources needed, since different kinds of programs vary greatly financially. If a committee approach to planning the work service program is used, the committee can be of help in finding resources.

The most common approach to funding community work service programs is to hire a part-time or full-time "Community Work Service Coordinator" with new monies. This person would be paid commensurate with probation officers. A full-time community work service coordinator can manage all the project caseload of 50 to 60 clients (about 150 clients a year). A half-time person can manage approximately half that caseload. These figures depend on the size of the geographical area to be covered. While this approach is the most desirable, it is the most costly as well.

Funding sources at this point are primarily:

1. Planning and budgeting a new position in the local community corrections programs which may require dropping less desirable programs.
2. Asking county boards for new funds for court services.
3. Seeking Minnesota Department of Corrections field agent positions.
4. Re-assigning a probation agent to community work service with the understanding that the program will reduce caseloads. This has happened in two counties in the state where juvenile work service programs reduced juvenile agents' caseloads enough to make re-assignments.
5. Seeking funding from district courts that may have access to judicial demonstration money or may be willing, along with county boards, to shift funds received from offender fines.

Another approach is to assign the project as additional activity for one or more probation officers. This approach may be difficult since there may be a tendency to put work service program activities on low priority when agents have a great deal of crisis activities: Large caseloads, pre-sentence investigations, deadlines, client emergencies, etc.. With agent cooperation, the work service activities can be organized in a number of ways:

1. One officer can take responsibility with a reduced caseload or no caseload while others refer cases.
2. One agent can coordinate the program while each officer places and coordinates their own clients on work service. This approach requires an agency placement system so that each agent knows which placements are open. Also, duplication of recruiting work placements needs to be avoided.

Another successful type of funding, or more descriptively, staffing approach, is the use of volunteers. Volunteer staffing approaches can be very effective if careful training is provided. In the use of volunteers it is essential that a paid staff member in the criminal justice system must take responsibility for the program as well as for recruiting, training, and supervising volunteers. This may not be as difficult a job where a community corrections area has a volunteer coordinator or

where local field agents already use volunteers for other programs.

Some strategic approaches to volunteer use include:

1. Recruit a student intern or volunteer who can spend a considerable amount of time organizing and coordinating placement and supervising participating offenders. In some cases such a person with sufficient skills and knowledge of the community can recruit, train, and coordinate other volunteers.
2. Recruit and train several volunteers from key areas of a county or counties where program participants are likely to live so that each volunteer handles relatively few offenders.
3. Another approach is to recruit a civic organization, or organizations geographically distributed, to undertake the programs and see that volunteers are constantly available for training and work on the project.
4. A limited option occasionally occurs in some communities with large state hospitals, regional highway department centers, or similar public organizations. Frequently such organizations have volunteer coordinators or persons with similar duties who can place a number of people in a variety of work situations.

Another untried staffing approach may be considered. It has been suggested that work service placements and supervision be done on a fee per client arrangement similar to contracted pre-sentence investigations which are paid for through public funds. It is estimated that the cost per client assigned to do 30 hours of work service could be as little as \$40 or \$50, while a client with 300 hours could cost as much as \$150. There are three types of people or groups who might undertake community work service responsibilities on a per client basis. One group would be professionals or unemployed criminal justice graduate students who could undertake the tasks on a part-time basis. Another group would be experienced, civic-minded community persons who would be trained to do such part-time work. A third group would be civic-groups that may undertake such a project as a fund raising activity. Training would have to be provided. The per client fee arrangement would require some funds, but would be considerably less costly than a staff person. There are some

consultants and contracting organizations specializing in corrections that might undertake such a project on a similar fee per client arrangement.

PROGRAM PLANNING: Administration

In administering the program it is recommended that a distinction be made between policy authority and program authority. Normally, policy authority might rest with the chief judge and the chief probation officer, with consultation as seems appropriate with their respective colleagues. If the program is to have an advisory committee or task force, this is their role as well. Policy matters include major decisions which will affect the purpose, outcomes, or relationships with other agencies particularly when guidelines are needed because repeated activities or issues are anticipated. The person immediately responsible for coordination of the program should recommend such policies.

The person responsible for the program should have appropriate program authority. This may be a probation officer who assumes this role along with his/her other duties or it may be a program coordinator. Normally program authority consists of day-to-day program decisions such as case by case intake, placements of particular offenders in particular job sites, termination due to failure to satisfactorily complete assignments, etc.. The sentencing judge must be a part to these decisions as well as the probation officer supervising the overall probation plan. It is recommended that all intake be made upon recommendation of court services staff so that some boundaries exist regarding entrance into the program. The authority to accept or reject candidates should be based on criteria set by policy so that the process is rational and not arbitrary.

PROGRAM PLANNING: Determining Community Work Service Sentences

One major program planning element is organizing a system to determine the number of work service hours to be assigned to an offender.

A system for determining hours of work service eliminates arbitrary determinations while not necessarily removing flexibility. There are two major ways to systematize sentencing of work service hours.

The most common method is to base the work service hours on the traditional or usual sentence had the offender not been assigned or agreed to participate in community work service. In other words, a method is determined in which dollar restitution, fines, and jail time are converted to work service hours. For example, if a welfare recipient cannot find the means to pay a \$500 fine, a standard of one hour work service could be \$5 so that the offender with a \$500 fine would do 100 hours of work service (1 hour = \$5 fine, $\$500 \div \$5 = 100$ work service hours).

Similarly, in the Dakota County project one day of jail is equal to two hours of community work service. (2 hours for one jail day: $90 \text{ jail days} \times 2 \text{ hours} = 180 \text{ community work service hours}$).

The above formula method can be used in a strict sense, or as a flexible guideline to be used by the sentencing judge and the probation officer making recommendations. The disadvantage of using the formula method as a guideline is that the scale tends to be unrealistic at the upper limit. It is not usually feasible to give 2,000 work service hours in exchange for \$10,000 in restitution or fines. Similarly, a judge may want to give more than 20 work service hours in exchange for ten days in jail. Also, the usual or traditional sentence to which the standard relates may be quite arbitrary or the judge may be tempted to increase the fine or jail sentence to encourage the offender to do work service.

Converting jail time to dollar amounts has an advantage in that the offender can see clearly the option and the traditional sentence can

be imposed if the offender does not do the community work service. The offender can also receive credit for work service completed if he/she decides or the judge decides that the traditional or usual sentence is to be reimposed.

The other method of determining work service hours is rarely used with adults, but has been tried with juveniles in Minnesota. The method involves relating a range of work service hours to each type of crime, by means of a sentencing matrix. A standard sentence of work service hours would be set for each crime. For example, 80 to 100 hours of work service would be the time for welfare fraud below \$5,000, first offense; or 250 to 350 hours for robbery, first offense; 300 to 400 hours for tax evasion, etc.. A standard system would work just as existing laws outline the maximum fines and jail sentences an offender can receive. The matrix could set more specifically the work service sentence based on the crime and number of convictions of the offender.

The advantages of having a set number of hours of work service based on the offense and the offender's previous criminal behavior is that it is not based on the usual sentences in which there is little standardization and perhaps inherent inequity.

At present, there is no example of this matrix for adults. New community work service programs would need to develop their own. In order to provide some information for developing a matrix, data was collected from the Dakota County District Court Demonstration Project. This data lists offenders, offenses, and the number of work service hours assigned. The determination of work service hours in the Dakota project was made using a conversion standard of \$5 for each work service hour for fines and restitution and 2 work service hours for each jail day. The following table gives a sketchy picture of a range of hours for offenses.

WORK SERVICE SENTENCING PATTERNS

DAKOTA COUNTY DISTRICT COURT DEMONSTRATION PROJECT

<u>OFFENSES</u>	<u>COMMUNITY WORK SERVICE HOURS SENTENCED TO EACH OFFENDER</u>
<u>Burglary</u>	
Burglary	30, 40, 40, 40, 60, 70, 100, 120, 150
Attempted Burglary	30, 50
<u>Robbery</u>	100, 240
<u>Theft</u>	
Theft	40, 41, 50, 50, 50, 58, 60, 60, 100, 100, 100, 2,550
Receiving	40, 50, 60
UUMV	40
<u>Fraud</u>	
Welfare	30, 33, 82, 100, 100, 147, 300, 350, 400, 400
Odometer Tampering	20
Tax Evasion	90
Aggravated Forgery	100
<u>Drugs</u>	
Possession	30
Unlawful Sale	20
<u>Driving</u>	
DWI	90, 100
Criminal Negligence	264
Aggravated Violation	40, 50
<u>Aggravated Criminal Damage to Property</u>	151
<u>Criminal Sexual Conduct</u>	160, 200, 300
<u>Resisting Arrest</u>	20, 20
<u>Tampering with Witnesses</u>	100

PROGRAM PLANNING: Developing Work Sites

Proper matching of client and work site often leads to attitude changes coming from a sense of satisfaction from doing something useful. Some offenders may benefit especially from contact with handicapped or elderly persons. Others might have particular talents which could be utilized or special interests which might be considered. Factors like required travel and day, weekend, or evening work may restrict the range of sites available. Some sites may require continuity of work force. Types of supervision also vary among work sites and client circumstances. The five types are a) workshops, b) minimal supervision by agency, c) supervision by community work service staff (if available), d) agencies providing supervision, and e) supervision by volunteers.

When developing work sites, care should be taken that they are beneficial to the community and the offenders as well as providing administrative convenience. Through the use of the local chamber of commerce, phone directories, and any other existing resources, a list of agencies can be developed. The persons in charge may be contacted to arrange for an appointment to discuss the program. At the appointment, the program is explained in detail; how it can benefit the agency, the community, and the client. Using this process, about 95% of the agencies contacted are likely to be interested in participating. Indicate that a candidate may be rejected at any time during the process. The agency should be made aware of the legislation covering claims arising from injury while doing work service (Minnesota Statutes, 1980, Section 3.739).

Public and private non-profit organizations are the sources for work sites. Some clients will do homebound projects for charitable organizations because of inability to get out of the home (i.e., children, physical disability).

Sites also should be available for offenders who could work full-time to complete their work service in a short period of time. Whenever possible, the work service should be established so as not to interfere with offender's employment or family needs. Try to not complicate matters with a great deal of paperwork or reports from the work site. A simple time sheet is all that is necessary. Don't make this involve a lot of work for the agency. Keep the process simple.

Work sites should be set up in all areas of the community being served. There is a need to continue site development since as time goes on they will be used. Possible work sites include:

1. Youth service agencies such as YMCA.
2. Local and county government.
 - a. Parks.
 - b. Court house.
 - c. Highways and streets.
 - d. Chamber of Commerce.
3. Senior citizens centers, nursing homes, etc..
4. Social service, public and private.
5. Civic groups and projects.
6. Religious organizations.
7. Environmental groups or agencies such as DNR.
8. Child services such as day care centers, nurserys.
9. Health organizations such as hospitals.
10. Local community projects such as festivals, special days.
11. History groups, projects, sites.
12. Sheltered workshops.

PROGRAM PLANNING: Program Procedures

The procedures discussed in this section are based on the Dakota County project.

After an office is set up and the process for developing work sites is well under way the program is ready for intake. The selection procedure has three decision-making points: The probation referral, the community work service coordinator's review of the case, and the judge's decision. The judge may make the final decision at sentencing, or the case may be sentenced prior to referral. In this case, the judge may make the first decision. In either event, the selection and screening process operates basically the same whether the formal referral comes before or after sentencing.

Prior to sentencing, the probation staff conducts a pre-sentence investigation which indicates if the client meets project criteria. The probation officer recommends alternative sentencing based on this investigation. The judge decides whether the offender should have the alternate sentence option. The judge then imposes the normal or traditional sentence and stays all or part of it. Offenders sentenced to the program will also be on probation so that other necessary services may be provided. If present in the court at the time of sentencing, the work service coordinator takes the referral directly from the court and meets with the client to negotiate the alternate sentence. Normally, however, the work service coordinator cannot be present due to other duties. In all cases the assigned probation officer will formally refer the offender to the project coordinator who then makes an appointment with the offender. A letter is sent to the offender arranging the meeting. At that meeting the program is described, offender cooperation is obtained, and rules are discussed. Placements may also be arranged at that meeting if the work site is immediately available.

The time from referral to placement averages 10 to 14 days unless there is a waiting period for sentencing. In old cases the screening by the probation officer and the coordinator is done prior to requesting a change of order from the judge.

At their initial meeting, the offender and work service coordinator negotiate and sign a contract stipulating the terms of the alternate sentence (contract attached), the number of hours to be served, where and when the offender will perform the work, the date of completion, as well as the consequences of failure to complete work service satisfactorily.

Once the offender and coordinator have selected the work placement based on ability, interest, and travel considerations as well as available time, the coordinator calls the site supervisor and sets up the starting time. The coordinator, when possible, should be present at the beginning of the work to introduce the offender and site supervisor. Various types of scheduling and arrangements can be set up if the site supervisor and offender are willing to cooperate. Examples are working two or more different sites, being on call for an agency, homebound projects, or full-time, part-time, weekends and evenings.

The coordinator is responsible for monitoring and supervising of clients while doing community work service. The site supervisors are responsible for supervision while the coordinator periodically checks up on the client's progress, handles concerns, and keeps the process moving.

In order to make the paperwork for the project as minimal as possible, only three forms are used: (See Appendix A).

1. Community Work Service Referral Form: This is used by the probation officer to refer offenders to the community work service coordinator.
2. Community Work Service Contract: The agreement between offender and community work service coordinator states the conditions and consequences of involvement. Copies are distributed to judge, probation officer, client, community work service coordinator.
3. Work Site Time Sheet: The on-site supervisor uses this form to inform the community work service coordinator when the hours have been completed and how well the work was performed (or in case of failure, comments regarding behavior leading to termination).

Other forms can be developed if necessary although most information needed on a case is readily available through the probation agent or client files.

When the contracted work service has been satisfactorily completed, the work site supervisor sends in the time sheet which is reviewed by the community work service coordinator and relayed to the probation officer. The probation officer then notifies the judge. The offender may be released from probation if the work is completed satisfactorily and the other conditions of the sentence have been completed. If the offender fails to successfully complete the work service, the probation officer is notified. The probation officer calls a Violation of Probation Hearing where the offender is returned to court for further disposition, usually imposition of the original sentence. Program involvement is then terminated.

COMMUNITY SUPPORT

Public awareness of a program is needed to develop community support. When a community supports a program, a sense of ownership is acquired which helps ensure continuation. The different types of public information used are:

1. Local newspapers: Contact editors of any newspapers available in the community in which the program may operate.

2. Television news: Contact news director and request to have a crew do some on-site filming and interviews.
3. Program brochure: Develop a brochure briefly describing your program. Tell what it is, how it works, who benefits, who it is for, and how it started. Add progress reports as the program develops. Distribute these to all community agencies, law enforcement, corrections, court personnel, judges, chamber of commerce, reception area of the county board, and other interested court jurisdictions.
4. Speaking engagements: Exposure to service clubs and organizations is a very effective method of explaining the purpose of the program to business people in the community (i.e., associations, police chiefs associations, churches, special interest groups). Brochures can also be distributed.

A program's success depends upon how the people affected by it are continually informed about its operation and progress. Keep the lines of communication open and you will continue to have the needed support.

APPROVAL, FORMAL SUPPORTS, ETC.

Depending upon the practice in the local jurisdiction, programs may require formal approval by one or more committees or boards, such as the community corrections advisory board, one or more county boards, etc.. On the other hand, some systems may be able to set the program in place with only administrative approval. It may be important to have formal letters of support attached to the proposal.

Such letters should indicate support in terms of the need for the program, and helpfulness to the community and the criminal justice system. Letters from the chief judge, other judges, the county attorney, and others would be appropriate. Letters from other jurisdictions and the Minnesota Department of Corrections can also be requested if necessary.

The person with the most knowledge of the program should be present when it is considered by a board or committee since it is impossible to anticipate all questions. It is wise to have had preliminary conversations with influential members of boards and committees, and if

possible, a preliminary indication of support. Of course, each community has its own traditions and its unique political idiosyncracies. There are experienced local officials who have accomplished such approvals with other programs who may be consulted and their help solicited if needed. If serious resistance or opposition does not exist, none of these activities may be necessary, and they may even generate resistance where none existed. In the final analysis, a local judgement must be made regarding the level and sophistication of political preparation needed.

Appendix A Forms

DISTRICT COURT
DAKOTA COUNTY
COMMUNITY WORK SERVICE REFERRAL FORM

Judge _____ Date of Referral _____

Probation Officer _____ Court File No. _____

Sentencing Date _____

Client _____ Date of Birth _____

Address _____ Phone No. _____

Place of Employment _____ Phone No. _____

OFFENSE: _____

SENTENCE: _____

Currently Detained at: _____

Other Information: _____

PROJECT USE _____ Case No. _____

Community Work Service Hours: _____

Agency: _____

Completion Date: _____

DISTRICT COURT
DAKOTA COUNTY
COMMUNITY WORK SERVICE CONTRACT

On _____, _____ appeared in Dakota
(date) (name)
County District Court for sentencing. The Honorable _____
_____ ordered that as a condition of that sentence, Community
Work Service be performed.

Pursuant to the court's order the following terms and conditions have been agreed
upon in regards to Community Work Service:

If any of the above conditions are not met, I understand the matter will be referred
back to the probation agent as an alleged violation of probation.

I agree to hold the Court, State, Community Work Service Coordinator as well as the
persons which may provide to me the opportunity to perform this work, harmless from
any claims known or unknown by me made.

I hereby certify that I understand the contract and will abide by it.

Client _____ Date: _____

Community Work Service Coordinator _____

- CC: Judge
- Client
- Probation Agent
- Community Work Service Coordinator

DISTRICT COURT
DAKOTA COUNTY
COMMUNITY WORK SERVICE
TIME SHEET

To: _____ Date: _____

From: Robert Kigin
Community Work Service Coordinator
Human Services Building
Hastings, Minnesota 55033
(Phone #437-0470)

NAME _____ Case No. _____

Hours _____ Deadline _____

The above named person has completed _____ hours of Community Work Service:
____ Satisfactorily; ____ Unsatisfactorily.

For _____
(Agency Name)

located at _____
(Address)

COMMENTS:

Signed _____ Agency _____
(Agency stamp if available)

Title _____ Date _____

NEWS
OF THE
ACQUISITIONS

- I. SUMMARY
- II. FINAL REPORT

