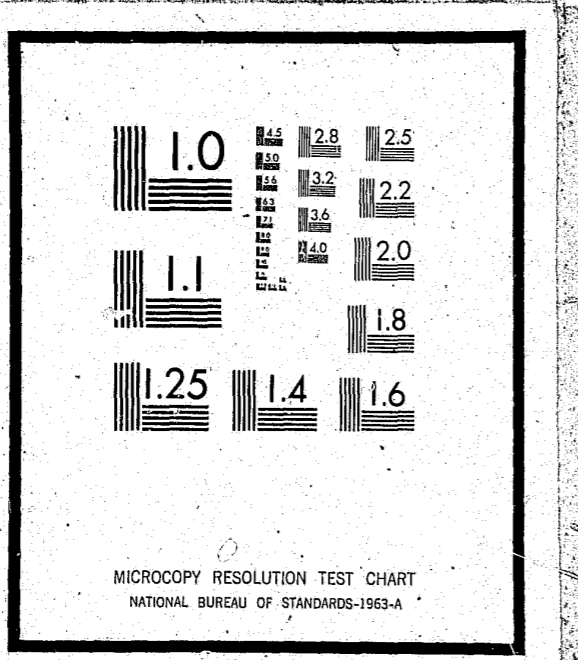


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GOVERNOR'S COMMISSION
ON CRIME PREVENTION
AND CONTROL

OPERATION DeNOVO (Hennepin County Pre-trial Diversion Project)

PROJECT EVALUATION

16693
166991

OPERATION DeNOVO

HENNEPIN COUNTY

PRE-TRIAL DIVERSION PROJECT

A Preliminary Evaluation Report

prepared by

PROJECT EVALUATION UNIT

Governor's Commission on Crime Prevention and Control

March, 1974

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I. DESCRIPTION

A. THE PROJECT

1. Background Information

The Hennepin County Pretrial Diversion Project, also known as Operation de Novo, has been operating in Minneapolis since April, 1971. The project was funded for its initial twenty months under a contract with the United States Department of Labor. In November, 1972, the program was continued for an additional year through a combination of funds from the United States Department of Labor and the Governor's Commission on Crime Prevention and Control. Matching funds were provided by Hennepin County, local corporations and foundations. During the current period of November, 1973 to July, 1974 the funds to support the project are being provided by Hennepin County (\$57,272.00), the State of Minnesota (\$16,805.00) and the Governor's Commission on Crime Prevention and Control (\$151,245.00).

2. Project Goals

An examination of the grant under which this project is currently receiving funds yields a rather confusing array of "goal-like" statements which seek to define the results this project is expected to produce. Unfortunately, many of these statements do not directly confront the issues which are perceived as paramount by the Governor's Crime Commission. Therefore, in an effort to directly confront these issues we have sought, with the cooperation of the project director, to distill this multiplicity of "goal-like" statements down to a small number of fundamental goals. This distillation process has produced six basic goal statements which are believed to encompass the major efforts of the project. These six basic goals are presented in order of the

importance ascribed to them by the project.

1. To reduce recidivism among property offenders.
2. To reduce unemployment among property offenders.
3. To reduce the cost to the criminal justice system of "processing" property offenders.
4. To increase the restitution received by victims of property offenses.
5. To reduce the workload of the courts, prosecution, and court services.
6. To increase knowledge concerning the implementation and operation of pretrial diversion projects.

These six goals are seen as forming the standards against which it is appropriate to judge the project. The provision of the information, data, and analysis necessary to make informed judgments concerning the degree to which the project is accomplishing these goals is seen as the basic purpose of evaluation.

This preliminary evaluation report will not, however, be able to directly confront these issues. This is not possible as the evaluators preparing this report have only been involved in this evaluation effort for a relatively short time. Therefore, the approach which seems most useful at this time is to provide a general picture of the project's current organization and methods. All future reports will, however, be based upon the data which is now being collected and computerized. This data will be analyzed to provide direct, empirical evidence which may be used to reach informed judgments concerning the accomplishment of project goals.

3. Project Staff

Organization. Operation de Novo operates under the direction of a twenty-five member Board of Directors. This board, consisting primarily of community leaders and members of the criminal justice system,* is responsible for the overall direction of the project and is expected to be representative of the community and the criminal justice system. As is the case with most such committees, its functions tend to be limited to establishing general policy, general financial guidelines and to selecting the project director.

The Project Director, Mr. William Henschel, is the principal, and at this time, only administrative officer of the project. As such he is responsible for all aspects of the operation of the project. This administrative function, as defined by Mr. Henschel, is a very broad responsibility. As a consequence, even though the director sees himself as primarily responsible for the administration of contracts, staff development and the establishment of operational policy, it seems that he does, on occasion, get involved in almost all aspects of the project. It should be noted, however, that this involvement does not seem to be the product of poor administration but rather the product of a conscious choice to attempt to maximize the interaction among staff members and to encourage staff members to participate in decision-making. In addition to direct administrative responsibilities, it appears that the project director also bears a rather heavy burden which results from external requests for information. As a consequence, it seems that a substantial part of the director's time is consumed by speaking engagements, interviews, and

*See Appendix 1.

correspondence with those who wish to learn from the experiences of this project. It should also be noted that evaluations tend to add to the director's burdens.

The organizational chart for this project also calls for an Assistant Director who is to be the other administrative officer and who is expected to assist the director in carrying out the responsibilities which have been discussed as incumbent upon that position. Even though this position has normally been filled, it is currently vacant and it is not clear when, or even if, this position will be filled.

There are currently three Program Coordinators - one Screening Coordinator and two Counseling Coordinators. The Screening Coordinator has the primary responsibility for overseeing the screening function, the restitution program, and the data collection and reporting tasks. The two Counseling Coordinators are primarily responsible for ensuring that the counselors are providing quality counseling. They are, therefore, responsible for reviewing counselor activities, providing counselor training and developing counseling programs. They also are responsible for interviewing all incoming and outgoing clients and for collecting evaluation data at these times.

The Job Developer is expected to support the staff in the job placement area. The basic responsibility here is finding employment opportunities for clients and to maintain relations with prospective employers. There are two Job Developers called for in the present grant, however, only one is currently being utilized. The Resource Developer, of which there is only one, is responsible for the supervision of educational programs and for the development and maintenance of interagency contacts.

Counselors are expected to serve as advocates and advisors for project clients. Each counselor handles approximately thirty clients at any given time and is expected to support and assist the client in achieving the goals which have been defined for the client. There are presently seven counselors even though eight counselor positions are allocated.

The Screeners are expected to locate and interview prospective clients in court and once they are identified as prospective clients, the screener is responsible for negotiating with the prosecutor to secure an agreement to divert. The screeners also are responsible for returning clients to the court upon their termination from the project. Screeners also are expected to assist in the data collection effort. There also is a half-time employee who assists in the collection of data and the preparation of monthly reports.

The secretarial staff consists of three employees who act as bookkeepers, receptionists, typists and the usual variety of administrative tasks such as inventory, mails and the preparation of reports.

In terms of utilization of minority hiring practices, the project has hired women, ex-offenders and minority members for a variety of positions. A breakdown of these groups, by position, is given in Table 1. It should be noted that the director has indicated that the number of minority groups employees is unusually low due to recent staff turnover. (Table 1 on following page.)

TABLE 1
STAFF POSITIONS BY SELECTED GROUPS*

POSITION	FEMALES	MINORITY GROUP	EX-OFFENDER	TOTAL
Director				1
Coordinator	2	1		3
Job Developer	1			1
Resource Developer	1			1
Screeener	1			1
Counselor	2	2	5	7
Research/Data				1
Steno	3		1	3
TOTALS	10	3	6	18

*Since some employees represent more than one group, they may appear more than once; e.g., a black female would appear under both Female and Minority Group.

4. Program Structure

Screening procedures (that is, the procedures through which clients are selected) differ depending upon the prospective client's age and the nature of the offense which is alleged. Adults who are alleged to have committed a felony are subjected to the most rigorous pre-selection investigations. When an alleged felon is identified as a prospective client, the project screener conducts an extensive investigation of the client's background to determine if the prospective client is a suitable candidate for diversion. This investigation usually takes about two weeks and is very similar to a pre-sentence investigation. If, upon completion of this investigation, the client is deemed to be appropriate for the project, the screener contacts the prosecutor

to seek an agreement to divert. The prosecutor, if he agrees that diversion is appropriate, will ask the judge for a continuance in order that the alleged offender may participate in Operation de Novo. These continuances are usually granted and continue for one year unless the client is returned to court earlier because of unsatisfactory program performance.

Adults who are alleged to have committed misdemeanors are selected much more expeditiously and without the detailed, formal investigation. In this procedure the project screener attends each session of Municipal Court and makes on-the-spot decisions as to which defendants are suitable for diversion. This decision is made after the screener reviews the docket, makes a quick records check, and discusses the program with likely candidates and their attorneys. If the alleged offender is interested in participating in the project the investigator then seeks to secure a diversion agreement from the prosecutor. This entire selection process usually takes place in the space of a few hours and in some cases a few minutes. The process probably leaves something to be desired in terms of the optimum selection process, but it is necessary because of the reluctance of Municipal Judges to grant continuances for investigative purposes. The process is, however, greatly aided by the fact that screeners work in the same court day after day and through experience gain knowledge which probably maximizes their effectiveness under these rather difficult circumstances. In any case, it seems likely that the project's success rate would be increased if a more sophisticated selection process could be employed. This seems likely as it is known that the present method sometimes leads to clients being selected who would be excluded if there had been time to collect more complete information.

Juveniles come to the project only on a referral from the Hennepin County Juvenile Intake Unit. Whenever the Unit has a client who they feel would benefit from Operation de Novo's rather unique organization and staff, they contact the project and a screener is sent to the Unit to interview the juvenile. If, after this interview, the screener feels that the juvenile is a good candidate for the project's services, arrangements are made for the client to enter the project and judicial proceedings are terminated.

When the client is admitted into the project, having been selected through the screening procedure, the first step is an interview with one of the counseling coordinators. During this initial interview, the coordinator elicits information from the client which is used to begin to identify the client's needs and based upon which the coordinator assigns the client to the counselor who is thought to be best suited to work with this particular client.

Following this initial interview, the client enters a one month "assessment" period during which the client and the counselor become acquainted and during which educational and vocational testing may be done if it is thought to be necessary. Such testing is not very frequently utilized at the present time. There are usually four client-counselor meetings during this period which have a duration of approximately one hour each. Upon completion of this "assessment" period, there is a one week "service planning" period during which goals are set for the client and these goals are then formalized in a contract which is signed by the client. Then begins the four to ten month "service delivery" period during which the client engages in activities which are designed to lead to achievement of goals.

To facilitate the accomplishment of client goals, the project provides its clients with counseling, training, education, and referral services. The counseling is of two basic types -- individual counseling and group counseling. Individual counseling is conducted between each client and the assigned counselor, and is basically intended to provide psychological support. Group counseling, on the other hand, is basically specific and informational. The group counseling is intended to inform specific types of clients on matters of direct concern to them.

There are currently two weekly groups being conducted by members of the project staff. These groups deal with "Street Survival" and "Job-Seeking Skills." The Survival Skill Group is intended to assist young women who have chosen the "street life" and lack the knowledge of how to exist in this environment without being exploited by pimps, drug pushers and others who seek to involve them in criminal activities. This counseling is to assist them in avoiding this type of exploitation and it is conducted by staff personnel who have experience with this life style.

The Job Skills Group is intended to inform participants on how to obtain and keep employment. This group is intended to supplement the efforts of the individual counselors who bear the primary responsibility of providing employment counseling. This employment counseling is generally viewed as a most important component in the general support system which counselors try to provide their clients. Because of this ascribed importance, individual counselors often spend a substantial part of their time assisting their clients find and retain employment.

Training and education are also an integral part of Operation de Novo. These services are provided both by the project itself and by other agencies to which the clients are sent on a referral basis. The educational unit at Operation de Novo is designed to meet individual educational needs. For those over the age of sixteen these needs are usually defined in terms of up-grading skills or obtaining a G.E.D. For those under the age of sixteen, the goal is to provide assistance which will make it possible for them to return to a conventional school.

The project also operates a restitution service for the benefit of the victim and the defendant. The victim enjoys the obvious benefit of receiving remuneration for the financial loss suffered as a consequence of the property offense and the defendant receives an opportunity to avoid the damaging effects of a criminal prosecution. The project's role in this process is to help negotiate a contract between the victim and the defendant and to monitor the repayment process. The project also may provide additional services to the client - defendant as they deem appropriate.

In addition to the services which are provided by the project, extensive use is made of community agencies. The major agencies which are being used are summarized in Table 2. (Table 2 on following page.)

TABLE 2

MAJOR AGENCIES USED BY PROJECT DE NOVO

- 1.) Minnesota State Employment
- 2.) M.D.T.A., Concentrated Employment, National Alliance of Businessmen, JOBS Consortium, Human Development Opportunity, Minneapolis Area Vocational Technical Institute
- 3.) Legal Advice Clinics, Legal Aid Society, Legal Rights Center
- 4.) Loring-Nicollet Community Center, Bethlehem Community Center, Planned Parenthood, Y.W.C.A., Y.M.C.A.
- 5.) Catholic Youth Corps, Circle F Club, Local Schools Recreation Centers, etc.
- 6.) Alpha House, Colonial Residence, Private Boarding Homes, Foster Homes, etc.
- 7.) University of Minnesota, Mankato State College, State Colleges, State Junior Colleges, etc.
- 8.) Youth Service Bureaus, Drop-In Centers
- 9.) H.I.R.E., Minnesota Abortion Counseling, American Indian Movement, Minnesota Tenant's Union
- 10.) Catholic Welfare Services, Women's Counseling Service, Johnson Institute, Family Services, Children's Center, A.M.I.C.U.S.
- 11.) Emergency Social Centers, Free Stores, Hennepin County Emergency Social Services, Food Shelves
- 12.) Alcoholism and Drug Abuse Information, Community Lines
- 13.) Hennepin County Welfare Agency
- 14.) Hennepin County Community Mental Health Centers
- 15.) Minneapolis School System and All Their Several Programs

B. CLIENTELE

1. Admission Criteria

The criteria for admission into Operation de Novo are not rigidly defined. The reason given for this lack of rigid admission criteria is that the project is thought to have progressed beyond the stage where such precise criteria are necessary. Consequently, it is argued, the project may now focus on the needs of the prospective clients rather than the nature of the current offense or prior record. This is not, of course, to say that there are no limits, as most serious offenders and most offenders with substantial prior criminal histories are not considered for admission. There may be circumstances, however, wherein a particular case displaying some of these characteristics might be admitted if it was thought a particular client would benefit from the services which the project can provide. In spite of this provision for exceptional cases, the project remains basically committed to serving property offenders who are unemployed or underemployed and who have no more than minor prior criminal records.

The project's relationship with juvenile offenders is much different than with adults. The juveniles accepted into the project are chosen on the basis of whether they are judged to need the rather unique services which a staff such as de Novo's can provide them. Because of this selection criteria, the juveniles accepted tend to have been defined as incorrigibles and they tend to reflect negative attitudes toward conventional authority. The primary reason they are accepted into the project is to give them an opportunity to benefit from a positive relationship with the non-conventional authority which is represented by the project staff. Also, since many of these juveniles

are unable to function in a traditional educational system, they can benefit from de Novo's less structured educational programs.

2. Client Characteristics

With these general admission criteria in mind, it seems useful to turn to available data in order to get an idea as to the type of clients the project is actually accepting. The first set of data which will be presented here is drawn from a draft copy of ABT Associates, Inc. Final Evaluation Report. The data here is based upon 598 cases admitted into Operation de Novo during 1971 and 1972. This is a good sized sample and should be quite reliable. The second source of data which will be reported here is based upon 39 cases admitted during January 1974. This sample is very small and may or may not be representative of the program's general admission policies. It should therefore be taken with a rather large "grain of salt" and one would be ill-advised to attempt to read too much into such meager data. This problem will soon vanish as additional data is being collected on a daily basis and enough data from which to make reliable inferences will be available. However, at this point in time we are limited to reporting some older data and some current data which is not yet sufficient to support analysis.

The demographic characteristics of the project's clients appear to be roughly the same regardless of whether one looks at the data from 1971 - 72 or from January, 1974. In terms of ages, it is clear that the project is focused on the younger offender. The focus on youth is verified by the finding that almost all of the clients are 25 years of age or younger [93.9% (71-72) -- 89.7% (1/74)]. Male clients [70.0% (71-72) -- 59% (1/74)] clearly outnumber female clients but the number of females [30.0% (71-72) -- 41.0% (1/74)] is

substantial and is probably over-representative given the fact that most studies show males to be much more involved in criminal behavior than these figures suggest. The racial composition of admitted clients suggest that the majority are white [61.4% (71-72) -- 69.2% (1/74)] but both Blacks [21.2% (71-72) -- 20.5% (1/74)] and American Indians [15.6% (71-72) -- 10.3% (1/74)] are well represented and in fact over-represented based upon their relative numbers in the community. These figures would suggest that substantial numbers of dominant minority groups are being admitted into the project.

The socio-economic characteristics of de Novo's clients suggest that most of the alleged offenders who enter the project find themselves outside of the socio-economic mainstream. Many of these clients have not progressed beyond the tenth grade [33.2% (71-72) -- 15.4% (1/74)] and very few have any academic training beyond high school [7.2% (71-72) -- 10.3% (1/74)]. Even more important is that fact that the majority of the clients who enter the project are unemployed [74.7% (71-72) -- 61.5% (1/74)]. The data which is available at this time suggests that the project may be selecting more clients who are already employed and whose educational level is slightly higher. It is too early to tell if this is a definite trend or simply a monthly aberration. We can say that by and large the project is admitting clients who are in a position to benefit from efforts to raise their socio-economic status.

An examination of the criminal histories of clients admitted into this project demonstrate that they tend to be property offenders [62.0% (71-72) -- 87.2% (1/74)] with no prior convictions [53.9% (71-72) -- 64.1% (1/74)]. There are, of course, a few divertees with prior convictions as adults [20.3% (71-72) -- 12.8% (1/74)] but most have no or only slight prior criminal

records. It also should be noted that the clients who come into the project for non-property offenses tend to be charged with relatively minor offenses. A summary of the alleged offenses of project participants is presented in Table 3.

TYPE	1971 - 72		JANUARY, 1974	
	N=	%	N=	%
Felons	92	15.5	12	30.8
Misdemeanants	503	84.5	27	69.2
TOTAL	595	100.0	39	100.0
OFFENSE	N=	%	N=	%
Assault	38	6.4	0	0
Robbery/Bruglary	29	4.9	6	15.4
Larceny/Theft	276	46.3	25	64.1
Property Theft/Damage	22	3.7	3	7.7
Auto Theft/Related	44	7.4	0	0
Weapons	16	2.7	1	2.6
Alcohol/Drugs	42	7.1	0	0
Commercial Sex	17	2.8	1	2.6
Misconduct	109	18.3	3	7.7
Traffic/Misc.	3	0.5	0	0
TOTAL	596	100.1*	39	100.1*

*Variations from 100.0% due to rounding error.

The differences between the earlier data and the January, 1974 data suggest that the project is selecting more property offenders and few

recidivists than was previously the case but the data are simply not yet adequate to support this assumption at this time.

Finally, it is not possible to judge the extent to which the project is in fact serving its target population because, as explained previously, it is not possible to define with any precision the perimeters of that target group.

II. EVALUATION OF EFFORT

The evaluation of effort is intended to provide information concerning the magnitude of efforts being made by project staff to achieve the project's goals. The assessment of effort may, for the sake of clarity, be thought of as divisible into the three areas of staffing, clientele and services.

The section on staffing is intended to provide information about the number of staff personnel. The basic question here is, of course, whether sufficient staff are employed to carry out the tasks which are dictated by the nature of the project. The staffing issue has already been discussed in some detail in the previous descriptive component of this report. In that section, the number of staff members and their responsibilities were discussed. It was also noted that some staff positions were vacant and it is difficult to see how these vacancies have adversely affected the project.

For example, the counselor's caseload seems low. Given the fact that each counselor has a caseload of 30 to 35 cases, it is difficult to see why this would require a forty hour work week. Even during the most intensive "assessment" period, the counselor usually only sees each client for one hour a week. Given the fact that only a few clients in each counselor's caseload would be in this intensive stage and given the fact that most clients are seen much less frequently than one hour a week, it is difficult not to conclude that counselors could handle more cases.

Concern over this small caseload is magnified when it is realized that

probation officers routinely manage caseloads of from 50 to 100 and continue to conduct pre-sentence investigations. Also, Department of Vocational Rehabilitation counselors routinely manage 100 to 125 cases. With these facts as background, it is difficult to believe that the criminal justice system will ever incorporate a service into its permanent structure which has counselors handling one-third to one-fourth as many cases as do its present caseworkers.

In addition, an increase in the number of clients would almost certainly have favorable economic payoffs. These payoffs would come from a substantial reduction in the per client operating costs. ABT Associates calculates these costs to be \$699.00 per enrollee and \$1,093.00 per favorable terminée. Inasmuch as the cost of counseling personnel (not including logistic and administrative support for these counselors) represents over one-third of the total operating costs of the project, it seems virtually certain that an increased caseload would make the project more economically viable.

While it might be argued that small caseloads are somehow necessary to maximize client success it should be borne in mind that the primary justification for pretrial diversion is that it reduces the workload of the courts and avoids the damaging effects of criminal prosecution -- not that it provides small caseload counseling. Recent research on the effects of caseload size has produced no evidence that clients assigned to small caseloads do any better in terms of long-term "success" than do clients assigned to a large caseload. In addition, it may be asked whether pretrial diversion is necessary if it only works where there is small caseload counseling. If this is true, it suggests that it is the counseling -- not the pretrial diversion -- which is

the essential ingredient for client success and that this kind of counseling could be equally well provided after prosecution. Bearing all of these problems in mind, it is our impression at this time that the present small caseload structure is not practical as a long-term approach to the provision of pretrial diversion services.

The project's efforts to obtain clients seem to be such that they will accept somewhere between 500 to 700 clients this fiscal year. The number in the project as this report is being written is approximately 250. This is 50 less than the project director's estimated capacity. This deficiency is explained by the director as being produced by a seasonal dip in criminal activity and by a less than ideal screening function. It would seem that the project is making a reasonable effort to obtain clients but it also seems likely that even more clients are available for diversion. This is especially apparent when it is recognized that in 1972, for example, there were 16,575 criminal cases disposed of in Hennepin County Municipal Court and 1,789 criminal dispositions in the fourth judicial district which serves Hennepin County. While it is obvious that not all of these cases represent divertable clients, it does seem that there would be more than 500 to 700 clients available for diversion. This does, after all, represent less than 4% of the total criminal dispositions in Hennepin County.

The data which is necessary to support an analysis of the types and frequency of client and referral services being provided is not yet available. This data can only be logically collected at the time a client is terminated from the project and very few clients who fall within the time-frame of this evaluation have been terminated. This data is being collected, however, and will be available for future reports.

III. CURRENT EVALUATION RESEARCH STATUS

There are, quite obviously, a wide variety of important evaluative questions which are not addressed in this preliminary report. There are basically two reasons that such important evaluative issues as assessment of effect, cost analysis and program analysis are not addressed. The first reason has been noted previously and is that the current evaluation by the Project Evaluation Unit simply has not been operational long enough to generate the data needed to address these issues. The mechanisms to collect the requisite data have been designed and are operational and analysis concerning these critical questions will be provided when sufficient data becomes available to make useful analysis possible.

The second reason we are unable to address these issues is that the draft of the Final Evaluation Report done by ABT Associates from which we had intended to draw information has been found to contain serious technical and methodological problems. These problems have, unfortunately, radically affected their findings in these important areas. In response to our criticisms and those of other research agencies, ABT Associates is presently undertaking substantial revisions of their findings. In the meantime, this report should serve to provide a general description of the project and to identify some of the more apparent strengths and weaknesses of the project.

APPENDIX A

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END