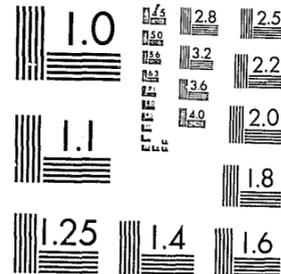


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Handbook on Community Service Restitution

Prepared for
Law Enforcement Assistance Administration



Social Systems Research and Evaluation Division
Denver Research Institute
University of Denver • Denver, Colorado

May, 1981

RT I

HANDBOOK ON COMMUNITY SERVICE RESTITUTION

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May, 1981

U.S. Department of Justice
National Institute of Justice

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Prepared under Grant Number 79-ED-AX-0033
From the Law Enforcement Assistance Administration
U.S. Department of Justice

NCJRS

JUN 17 1981

ACQUISITIONS

This report is based on research supported by the
Law Enforcement Assistance Administration
of the Department of Justice
under Grant Number 79-ED-AX-0033

Opinions, recommendations and conclusions expressed in this publication
are those of the authors and do not necessarily
reflect the views of the Department of Justice.

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ACKNOWLEDGEMENTS

We are grateful to LEAA for supporting the development of this Handbook as a product of the Community Service Restitution Program evaluation study. In particular we wish to thank our original project monitor, Marilyn Jackson, for her strong initial encouragement and our subsequent monitor, Ellowese Barganier, for her continued support.

We would also like to thank Dr. Ruth M. Katz for her help in designing the handbook, and Professor William M. Beaney of the University of Denver College of Law for his work in the composition of the legal section. Susan Baier, Bonnie Moul, and Kim Jondro gathered data and literature used in the preparation of this document.

We are also grateful to Sue Kemner-Richardson for her in-house review of the Handbook, and to Janis Williams for her typing and formatting suggestions.

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INTRODUCTION

This Handbook on Community Service Restitution has been produced as a by-product of Denver Research Institute's (DRI) evaluation of the Law Enforcement Assistance Administration (LEAA) Community Service Restitution Program. The LEAA program is described more fully in DRI's final evaluation report dated May 1981. The information and suggestions found herein are based on observations and assessments of seven pilot community service projects funded under the LEAA initiative. The handbook is intended to provide "how to" information to persons considering the development of a community service venture and to offer suggestions and alternatives to those already involved in project operations.

The document has been divided into five sections. Under each of these sections we have posed questions which might arise in the course of planning or operating a community service project.

Section I provides background information on the concept of community service (CS) and the LEAA initiative. Community service is defined and the benefits to be derived are expounded upon. Also, this initial section discusses the legal issues arising from such an alternative program. Finally, information is presented on the characteristics of other CS projects in the United States which were surveyed by DRI.

Section II presents the information needed for a thorough needs assessment as an initial step in project planning. Issues such as what types of clients to accept and at what point in the criminal processing to pursue referrals are examined here.

The third handbook section looks at the advantages and disadvantages of the various types of administrative and managerial designs for a CS program. The staff requirements to run a project are also identified in this portion of the document.

Section IV examines the interactions between a community service project, the offender and the community. Such issues as intake processes, means of developing placement opportunities and volunteer monitoring are

discussed. Also, suggestions are made regarding case termination procedures and client support services provided through community service projects.

Section V presents evaluation methods and discusses the important role evaluation can play in contributing to the overall credibility of a community service restitution project. Also, the costs involved in running a CS project are outlined and the means for calculating cost effectiveness are presented.

Each section consists of a series of questions which address various aspects of the section's theme. The questions are followed by brief summary responses and, in most cases, longer in-depth discussions. The intent of this format was to approach community service restitution from a practitioner's point of view, preguessing the questions that are likely to arise in starting a new project or in addressing problems of an ongoing one. The brief summary response immediately after the question is provided to allow the reader to determine quickly whether or not the detailed discussion which follows will be of interest.

I. BACKGROUND ON COMMUNITY SERVICE RESTITUTION

An understanding of the community service restitution concept and an awareness of how it is implemented around the United States can be valuable input to decisions about establishing a new project or making changes in an existing one. This section presents a brief overview of community service restitution.

The questions to be addressed in Section I are:

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I-1. WHAT IS COMMUNITY SERVICE RESTITUTION?

Community service restitution is payment by an offender through service to the community. Authority for community service restitution resides under the jurisdiction of agencies of the criminal justice system including courts, prosecutors, corrections, or probation. Generally, the prescribed service is provided to the governmental and nonprofit sectors of the community, symbolically suggesting that the offender is serving the good of the general public and compensating society for having committed a crime. Community service is generally posed as an option to the offender and is not rewarded monetarily; therefore, community service workers are often referred to as volunteers. However, although CS is technically only an option, in reality it has been more of a mandated sentence in that the traditional alternatives (i.e., jail, fines) are far less attractive.

Community service restitution is differentiated from the traditional form of restitution, in which monetary payments are made to the actual victims of criminal offenses. Community service involves performing work for the community at large, with the labor providing a symbolic "payment" to society for the debt incurred.

Community service, as it is practiced in the United States, can be:

- a. A sentencing option
- b. A sentencing condition
- c. A means for avoiding formal prosecution
- d. A means for avoiding sentencing
- e. A means for bonding

Discussion

All of the manifestations of community service listed above except bonding were present in the LEAA community service experience, and some general guidelines may be compiled.

a. Sentencing Option

Community service as an independent sentencing option is generally an alternative to fines or probation and has been used most frequently for nonserious first offenders.

b. Sentencing Condition

As a sentencing condition (i.e., as part of probation or work release), community service can be utilized successfully with more serious offenders, including felons. When CS is applied as a sentencing condition, it can serve as an alternative to incarceration for eligible offenders. However, sometimes CS is an adjunct to incarceration.

c. Means for Avoiding Prosecution

Programs in which community service is employed as an alternative to formal prosecution are commonly referred to as "pretrial diversion," or "pretrial intervention." In these programs, successful completion of community service results in the CS worker having his/her charges dropped or dismissed. Eligible offenders for pretrial programs are generally persons with nonserious first offenses, i.e., those viewed by the criminal justice system as "law breakers" rather than as "criminals."

d. Means for Avoiding Sentencing

Similarly, community service is sometimes employed at a later point in the criminal justice process, but the result is still the same--dismissal of charges. In such a case the offender has been formally charged, but the sentence is deferred pending the outcome of doing community service. If CS is

successfully completed, the sentence is not carried out and the charges are dismissed.

e. Means for Bonding

Community service is also used as a bonding mechanism in lieu of money and saves offenders from spending time in jail when they are unable to raise money for bond. This use of CS is especially helpful for indigent and impoverished offenders.

The underlying appeal of community service restitution is its potential for combining punishment and rehabilitation. Noted spokespersons in the criminal justice system have argued that imprisonment is neither socially nor economically desirable for multitudes of nondangerous offenders. The Board of Directors of the National Council on Crime and Delinquency has issued a policy statement to the effect that prisons have been proven to be ineffectual in rehabilitation, productive of crime, and destructive of inmates and law enforcement agents alike.¹ In this context, noncustodial sanctions such as restitution are very appealing. A major characteristic of restitution is the assignment of responsibility to the offender to redress his/her wrongs, as opposed to the deprivation of personal responsibility which results from incarceration.

While criminal justice historians trace the concept of restitution back to provisions for victim compensation in very early societies, modern constitutional and correctional law has only recently moved formally toward noncustodial sanctions.

In the late 1960s, the President's Commission on Law Enforcement and Administration of Justice recommended a sentencing code that allowed for release of less serious offenders to community supervision without subjecting them to possible negative effects of imprisonment. The National Advisory Commission on Criminal Justice Standards and Goals posed a hierarchy of sentencing alternatives for nondangerous offenders, ranging from unconditional release to total confinement, recommending the least drastic alternative which still did not threaten the public safety. In 1974, the American Bar Association

Project on Standards for Criminal Justice² outlined provisions against using confinement unless legitimate reasons were present.³

Restitution has been endorsed by the National Advisory Commission on Criminal Justice Standards and Goals, the National Council on Crime and Delinquency (per the revised Model Sentencing Act), and the American Law Institute, the American Bar Association, and was recognized as an alternative to imprisonment by the 1972 Annual Chief Justice Earl Warren Conference on Advocacy in the United States.⁴

Four types of restitution have been identified: (1) monetary restitution to the victim, (2) monetary restitution to the community which serves as a symbolic substitute for the victim, (3) victim service restitution, and (4) community service restitution.⁵

Great Britain has been a leader in community service sentencing since the early 1970s when the Wootton Advisory Council prompted legislators to empower courts to require community service as a sentencing option or condition of probation, based on the judge's discretion. As of 1979, U.S. legislation for community service existed in 15 states.⁶ CS programs are underway in many other states as well, even though no formal legislation exists. The types of programs generally fall under two major categories: postconviction or pretrial, with some programs combining both aspects. In most programs, offenders reside in their own homes, report to their work assignments, and are monitored by community service program staff. This was the case for all of the LEAA projects studied, except for Jacksonville where work furlough clients resided in the Fairfield Correctional Institute. However, some programs, such as the Georgia Restitution Program, operate residential restitution centers where offenders reside during all or part of their sentence, maintaining outside employment and participating in unpaid community service after work on evenings or weekends.⁷

I-2. WHAT ARE THE POTENTIAL BENEFITS OF COMMUNITY SERVICE RESTITUTION?

The benefits of community service restitution can be grouped into three major areas:

- a. Benefits to the criminal justice system
- b. Benefits to the offender
- c. Benefits to the community

Discussion

A strong case has been made for establishing priorities among the areas listed above when setting goals for a community service program.⁸ Prioritization should be based on assessment of the criminal justice-based needs, the offender-based needs, and the community-based needs. How to conduct a needs assessment is discussed in greater detail elsewhere. Pragmatically speaking, prioritization should also be based on an understanding of the viewpoint of CS program funding sources. For example, LEAA stressed to the CS projects that major emphasis was to be placed on providing alternatives for the criminal justice system rather than on fulfilling a social services role.

It is important to establish priorities because decision-related conflicts are likely to arise. For example, resources may be limited and, therefore, it may be necessary to make choices among program functions which result in benefits to different sectors. Also, sometimes benefits to one sector may be perceived as a threat to another; for example, accepting felons into a CS program may benefit offenders but threaten the community.

A number of specific benefits have been cited in each of the three major areas. Some of these are backed up by evaluative research and others are based on intuition and experience.

a. Benefits to the Criminal Justice System

The community service option provides the criminal justice system with an alternative to various other options including: incarceration, fines, probation, victim restitution, suspended sentence, case dismissal, and in the case of pretrial CS programs, prosecution or bond. The benefits to the criminal justice system of the availability of the CS alternative are commonly cited as:

- alleviation of jail overcrowding
- reduction of probation caseload
- avoidance of problems related to collecting fines
- cost savings consequent to the above
- better justice in that the penalty is perceived as more fair and appropriate to the offense

However, these benefits are complexly manifested and merit discussion. While community service may sometimes reduce jail populations directly, as when felons are accepted into programs, more often community service affects jail overcrowding indirectly. This happens when community service programs take active responsibility for less serious probation cases and thereby free up probation departments to absorb more serious cases for which jail appears to be too severe an alternative. Judges previously may have sentenced an offender to incarceration because of the heavy probation caseload.⁹ Except as described above, the LEAA CS program studied demonstrated that community service did not impact as greatly on jail overcrowding problems as originally anticipated, because in reality, CS was more often an alternative to fines or suspended sentence than to jail (see DRI's Evaluation of Community Service Program).

Reduction of the probation caseload through the implementation of community service is also somewhat misleading. Since community service is most often tied to probation, it cannot really be said to reduce the probation caseload. However, it may reduce the active involvement of probation personnel with clients for whom the CS program takes responsibility. However,

the probation caseload may actually increase because judges may utilize probation to capacity in the manner described above.

When community service is used as an alternative to fines, it may result in decreasing an offender's future contact with the criminal justice system, since nonpayment of fines frequently is the cause of additional criminal justice involvement.

Cost savings, however, are not easy to demonstrate, given the complexity of issues and variables. Generally speaking, incarceration costs are higher than those of any other criminal justice alternatives; therefore, the CS direct and indirect impacts on incarceration still represent a considerable cost savings to the criminal justice system. A discussion about how to compute CS costs and cost savings is presented later in this handbook.

Perceptions about what constitutes a fair and appropriate penalty will always be open to debate. However, from the perspective of benefits to the criminal justice system, a strong theme which surfaced from the LEAA community service projects was the satisfaction on the part of judges and other criminal justice officials with CS as a solution to sentencing dilemmas. Very often custodial sentences are perceived to be too severe for minor offenders. At the same time, unsupervised probation, suspended sentence, or case dismissal may not seem severe enough. Fines pose particular discriminatory problems in that they tend to be a greater hardship for poor offenders while providing relatively no penalty for those who can more easily pay them. Community service seems to address all of these concerns in a positive manner. It tends to be an intermediate point in the penalty spectrum and egalitarian in impact on offenders. Furthermore, it provides the opportunity to match the nature of the penalty to the nature of the offense; for example, community clean-up can be a sentence for litterers.

b. Benefits to the Offender

A variety of offender benefits has been cited in relationship to personal benefits, involvement with society, and involvement with the criminal justice system.

With regard to personal benefits:

- the offender can maintain a normal lifestyle and regular employment while serving an assignment
- the offender may receive valuable training and learn new skills as a result of the assignment
- the assignment may result in regular employment at the placement agency
- experience at and recommendations from the placement agency may result in regular employment elsewhere
- the offender may increase a sense of self-worth through successful completion of the assignment

With regard to involvement with society:

- the offender can experience constructive exposure to public service agencies
- the offender may become sensitized to other attitudes and perspectives about life
- the offender's sense of social responsibility may increase and a sense of alienation may decrease
- the offender can reduce guilt feelings by constructively paying a debt to society

With regard to involvement with the criminal justice system:

- the offender may experience less severe exposure both in terms of type and length of criminal justice sanction
- the offender can avoid the demeaning status and stigma associated with more severe criminal justice sanctions
- the offender can retain more personal responsibility than possible with some other sanctions
- the offender may appreciate that CS is a fair option and may feel less victimized by the criminal justice system

The latter point, seeing community service as a possible "privilege" requires further elaboration. Certainly, an offender may view community service work as preferable to other sanctions (i.e., jail, fine, extended probation, prosecution). However, a community service assignment in and of

itself is unlikely to be viewed as a privilege. This point is borne out by a recent U.S. Supreme Court ruling (Morrissey v. Brewer, 408 U.S. 471, 1972)¹⁰ and by the Columbia Law Review in a current article entitled "Judicial Review of Probation Conditions,"¹¹ both of which question the privilege doctrine of probation in general. Comments recorded in DRI client surveys indicated satisfaction with assignments and the view that community service was a fair alternative.

While reduction in recidivism is considered to be a logical consequence of CS, reduced recidivism has not been proven to result from community service restitution to date. On the contrary, a study of a Great Britain CS program determined that a reconviction rate within one year of sentence for community service offenders was within the same range as that of a group recommended for, but not given, community service orders. An LEAA document states: "Neither recidivism nor the pressures of overloaded probation caseloads and jail facilities can be appreciably reduced by a program (i.e., community service) which focuses on a population of minor misdemeanants." However, the document goes on to assert: "If, however, such programs can succeed in providing a low-cost, equitable and humane method of improving individual attitudes toward the community and their own law-violating behavior, the benefits are certainly not insignificant."¹²

c. Benefits to the Community

The following have been cited as community service restitution benefits to the community:

- The community is repaid to some extent for the crime committed against it.
- Community service restitution projects are valuable sources of "volunteers" who will perform tasks for free which agencies might otherwise need to hire employees to do, and therefore, community service restitution represents a considerable cost savings to these agencies.
- Community service restitution also represents a cost savings to the taxpayer in that it may cost less than other criminal

justice sanctions and, in that, the state is not called upon to support the offender's family while the primary wage earner is in jail.

- Community service restitution, by placing offenders where they can interact with the community, alleviates the community's fear of and hostility toward offenders.
- Community service restitution may serve to educate the general public about the criminal justice system.

I-3. WHAT ARE THE LEGAL ISSUES ARISING FROM COMMUNITY SERVICE RESTITUTION PROGRAMS?

Various legal issues surround community service restitution. These can be grouped as follows:

- a. Sentencing alternative
- b. The diversion process
- c. Specific issues
- d. Insurance

Discussion

a. Sentencing Alternative

When a judge is faced with imposing sentence after a plea of guilty or finding of guilt, he or she is normally confined by statute. There is no inherent judicial power to impose community service or any other penalty simply because this action appears socially desirable. Normally, a criminal act is defined by, and the penalty authorized by, a legislative or local governing body. Even in those few jurisdictions in which common law crimes still exist, the penalty must be assessed by reference to a statute setting forth the penalty for commission of a crime of comparable severity.

If there is no authority at law to impose a penalty other than a fine, imprisonment or both, the question arises whether or not a person adjudged guilty can "consent" to the imposition of a different or additional penalty. The obvious answer is that an official act not based on legal authority is ultra vires and hence, impermissible. In other words, consent of the person affected cannot supply authority for acts which require legislative authorization. This follows regardless of the form of punishment to which consent is given if not prescribed by statute, e.g., a convicted person cannot consent to be imprisoned for a period beyond that provided by statute, nor agree to a fine larger than provided by statute, and cannot consent to imprisonment at hard labor when

only simple imprisonment is statutorily authorized. Similarly, a person cannot "consent" to work 4 hours a week for 13 weeks when such a penalty is not authorized by statute. Agreements between judges, prosecuting attorneys, public defenders and other agencies to operate a community service restitution (CSR) program have no legal authorization. There are, however, reasons why this legal limbo exists, and why it remains unchallenged.

While consent cannot replace a deficient legal basis for sentencing, it can explain the absence of challenges to CSR sentences. The simplest case is where a defendant has counsel, retained or a public defender, and the prosecutor is willing to offer a CSR option. The defendant can, in theory, refuse to accept this alternative and may insist on fine and/or imprisonment as provided by statute. What has the defendant gained? Certainly, the public response to the offender serving a penalty of community service will be more favorable at the time of sentencing, and subsequently, if the record of conviction of the offender becomes relevant in a subsequent action, for example, where "good moral character" must be shown. Only if counsel had reason to believe that the CSR sentence clearly is in addition to the legislatively authorized sentence will he or she have reason to advise the client to refuse consenting to CSR. The likelihood of this situation occurring is slight. If judges were consistently to add CSR penalties to those specifically authorized, consent would rarely be forthcoming. It is possible, however, that inexperienced counsel or uncounselled defendants might be treated unfairly because of their lack of familiarity with established sentencing patterns and thus, will agree to offers that exceed in severity the normal penalty. It would be possible by empirical analysis to determine if this were occurring in a particular jurisdiction, but no individual defendant would be likely to pursue such an expensive technique; and if a challenge to the fairness of the CSR penalty is raised subsequent to disposition and before action to appeal the sentencing, the judge is always free to impose up to the maximum provided by statute. If the original sentence is challenged on appeal (which involves a substantial additional expense), the trial judge will likely not be allowed to increase the fine/imprisonment portion of the sentence. Realistically, the challenge would most likely

be maintained through the office of the public defender, a legal aid office, or other public interest group. Since most of these groups are eagerly seeking alternatives to imprisonment for those who commit less serious crimes, they may prefer not to destroy the chances of gaining large scale use of CSR programs.

Another explanation of why CSR sentencing goes unchallenged is the combination of the habitual reverence displayed toward judicial discretion in sentencing and the curious ambiguities surrounding the granting of probation. It is true that there is a current revulsion against excessive discretionary sentencing power of judges reflected in the movement toward mandatory sentencing laws, but this is largely a response to the imposition of probation or light sentences for serious offenders. Nevertheless, it has been customary to allow judges almost complete discretion in sentencing, so long as that discretion is exercised within statutory limits. Even the process by which sentences can sometimes be reduced by trial courts after a designated period, or by higher courts on appeal in an occasional case, simply reflects the way the judiciary handles the occasionally difficult case where a harsh original sentence may be in response to community opinion. In addition, probation has been made available as a sentence, or part thereof, with the judges empowered to set reasonable conditions for compliance. "Reasonable conditions" is a term that is difficult to understand. It allows judges to impose a wide range of restrictions on the defendant that would be intolerable if not justified by the supposed connection between the condition and the rehabilitation of the convicted person. The fact that these restrictions would constitute unconstitutional deprivations of the rights of an unconvicted person is not decisive. For example, a person on probation can be denied access to bars and other designated places; may be required to retain particular employment; or be forbidden to associate with certain persons. His or her personal living habits may be subjected to rules. Nevertheless, all conditions must appear to be rationally related to the continued orderly behavior and rehabilitation of the defendant.

It is arguable that the imposition of a duty to perform socially useful work may aid in rehabilitation--it may reduce the defendant's guilt feelings; it may initiate or reinforce good work habits for defendants who have been deficient; it may lead to better employment opportunities for defendants who have not found satisfactory jobs in the past. In spite of these factors, there is no escaping the fact that the assigned work is in the nature of a penalty, comparable to both incarceration and a fine, insofar as one's freedom of action is curtailed and the work performed has an ascertainable monetary equivalent.

b. The Diversion Process

Legal issues may arise from the community service restitution program at a different phase of the criminal justice process. First, it may be employed as part of a broad diversion program effort, whether or not authorized by statute. In a diversion program, CSR comes into effect after the filing of a charge, but before a formal judicial hearing on the merits takes place. Any community service restitution program (CSRP) that attempts to operate before the filing of a charge has an extremely weak basis; such an effort runs the risk of being held in violation of due process, and a violation of the involuntary servitude provision of the 13th Amendment. It represents a kind of institutionalized legal blackmail, since there is no authoritative action beyond the original charge declaring but not deciding that a particular individual has committed a particular offense and that the arresting official felt that there existed probable cause to bring that individual to trial. A filing at least accomplishes that much. It also declares the nature of the offense(s) and gives notice to the accused of the risks faced if, instead of accepting the CSR alternative, he or she insists on a judicial hearing with the possibility of imprisonment and/or fine.

It seems clear that a diversionary CSR program gains a measure of legal strength if authorized by statute though it must be remembered that statutory authority cannot convey unconstitutional powers. Just as the limits on the sentencing powers of courts derive from legislation, so does the entire criminal justice system beginning with police action through convictions rely

directly, or through legislatively delegated powers, on the actions of the legislature. If there is no legislative basis for a CSR program, it must derive its legal authority from the inherent powers of the courts, which, while not insubstantial, are strongest with respect to the internal operation of courts and occasional external matters (such as finance) that impinge seriously on the successful operation of courts. A CSR program, if viewed as a sentencing alternative, does not fit logically into the inherent power concept prior to the sentencing stage, at which point a sound argument can be made that the judge's discretionary power over the conditions of probation is sufficiently broad to justify the employment of a CSR program along with other conditions as part of the sentencing process. This argument is persuasive only if the CSR was determined to be coextensive with probation, which may not be a CSR objective.

A less weighty argument is that if the inherent power of the court is insufficient to justify diversionary use of CSR, then the prosecution's powers combined with that of the court may be sufficient. The underlying theory is that the prosecutor is simply foregoing the use of his or her authority to subject the defendant to trial due to the defendant's voluntary assumption of the duty to perform socially useful work as a preferable alternative to trial and its possible adverse consequences. In the absence of legislative authority, a system operating on the basis of voluntary acceptance of diversionary CSR, and based on the inherent power of courts and the discretionary powers of a prosecutor, leaves serious questions of legality and constitutionality.

Assuming that there is a statutory basis, or that courts will uphold CSR programs for the reasons discussed, the legal issues remain. These issues are relevant both to the sentencing and diversion phases.

c. Specific Issues

Right to Counsel. In at least one well conceived set of standards for the operation of diversion programs, a right to counsel at this stage is prescribed. National Association of Pre-Trial Service Agencies, Pre-Trial Diversion (1978) Standard 1.1. ¹³ This is based on the pretrial notice of the

decision to waive trial and other rights associated with trial (confrontation, summoning of witnesses, and is relevant to both diversion and guilty pleas, etc.). Yet the current constitutional doctrine is that counsel does not have to be appointed for indigent defendants in misdemeanor cases, so long as no imprisonment is imposed, Scott v. Illinois, 440 U.S. 367 (1979).¹⁴ Impossibility of imprisonment appears to avoid the necessity of appointing counsel. Is it realistic to rely on this ruling where voluntary CSR programs are in operation on the assumption that only imprisonment compels appointment of counsel? It can be argued that required work of social value is more analogous to imprisonment than to a fine. The contrary position can also be asserted, especially since the defendant has "volunteered" for service, while imprisonment is imposed by the court. Should the Supreme Court be faced with this issue for resolution, it appears that the court would not insist on appointed counsel for indigent defendants (all financially able defendants can, of course, retain counsel if they wish). At least this would be true if the responsible courts and agencies had made certain provisions that such defendants were to be fully advised of their rights and alternatives, and in appropriate cases made it possible for those defendants who needed legal advice to receive the assistance of counsel. On policy grounds, a strong argument can be made in support of a right to appointed counsel for every indigent defendant who does not waive representation. The key element is cost, particularly in those districts that lack a well-financed public defended office.

Voluntariness of Waiver. This is a crucial element in the legal viability of CSR programs, whether as part of a diversion program or where the defendant pleads guilty and chooses a public service alternative to conventional sentencing.

Voluntariness is not a simple legal concept, but rather, is one that is given different meanings by the courts, depending on context and the kind of interests involved. For present purposes, it can range in meaning between an informed, conscious waiver, where the actor understands and appreciates the making and consequences of the alternatives, to a decision by a defendant that

is not coerced in any obvious way. Since the waiver of trial can be deemed a critical stage in a judicial proceeding, the better view is that a CSR defendant should receive very careful, detailed advice from a responsible official or an attorney before a waiver of trial is accepted. The nature of the CSR responsibilities should be outlined in as much detail as possible so that the waiver will be "informed." The natural tendency to slide into a facile bureaucratic routine in advising defendants must be resisted. This is why advice by counsel has inherent advantages over advice by an administrative officer. It is unrealistic to assign the full advisory function to the judge, although the judge's role in advising is an important one.

Involuntary Servitude. The law is clear that imposing work duties on a convicted person is permissible under the 13th Amendment. Does it make a difference if the work task is voluntarily assumed as part of a diversion program? So long as the voluntariness is established, no different result should follow, especially if there is a statutory basis for a CSR program. In the absence of legislative authority, and in the absence of a finding of guilt (which might justify CSR as a condition of probation), the argument would have to rest on the fact that the required labor is not "involuntary," but rather it is assumed by the defendant as an alternative to undergoing trial and other punishment. Any form of pressure sufficient to dispel the volitional nature of the defendant's choice, of course, destroy this rationale.

Cruel and Unusual Punishment. The 8th Amendment outlaws not only cruel forms of punishment but has been interpreted as preventing the imposition of penalties that are disproportionate to the seriousness of the offense. A case decided in the 1979 term of the Supreme Court is instructive of the generous view the Supreme Court takes of disproportionality. In Rummel v. Estelle, 63 L. Ed. 2d 382 (1980),¹⁵ the court upheld a life sentence imposed by a Texas court under a recidivist law for three nonviolent offenses involving respectively \$80, \$28.36, and \$120.75. One should not infer too much from such a case, especially where the vote was 5-4, but language in the opinion displays a

reluctance by the court to second guess legislatures with respect to sentencing. It is highly unlikely that any reasonable system of voluntarily assumed work assignments would cause the courts to hold the program unconstitutional. There is the possibility that a program calling for heavy work assignments in addition to other penalties might, if coupled with evidence of involuntariness, cause the court to uphold a cruel and unusual claim, but the chance seems remote.

Equal Protection of the Laws. A final problem that may require attention results from the very nature of the CSR programs--the need to assign participants to local positions where they will remain under local control. Because of the provincial nature of these projects, arrestees residing outside of the service area are generally deemed ineligible for community service participation. This means that offenders who otherwise would fully qualify for work assignment under the program may not be eligible. Is this necessarily a fatal shortcoming? It simply is not a satisfactory answer to argue that anyone is eligible and that the costs are simply more severe for nonlocal offenders. The better answer has to be that the sentencing process necessarily must take into account the realities, and so long as the nonlocals are not given a disproportionately greater total sentence of diversion penalty, the equality principle is upheld and nonlocals are not denied equal protection, nor are out-of-state offenders denied Article IV, Section 2 privileges and immunities. To help the courts accept the principle that the penalties imposed on nonlocals are substantially equivalent in severity, it is necessary that the schedule of penalties should be well considered. In some cases it may be that the local offenders will be the deprived group if judges and others responsible for CSR program administration become obsessed with automatically assessing a job assignment.

d. Insurance

The legal issues surrounding insurance are discussed briefly here. Discussion about establishing insurance coverage to support operation of a CS program occurs in Section III, Administrative Structure and Management.

It is important that each community and state ascertain the legal status of claims which those in CSR programs may produce by their activities which cause harm to others, or to themselves. In many instances it will be necessary to introduce new legislation, either to extend state liability or to make certain that CSR program participants are covered by existing liability provision.

As an alternative, programs must live in a state of uncertainty and await the outcome of various lawsuits before their legal obligations are clarified. A particular problem may arise from assignment of participants to private organizations, e.g., churches, YMCAs, etc. A question worthy of note with respect to assignment to church groups is whether this is an impermissible form of state aid to religion in violation of the 1st Amendment.

But more immediately the question is whether these private organizations are insured in such a way that CSR program participants are covered. These questions may be clarified through consultation with the insurance carriers of these organizations. Either existing policies can be modified, or existing governmental coverage can be changed to insure that CSR program-related liabilities are accounted for. Finally, new legislation is necessary. The problems relating to insurance coverage should not be ignored as a potentially prohibitive cost of the effective use of the CSR programs.

In conclusion, a number of legal and constitutional issues will likely arise from the operation of CSR programs. The best way to avoid most of the anticipated difficulties is to take a number of preventive measures. These include the following:

- Statutorily authorize and outline the nature of CSR programs.
- Strive to provide offenders with the fullest advice possible, by counsel or in other ways if counsel is not provided.

- Insist on fairness and equivalence in providing CSR program work assignments vis-a-vis imprisonment and fines. This is extremely important in dealing with nonlocal offenders.
- Avoid excessively heavy work assignments to avoid the cruel and unusual punishment argument.
- Stress the truly volitional nature of the offender's choice, both at the diversion and sentencing stages.

Appendix D contains a chart summarizing the present status of community service legislation in the United States. This information was gathered by Alan T. Harland of the Criminal Justice Research Center and updated by DRI.

I-4. WHAT WAS THE LEAA COMMUNITY SERVICE RESTITUTION PROGRAM?

The LEAA program in community service restitution involved the funding of seven pilot projects throughout the country. Funding began in July 1979 and ran for 18 months. The pilot projects varied greatly in terms of size, geographical location, administrative structure, client eligibility and client processing procedures. The recipients of the first year grant awards were:

- a. Arrowhead Regional Corrections - Duluth, Minnesota
- b. Baltimore County, Maryland - Office of the Criminal Justice Coordinator
- c. Northeastern University - Boston, Massachusetts
- d. Jacksonville Sheriff's Department - Jacksonville, Florida
- e. Offender Aid and Restoration Inc. (OAR) - Charlottesville, Virginia
- f. Prisoners and Community Together Inc. (PACT) - Valparaiso, Indiana
- g. San Francisco County Adult Probation Department - San Francisco, California

Discussion

a. Arrowhead Regional Corrections: Alternatives--A Community Service Restitution Program for Women

As the name implies, the Arrowhead program was designed to provide a community service option for women. The project serves the Arrowhead region of northern Minnesota including Lake, Koochiching, Aitken, Cook, St. Louis, and Carlton Counties.

The project was initiated in response to information indicating that some diversion and postconviction alternatives available to male offenders in the area were not equally available to women. Community service was cited as one of these discrepancies. In addition, those sponsoring this initiative

concluded that women involved with the criminal justice system often were in need of supportive services such as job training, personal counseling, etc. Therefore, the Arrowhead project established a working relationship with the Career Development Center in Duluth and other local providers to deliver supportive services required by community service clientele. This diagnostic and service brokering aspect of the Arrowhead program is unique among the first year CSR projects.

Arrowhead clients reach the project in one of three ways: as part of a supervised release bonding arrangement, as part of a deferred prosecution arrangement through the district attorney, or as part of a sentence imposed by a judge. Although most referrals are charged with misdemeanors, minor felonies are eligible and are referred at times. The project is staffed by full-time and part-time restitution coordinators who receive referrals, assess client needs, make community service and support service placements, and monitor client progress.

b. Baltimore Volunteer Community Service Program

This project serves the District and Circuit Courts of Baltimore County, Maryland. Administrative control rests with the county's Criminal Justice Coordinator's Office. This site operates with a relatively small staff including a project director, two project coordinators and a secretary. The director and coordinators receive, process, and monitor clients, as well as develop and maintain placement sites.

All Baltimore County clients come to the project from the courts on either a probation before judgment (PBJ) or probation status. The majority of referrals enter the project as PBJs, a form of stayed sentencing by which a judge postpones sentencing a convicted defendant pending the termination of the community service assignment. Successful completion negates the imposition of any further sanctions and voids the defendant's court records. The overwhelming majority of Baltimore County clients are misdemeanants referred from the District Court.

Baltimore County has processed a large volume of clients with a minimum of staff support. To do this they have placed responsibility on the volunteers to manage their own work schedules. All client contacts with the project beyond intake are made by telephone. Community service volunteers must take the initiative to go out to their assigned work sites, set up a schedule of hours and report progress back to their assigned coordinator.

The Volunteer Community Service Program has been successful in placing clients in a wide range of assignments such as library aides, hospital aides, clerical positions, and counselors for the disabled.

c. Northeastern University Community Service Restitution Program

The Northeastern project represents a unique administrative coalition between a large urban university and four suburban court systems. This community service project serves the District Courts of Brookline, Newton, Dedham, and Wrentham, Massachusetts.

Faculty from the graduate program in criminal justice at Northeastern University presented the idea of a community service restitution endeavor to several judges, probation directors, and other criminal justice authorities in the suburban Boston area. A planning/advisory committee comprised of key criminal justice and university personnel was formed to develop the foundation of a program and make plans for its implementation. This committee has been instrumental in advising the project and helping set policy throughout its duration.

The CSRP accepts clients on a deferred disposition (continuance) and postconviction basis. Assignment lengths are set by judges on a case by case basis considering such factors as criminal history and the nature of the referral offense. All community service clients are under an informal probation status while completing their assignments. Therefore, responsibility for client supervision is shared between probation officers and the project, with probation having ultimate reporting responsibility to the court.

Staff positions include: project director, court liaison/restitution officer, placement developer and administrative assistant. The project's main office is in Brookline.

d. Jacksonville Community Restitution Clearinghouse (JCRC)

JCRC operates out of the Fairfield Correctional Institute in Jacksonville, Florida. The project's service area includes all of Duval County.

The Jacksonville project is the only component of the LEAA program studied initially designed to serve postincarcerated clientele. JCRC receives referrals who are serving work furlough sentences in Fairfield, have been sentenced to weekend commitments in a county correctional facility, have been sentenced to probation by the County or District Court, or have been diverted from prosecution by the county attorney. Work furlough volunteers receive "gain time," or days deducted from their work release jail sentences as an inducement to perform community service. For each two days of community service work completed, one day is deducted from an inmate's sentence. Those sentenced to weekend commitments may replace each jail day with eight hours of community service work.

JCRC is also unique in that it serves a relatively high proportion of felony offenders. No other first year project has been quite so open to accept convicted felons.

The Jacksonville staff consists of a project director, a community service placement specialist, a field service specialist, two vocational counselors and a secretary. Administrative control of JCRC rests within the Fairfield Correctional Institution.

e. Offender Aid and Restoration (OAR)

With administrative authority centered in the OAR/USA offices in Charlottesville, Virginia, the OAR community service project consists of three subsites in Durham County, North Carolina; Madison County, Indiana; and Fairfax County, Virginia. Each of the sites is staffed by a project coordinator and an administrative assistant. The community service projects are all part of

the overall OAR operation in these locations which provides volunteer counseling services to inmates of local jails and prisons.

The primary target population of the OAR sites is pretrial divertees. The staff scan court dockets and make recommendations to prosecutors about defendants who qualify for diversion from prosecution and referral to community service. The Fairfax County location accepts only first time arrestees charged with shoplifting. The Madison County and Durham projects accept referrals charged with any misdemeanor or minor felony on both a pretrial diversion and postconviction basis.

The OAR system represents an unusual approach in that a central coordinating office manages several geographically dispersed projects as part of a national system.

f. Prisoner and Community Together (PACT)

PACT presents an illustration of a community service endeavor in a small semirural setting. The project operates out of Porter County, Indiana, which includes the towns of Valparaiso and Portage.

PACT handles referrals strictly on a postconviction basis. Originally only offenders convicted of misdemeanors were eligible, but toward the end of 1980, the project began accepting felony referrals. As a rule, clients come to the program on a judicial recommendation from one of two County Courts (Valparaiso and Portage). The typical referral has been given a suspended jail sentence, part of which has been suspended conditional upon completion of a certain number of community service hours. PACT also accepts clients who have been sentenced to serve weekends in the Porter County Jail, but who perform community service work instead. These latter referrals are made by the warden of the jail.

PACT is the only project employing a multiple placement system for each client. Community service volunteers work in several locations throughout their term, usually rotating day to day. The PACT organization enjoys a long standing affiliation with the United Way, allowing PACT access to a great many community organizations. Among those agencies accepting a relatively

large number of PACT community service clients are the YMCA, Portage Park District and the Valparaiso Street Department.

Porter County PACT is a satellite of PACT, Inc., headquartered in Michigan City, Indiana. However, the CS project is managed for the most as an autonomous local unit.

g. San Francisco Community Services Project

The San Francisco project is the only one under the LEAA initiative to be operating in a major urban setting. The project is administered by the Adult Probation Department of the City and County of San Francisco, California.

Essentially, two separate projects exist here under one administrative umbrella. One is pretrial and the other is postconviction. The pretrial services component accepts clients who are charged by the Municipal Court with misdemeanors. The specific target population is comprised of a group of defendants filed as misdemeanants and found by the district attorney to be "diversion suitable," but who are not eligible for other diversion programs in San Francisco and/or would not be accepted by other projects due to such factors as the number of prior arrests or convictions; the nature of the referral offense; a history of mental disturbances; a defendant's physical health; previous diversion participation; and/or the amount of financial restitution involved in the case.

The project's postconviction unit serves convicted misdemeanants and felons referred from Municipal and Superior Courts. This unit is an extension of a program called Project 20 which has existed since the early 1970s. Originally, Project 20 provided the courts with a sentencing alternative for convicted traffic offenders. The LEAA initiative permitted expansion to include the general target population of convicted misdemeanants and felons.

Because of the anticipated social needs of the urban population served, the San Francisco project built in a strong support services component which is shared by both units. A part-time mental health worker provides crisis intervention and directs clients to long-term care when necessary. A part-time career specialist assists clientele in their permanent vocational pursuits.

Table 1 presents a matrix of the first year LEAA projects according to their major characteristics.

TABLE 1

MATRIX OF PROJECT CHARACTERISTICS:
LEAA COMMUNITY SERVICE RESTITUTION PROGRAM

	Arrowhead	Baltimore County	Northeastern University	Jacksonville	DAR/ Durham	DAR/ Fairfax	DAR/ Madison	FACT	San Francisco	San Francisco
Target Population	Women 18 or over charged with misdemeanor or minor felony	Nonviolent adult offenders charged with misdemeanors or felonies	Adults, 17 and over charged with misdemeanors or felonies	Adults 18 and over charged with misdemeanors or felonies--sentence of one year or less; no sex-violent offenders	16 and over; first offenders; residents of Durham County; no history of drug, alcohol, violence, or mental problems	18 and over; first offenders charged with shoplifting offense; must not be premeditated; Fairfax and Arlington Co. residents	18 or over charged with a misdemeanor or Class D felony; first offender Madison County resident; no history of violence	18-25 years old charged with misdemeanors or felonies--first offense	Adult; misdemeanor charges; no history of drug, alcohol, or violence	Adult convicted misdemeanants and felons
Area Served	Arrowhead Region--Cook Lake, St. Louis, Carlton, Kociching, Aitken counties, Minnesota--office, Duluth, MN	Baltimore County, Maryland--office, Towson, MD	Brookline, Dedham, Newton, Wrentham, Massachusetts--office, Brookline, MA	Duval County, Florida--office, Jacksonville, FL	Durham County, North Carolina	Northern Virginia--office, Fairfax	Madison County, Indiana--office, Anderson, IN	Porter County, Indiana--office, Valparaiso, IN	San Francisco County, CA	San Francisco County, CA
How CS is Offered	Pretrial--bonding option, prosecution option Postconviction--alternative to jail, fines	Probation before judgment (PBJ)--deferred sentencing by judge; sentencing option with probation	Continuance--deferred disposition with probation; sentencing option with probation	Pretrial--by prosecutor and court; sentence--part of probation; weekend commitment--in place of jail; work furlough--voluntary option to reduce work release time	Pretrial--by prosecutor and court; prayer for judgment continued (PJC)--deferred sentence by judge; sentence option with probation to reduce work release time	Pretrial--by prosecutor and judge; with concurrence of court	Pretrial--by prosecutor and judge; sentence option with probation	Postconviction--by judge; alternative to jail, fines, weekend commitment--in place of jail time	Pretrial--by prosecutor and judge	Sentencing alternative by judge
Courts of Referral	County Courts (misdemeanors) District Courts (felonies)	District Courts (misdemeanors) Circuit Court (felonies)	District Courts	County Courts (misdemeanors) Circuit Courts (felonies)	District Courts	General District Courts	County Courts (misdemeanors) Superior Courts (felonies)	County Courts	Municipal Courts	Municipal Court (misdemeanors) Superior Court (felonies)
Criteria for Assignment Length	Set by referral agent (court services, or county attorney)	Set by judge case by case	By judge within specified range	Pretrial--set by state's attorney; Probation--set by court; weekend commitment 1 day CS = 1 day jail time; work furlough 2 days CS = 1 day jail time	Class A misdemeanor 40-50 hours; Class B misdemeanor 30-39 hours; Class C misdemeanor 20-29 hours	All assignments are for 50 hours	Class D felony 45 hours; Class A misdemeanor 35 hours; Class B misdemeanor 25 hours	Set by judge; suspended jail sentence 6 hours CS = 1 day jail	Guidelines presented to judge by category; charge, past record, present offender status considered	Set by judge case by case
Range of Hours	100 hours maximum	None--at discretion of judge	Minimum = 15 hours; Maximum = 100 hours	None	Minimum = 20 hours; Maximum = 50 hours	50 hours	Minimum = 25 hours; Maximum = 50 hours	None	Minimum = 25 hours; Maximum = 100 hours	None
Staffing	Project director; community service restitution coordinators (6)	Project director; project coordinator (2); secretary	Project director; Supervisor/court liaison/restitution officer; Newton Administrative assistant/court liaison; restitution advisor; Brookline Court Liaison; restitution advisor (2); placement developer; Dedham Court Liaison; restitution advisor; Wrentham	Project director; vocational counselor (2); placement field services; secretary	Project director; administrative assistant	Project director; administrative assistant (1 time)	Project director; administrative assistant	Program director; work placement coordinator; community worker (Valparaiso) community worker (Portage); secretary	Director*; unit director; court liaison; program coordinator; community service aide (5); typist/data collector/bookkeeper (2)* and mental health specialist (3)*; career specialist (1)*	Unit director; service representative; felons unit representative; placement representative; typist/data collector
Supporting Legislation	Minnesota statutes--241.26, 241.31	Maryland statutes--Article 27, Sections 641 and 292	Massachusetts statutes--Chapter 781	Florida statutes--949.031, 978.091; Municipal Ordinance 306.303(a) (4)	None	None	Indiana statutes--Section 145, IC 35-7-2-1 P.L. 148 Section 22: (5)	Indiana statutes--Section 145, IC 35-7-2-1 P.L. 148 Section 22: (5)	California Penal Code Section 1001	California Penal Code Section 490.5

I-5. WHAT ARE THE CHARACTERISTICS OF OTHER COMMUNITY SERVICE RESTITUTION PROJECTS ACROSS THE UNITED STATES?

In addition to DRI's evaluation effort with the first year LEAA projects, a brief survey was conducted of other projects across the United States to help gain an overview of the current state-of-the-art of community service. Burt Galaway, noted authority on restitution, was contacted for suggestions about CS projects across the U.S. which could be included in the survey. He provided DRI with a mailing list of 34 projects whose primary focus was community service restitution. Questionnaires were mailed to the projects, and 21 responses were received. The questionnaire sought information in the following areas:

- a. Selection criteria applied to participants
- b. Offender participation in site selection
- c. Ways in which CS is "offered" to offenders
- d. Types of CS contracts
- e. Insurance
- f. Criteria for determining offender project failures
- g. Means for determining length and value of CS assignment
- h. Orientation and training programs
- i. Screening methods and needs assessment
- j. Project staff responsibility
- k. Reporting procedures
- l. Means for determining costs and cost savings/benefits
- m. Means for determining successes
- n. Public relations
- o. What community service is an alternative to

Discussion

An extensive national survey was beyond the scope of DRI's evaluation effort and only a limited survey of projects outside of the LEAA program was performed; however, while the DRI survey was limited to a small population, the results pointed out certain characteristics that help to define a typical community service restitution project. The following brief summary, which highlights the survey findings within the areas covered by the questionnaire, describes these trends.

a. Selection Criteria Applied to Participants

The typical project respondent has at least a pretrial or diversion component, and generally has a postconviction component as well. While the project focuses on adult offenders, there are often provisions to permit juvenile participation as well. In the typical project, both males and females are eligible.

While there is a tendency to accept both misdemeanants and felons, most programs exclude offenders who have committed violent or sex-related crimes, and/or who have been involved with the use of firearms/dangerous weapons, and/or who are mentally ill. Repeat offenders are typically accepted but with further exclusionary limitations related to the type and number of previous convictions. Court judgment is generally the deciding factor in the assignment of offenders to CS, although the CSR program staff tend to have opportunities for input.

b. Offender Participation in Site Selection

c. Ways in Which CS is "Offered" to Offenders

The typical CS program among survey respondents places considerable emphasis on including offenders in decisions about work site assignments. There is also a trend toward permitting offenders to choose CS as an alternative to other options such as jail or fines, although in many cases, CS is still a mandatory part of a court order.

d. Types of CS Contracts

e. Insurance

Typically, contracts are utilized which are signed most often by the offender and a CSR representative and which specify the length of the CS assignment, time limits for completion of the service, and criteria and consequences of unsuccessful completion. The typical program does not have special provisions for offender insurance protection, and instead tends to rely on the insurance carried by the placement sites.

f. Criteria for Determining Offender Project Failures

A number of criteria are used to determine whether an offender's participation in community service is unsuccessful and should be terminated. The predominant ones include: exceeding time limits for completion of the assignment, two no-shows, bad work habits, bad work attitude, unsatisfactory work, lack of cooperation, violation of regulations at the work site, and disruptive behavior at the work site.

g. Means for Determining Length and Value of CS Assignment

The length of time to be served in community service is most often based on the judge's discretion, CSR staff recommendations, the nature of the offense and the offender's prior record. There appears to be no general trend in minimum or maximum sentences of community service. About half the respondents in the DRI survey reported no established minimum or maximum sentences; those who did report have established limits ranging from 5 to 60 hours for minimum sentences and from 50 to 100 hours for maximum sentences. Time limits for completion of the community service assignment typically exist and tend to be in the range of three to six months. While the minimum hourly wage is a common basis for calculating the value of community service hours completed, other arbitrary amounts are also used. Often no attempt is made to calculate the value in monetary terms.

h. Orientation and Training Programs

Approximately half of the DRI survey respondents present orientation or training programs to introduce probation officers, placement site staffs, referral agency staffs, and others to the concept of community service restitution and to the goals and procedures of their particular projects. Typically, such programs include personal visits and follow-up written correspondence with placement agencies, judges, and probation staff. Contacts primarily take the form of brief orientations, although some formal training sessions are scheduled. Orientations appear to focus primarily on explanations of CS project policies and procedures and the respective areas of responsibility of CS project staff, other criminal justice personnel, and placement site personnel. Most descriptive material which is disseminated about CS projects is in brochure or manual format, although one respondent reported on the use of a slide show called "Alternatives for a Safer Society."

i. Screening Methods and Needs Assessment

The predominant method for screening clients to determine placements is through an intake interview. However, frequently other methods are used in addition, including: record check or review of offender's criminal history; review of the offender's medical status, family status, economic responsibilities, job history, and special skills or interests; assessment of offender's capability to get to placement site; and the use of established guidelines for matching clients to sites.

j. Project Staff Responsibility

Primary responsibility for monitoring clients while they are working at a site does not fall typically to any one staff member more than another. In some projects the director assumes this responsibility; in others it is the administrative assistant, a specially appointed placement representative, or volunteer staff members who do this.

k. Reporting Procedures

Several mechanisms are established for placement agencies to notify a project about worker's attendance, performance, problems, etc. These include periodic telephone reports, site visits by CS project personnel, time sheets, final verbal and written evaluations, and less often, periodic written reports. Contacts between projects and placement agencies typically take place as problems arise and at the end of the CS assignment. However, some CS projects have scheduled contacts at regular intervals, with weekly and monthly contacts being the most common.

l. Means for Determining Costs and Cost Savings/Benefits

A number of respondents indicated that they do not attempt to calculate potential costs and cost savings/benefits. However, of those who do, the typical measures are the value of the community services provided, incarceration costs, fines revenues, and the costs of supervision.

m. Means for Determining Success

The predominant measures for determining project success among survey respondents are the extent to which stated program goals are met, the number of clients who successfully complete assignments, and personal growth of the clients.

n. Public Relations

Typically, public relations depend on word-of-mouth and interpersonal contact with judges, other criminal justice officials, and community voluntary service organizations. To a lesser extent, but still fairly typical, public speaking and newspaper press releases are employed. Radio and television coverage is relatively rare.

o. What CS is an Alternative To

Finally, survey results indicated that respondents believe community service is most often used as an alternative to fines and/or jail.

The following table displays the characteristics described above.

TABLE 2
OVERVIEW OF CSR PROJECTS IN THE U.S.

Selection Criteria Applied To Participants

- pretrial or diversion
- postconviction
- adults and some juveniles in special cases
- males and females
- misdemeanants and felons, excluding offenders who have committed violent or sex-related crimes, been involved with firearms/dangerous weapons, are mentally ill
- repeat offenders, depending on prior criminal record
- court judgment with CSR program staff input

Offender Participation In Site Visit

- offenders consulted about work site assignment

Ways In Which CS Is "Offered" To Offenders

- trend toward permitting offenders to choose CS as an alternative to other criminal justice options
- in many cases, CS is still a mandatory part of court order

CS Contracts

- used by most projects
- signed by offender and CSR representative
- specify length of CS assignment, time limits for completion of service, criteria and consequences of unsuccessful completion

Criteria For Determining Offender Project Failures

- exceeding time limits for completion of assignment
- two no-shows

- bad work habits
- bad work attitude
- unsatisfactory work
- lack of cooperation
- violation of regulations at work site
- disruptive behavior at work site

Means For Determining Length Of CS Assignment

- based on judge's discretion, CSR staff recommendations, nature of offense, offender's prior record
- no general trend in minimum or maximum sentence; range for minimum: 5-60 hours; range for maximum: 50-100 hours
- time limits for completion of assignment: generally 3-6 months

Means For Determining Value Of CS Assignment

- frequently not attempted
- if attempted, minimum hourly wage is common measure

Orientation And Training Programs

- personal visits and follow-up written correspondence with placement agencies, judges, probation staff
- brief orientations rather than formal training
- focus on policies, procedures, areas of responsibility
- brochure or manual format

Screening Methods And Needs Assessment

- intake interview
- record check or review of offender's criminal history
- review of offender's medical status, family status, economic responsibilities, job history, special skills or interests
- assessment of offender's ability to get to placement site
- use of established guidelines for matching clients to sites

Project Staff Responsibility

- no standard division of responsibility by job title

Reporting Procedures

- periodic telephone reports
- site visits by CS project personnel
- time sheets
- final verbal and written evaluations
- contact made as problems arise
- scheduled contacts are usually weekly or monthly

Means For Determining Costs And Cost Savings/Benefits

- often not calculated
- if calculated, typical measures are value of CS provided, incarcerating costs, fines revenues, supervision costs

Means For Determining Successes

- extent to which stated program goals are met
- number of successful client completions
- personal growth of clients

Public Relations

- word-of-mouth and interpersonal contact
- public speaking
- newspaper press releases

What CS Is An Alternative To

- fines
- jail

For more detailed information of characteristics of other community service programs, refer to such volumes as:

Harland, A.T., Warren, M.Q., & Brown, E.J. A Guide to Restitution Programming. Albany, NY: Criminal Justice Research Center, 1979 (Working Paper 17).

Harris, K.M. Community Service by Offenders. Washington, DC: American Bar Association's BASICS Program, 1979.

Beha, J., Carlson, K., & Rosenblum, R.H. Sentencing to Community Service. Washington, DC: Law Enforcement Assistance Administration, 1977.

Hudson, J., Galaway, B., & Novack, S. Final report of the National Assessment of Adult Restitution Programs. School of Social Work. Duluth, MN: University of Minnesota, May 1981.

II. NEEDS ASSESSMENT

There were many differences among the seven LEAA experimental projects, attributable in large part to the different needs they were designed to address. This section stresses the importance of identifying and analyzing local needs in preparation for designing a successful CSR project.

The questions to be addressed in Section II are:

- | | | |
|-------|--|----|
| II-1. | What types of needs assessments should be conducted before starting a community service restitution project? | 40 |
| II-2. | What types of offenders can a project initially propose to accept? | 45 |
| II-3. | At what point in the processing of defendants can the community service option be made available? | 48 |

II-1. WHAT TYPES OF NEEDS ASSESSMENTS SHOULD BE CONDUCTED BEFORE STARTING A COMMUNITY SERVICE RESTITUTION PROJECT?

The initial decision to implement a community service restitution project and subsequent decisions regarding goals and structure for the project should be based on careful analysis of the criminal justice-based needs, the offender-based needs, and the community-based needs of the area to be served by the project. These needs are often interrelated. However, for the sake of clarity, they are treated separately in the following discussion. If a project is designed to respond to existing needs rather than being based solely on abstract ideas, it will have a better chance of acceptance and success. Furthermore, a needs assessment is necessary to be able to prioritize goals for the project.

The needs assessment determines whether sentencing alternatives and/or pretrial detention alternatives are needed, for what reasons, in what ways, by whom (criminal justice system, offenders, community), and, in light of this, whether community service restitution is a satisfactory alternative. The assessment should also determine whether community service restitution is a feasible alternative for the given situation when the availability of resources, the willingness of agencies and judges to participate, legal obstacles, and other factors are taken into consideration.

Further, the assessment should examine the purpose of community service as perceived by the criminal justice system and the community. Proponents should decide to what extent community service options will serve as punishment, retribution, deterrence and rehabilitation. The decision as to which of these goals will prevail will help determine the focus of the project. For instance, if punishment is a key consideration, a project will likely serve as a postconviction option, with work assignments geared, at least in part, toward punishment. Similarly, if rehabilitation becomes a project goal, support services and work assignments should be geared toward that end.

Discussion

As a general rule, specificity should be strived for in identifying needs, so that a CS project can have as realistic a basis as possible. For example, a group involved in planning one of the LEAA projects identified a general need for alternatives to incarceration, and they formulated a CS project largely based on that need as justification. However, the DRI evaluation tended instead to show fines as the predominant sentence for most of the clients in this project. This discrepancy will affect the success of this project relative to its goals, if success is measured by the CS project's impact on incarceration. It may have been better for the planners to have examined the general need for alternatives to incarceration in greater depth. For example, they may have learned that there was a more specific need for sentencing alternatives for first time offenders who were sentenced to jail but then given the alternative of paying a fine. With this more specific understanding of the need, project expectations would be more realistic and outcomes would be more understandable.

To achieve a detailed level of specificity, it is necessary to turn to a variety of sources of information. Enough sources must be researched to identify both documented and undocumented needs, present and future needs, and priorities of needs within each population group affected (criminal justice system, offenders, community). Furthermore, two types of needs should be identified: (1) those that can be addressed simply through the availability of a CS alternative, and (2) those that require certain procedures to be followed in implementing the CS alternative. An example of the first type might be the need for an alternative to incarceration. An example of the second type of need might relate to judicial concerns about monitoring offenders' compliance with their sentences. If this were the case, the CS project would need established procedures for providing extensive feedback to the judges.

Sources which can provide valuable information for a CS needs assessment include: related literature and data; criminal justice referral agents (court and correctional officials, prosecutors) and support personnel (police,

probation officers, defenders); offenders; community voluntary service organizations; and legislators.

Documents which discuss community service in general are a valuable place to start a needs assessment because they can provide an ideological framework. Although they frequently are not sufficient for detailed planning, they give generalized background material and in so doing they address the problem that new programs frequently have--not being able to find relevant information because of not knowing what to look for. The needs and issues identified and documented by prior and existing CS projects can help direct the focus of data collection efforts by a group planning a new project. A review of this literature can help a planning group formulate research questions such as:

- a. What are the problems commonly addressed through community service restitution?
- b. To what extent are these problems present in the planning group's local situation?
- c. What are the various alternatives for solving these problems?
- d. What parties are impacted by the problems?
- e. What parties are impacted by the alternative solutions?
- f. How do both regard the problems and the alternative solutions?

Once a planning group knows what questions to ask and what to look for to assess the needs of their particular situation, they can turn to documents and data which describe their situation and to the potential participants in the system. Various reports have probably been produced within the local criminal justice system which should be consulted. Also, crime data that has been recorded locally should be compiled as well as that available through national statistical sources such as the quarterly published Uniform crime reports: Crime in the United States¹⁶ and the annually published Sourcebook of criminal justice statistics.¹⁷ If possible, data should be collected that describes the volume of arrests in the community by offense type, probation case loads and costs, jail populations and costs, fine revenues assigned and collected, etc.

Relevant criminal justice referral agents and support personnel, offenders, community voluntary service organizations and legislators can be contacted through various means: questionnaires, planning conferences, and personal interviews. If these individuals make up a large population and this poses an obstacle to contact all of them, care should be taken to contact a representative sample so as not to bias research results.¹⁸

The survey questionnaire is a cost effective means for reaching a large group in a relatively short time. Respondents can be asked to provide an answer in their own words or to select an answer from a list of alternatives. However, great care must be taken in questionnaire design or results will not be reliable. The designer must know exactly what he or she is trying to find out by means of any given question and respondents should be able to understand exactly what is being asked. Some simple rules of thumb are helpful: (1) a question should ask only one thing at a time, ambiguous questions result in invalid responses; (2) wording of questions should not bias the respondent; (3) individual questions should be short and simple; and (4) the total number of questions should be kept to a minimum. Respondents do not generally want to have to spend a great deal of time with a questionnaire.

Planning conferences are valuable for gathering information from a limited target group. The first planning conferences should consist of persons with similar functions (e.g., criminal justice referral agents or criminal justice support personnel or community voluntary service organizations--it is probably not feasible to gather offenders together for a planning conference, although ex-offenders are certainly an interesting possibility). Because the principal goal of the planning conference at this stage is to gather data, it is helpful to gather a homogenous rather than heterogenous group. With the latter, there is a danger that representatives of certain sectors would defer to others and thus would not provide as complete input from their own perspective. Or, arguments might ensue over what issues are important, which would impede the progress of the planning effort at this point. Therefore, it would be better at this stage to gather each group separately so as to maximize the possibilities for input.

Once the data are aggregated, priorities can be determined, perhaps through a planning conference that includes representatives of the various sectors.

Interviews can be conducted in person or by telephone. It is important for the interviewer to remain neutral throughout. One advantage of the interview in preference to the survey questionnaire is that questions can be clarified for the respondent and probing can take place to elicit more information from reticent respondents. However, the threat of biasing the results is very present. Also, interviewing is considerably more costly due to the person hours required, which limits the number of contacts.

Once needs-related data have been gathered, they should be analyzed as objectively as possible, i.e., a needs assessment should not be conducted as proof of a priori decisions about implementing community service restitution. The needs assessment is likely to point to considerations that differ somewhat or a great deal from original assumptions, and that must be taken into account to implement a worthwhile and effective CSR program. It is far better to identify these considerations at the start rather than to have to backtrack at a later date to meet the real rather than the assumed needs.

II-2. WHAT TYPE OF OFFENDERS CAN A PROJECT INITIALLY PROPOSE TO ACCEPT?

In determining which target group or groups are most appropriate referrals for community service in a particular location, the proponent may consider the following categories:

- a. Present charge
 - traffic misdemeanants
 - particular misdemeanor offenses, i.e., shoplifting
 - any minor misdemeanor
 - any misdemeanor
 - "nonserious" felonies
- b. Criminal history
 - no prior arrests
 - no prior convictions
 - limited prior arrests
 - limited prior court filings
 - other restrictions (i.e., no arrests or convictions for certain offenses or class of offenses)
- c. Age
 - juveniles only
 - adults only
 - "young" adults only (i.e., 18-25)
 - no restrictions
- d. Sex
 - females only
 - males only
 - no restrictions
- e. Miscellaneous Restrictions
 - drug/alcohol problems
 - history of mental health problems

- no violent history or allegation of violence as part of the referral offense

Discussion

Several factors must be taken into account when deciding the proper target population. DRI's experience indicates that each jurisdiction is different and unique, making a universal recommendation impractical.

It is advisable to locate a type of offender who represents a major problem for the prosecutor or judiciary for which viable diversion or traditional sentencing options do not already exist. In other words, locate a problem area within the system that CS can help to alleviate. While working to make the criminal justice system more efficient, a project should also speak to defendant needs by trying to make the sanctions more closely related to the offense. For instance, the OAR/Fairfax project received its early impetus from court and prosecutor concerns over the high number of first offender shoplifters coming through the system. Prosecution and sentences of fines were the only precommunity service alternatives. Similarly the chief judge in Porter County, Indiana endorsed the PACT community service concept because it provided a more meaningful alternative than jail or fines to the high number of early misdemeanants appearing before the County Courts. The pretrial component of the San Francisco project targets misdemeanor offenders who, because of the relative seriousness of their charges and/or their prior record, would normally be prosecuted by the district attorney. The community service alternative in San Francisco permits the district attorney to divert these people without worrying about prosecution avenues, and spares defendants the trauma of criminal processing.

The type of offender a project can handle is often dictated by what the local criminal justice system is willing to accept. In particular, judges and prosecutors tend to have strong opinions as to who should and should not be eligible. In eight of ten LEAA projects studied, these people favored the inclusion of nonserious first or early offenders only, at least at the outset. This

attitude may become less rigid with time as a project proves its effectiveness with relatively minor offenders and can request permission to experiment. In most places only a foundation of successful experience with minor offenders will lead to a relaxation of standards among criminal justice officials to permit movement beyond that point.

The seriousness of offenses which can be accepted by a site may be affected, in part, by the attitudes of participating placement agencies. In taking volunteers referred from the criminal justice system, such agencies often request assurances that volunteers will not pose a threat to persons or property within the agency. Here again, a track record of positive experiences with those who have committed less serious offenses can lead to a reduction of reluctance to trust the judgement of the project with other referrals.

The general political climate of a community must also be taken into account. Adverse publicity about a program "releasing" serious offenders out into a community would obviously have a detrimental impact on project effectiveness.

To summarize, the focus of a new community service program will be dictated by accommodating the mutual needs of the local criminal justice system, defendants, placement agencies and the community.

II-3. AT WHAT POINTS IN THE PROCESSING OF DEFENDANTS CAN THE COMMUNITY SERVICE OPTION BE MADE AVAILABLE?

The LEAA projects studied presented a variety of options through which community service could be offered. Some of the sites employed one, while others combined several of these alternatives. The options include:

- a. Pretrial - supervised release or diversion through deferred prosecution
- b. Deferred sentencing
- c. Postconviction - sentencing alternative or as part of probation
- d. Postincarceration - weekend commitment alternative or as part of work release

Discussion

a. Pretrial - Supervised Release or Diversion Through Deferred Prosecution

Community service can be assigned pretrial as part of the bonding process or as a condition of a deferred prosecution arrangement. With supervised release, the defendant, if recommended, may opt to perform community service work rather than post a cash or property bond, or remain in detention in lieu of bond. This has the advantage of giving a defendant the opportunity to be out of jail preparing for trial without having to go into debt or deal with bondsmen. For those without the financial means to post bond, it serves as a means of avoiding pretrial detention.

Community service through supervised release has several potential drawbacks which should be considered. The question of legality is one primary concern. Can defendants be coerced to volunteer for work before they have been adjudged and found guilty? This question is discussed in greater detail in the legal section of this handbook (see Section I-3). Also, supervised release may not be the optimum point in a criminal justice system to have an impact on

such factors as prosecution or court caseloads, issues which are generally a strong selling point to judges and other needed supporters of a project. Supervised release has no guaranteed benefits to the defendant beyond serving as a replacement for bond. He/she may still be prosecuted, tried, convicted and sentenced even though the service is satisfactorily completed. Further, if community service is simply added to what normally would be a release on recognizance, it imposes an unnecessary additional control on the defendant.

Community service as a pretrial diversion option has been employed by several projects (OAR, San Francisco, Arrowhead, Jacksonville). Under this scheme, defendants can choose to perform community service instead of having their case filed and possibly tried by the prosecutor. Generally, successful completion of the work assignment results in the dropping of charges and the expungement of court records relating to the defendant's alleged criminal involvement. This has obvious advantages to the defendant in that he/she avoids the inconvenience and potential trauma of criminal processing as well as the onus of a criminal record. Undue penetration into the criminal justice system is averted. DRI's contacts with prosecutors show support for this concept. It provides them with a compromise option when neither extreme of continued processing nor dismissal seem appropriate. Their caseloads and that of the courts can be appreciably reduced. Further, it can prove highly advantageous for a project proponent to seek the guidance and support of the prosecutor, something which is easier to secure if that office is intrinsically involved in project operations.

The same legal questions that apply to supervised release are pertinent here. Challenges can be made to the constitutionality of requiring work in lieu of prosecution for nonconvicted defendants. Also, if standard guidelines for application of the community service option are not maintained, the constitutionality of the system can be challenged on grounds of equal protection. It should be pointed out, however, that legal challenges to the current round of pretrial projects have not arisen, nor are they expected to.

b. Deferred Sentencing

Forms of deferred sentences in conjunction with community service restitution have been in practice in Baltimore County, OAR/Durham and Northeastern University sites. These options are referred to as probation before judgement (PBJ), prayer for judgement continued (PJC), and continuance respectively.

Deferred sentencing is preceded by prosecution, adjudication, and conviction for an offense. Rather than immediately imposing a sentence, however, the trial judge permits the defendant to do community service. Successful completion of the CS assignment usually results in dismissal of charges and expungement of court records, similar to deferred prosecution. However, here the judge, rather than the prosecutor, makes the decision to divert. Sanctions for noncompliance with the community service assignment are more direct than is the case with deferred prosecution in that the judge can immediately impose sentence. With deferred prosecution, the district (state or county) attorney must first decide whether or not to file the case after which a trial, disposition and sentencing may or may not take place.

Community service through deferred sentencing has several advantages over other options. First, the legal issues involved with pretrial diversion are not in evidence here, in that the offender has been tried and convicted. Secondly, making the trial judge the focal point in the referral process lends credibility to the project. Because judges are the most influential participants in the criminal justice process, the cooperation and active participation of the local judiciary in a community service program is essential. Such cooperation is easier to obtain when judges are actively involved in making referral recommendations. This has certainly been the case in most of the LEAA projects which involved deferred sentencing or postconviction assignments to community service. Judicial support at these sites has been a major factor contributing to the success of the projects. Also, a larger group as potential clients can be reached at this point than at the pretrial stage.

c. Postconviction - Sentencing Alternative Or As Part Of Probation

The majority of the first year community service projects contained some sort of postconviction option. Basically, this involves using community service as a sentencing alternative to the traditional options of jail, fines or probation. Community service may be invoked separately or in conjunction with other sentences.

Some projects have made CS part of a probation sentence. Referral procedures may be established to allow the judge to sentence a defendant to community service and probation, or to permit the probation officer to delegate the CS assignment. In the latter situation, care must be exercised at the outset to define client responsibilities of the project vis-a-vis probation vis-a-vis the court. The usual procedure is to have probation take ultimate legal responsibility for the client, with the project taking a "subcontracting" role. The project then reports all progress to the probation officer who, in turn, reports to the court. In other postconviction situations the probation officer may take a passive, informal supervisory role while project staff assume the major responsibility. In either case, a clear demarcation between the respective roles of each agency must be drawn. The parties should determine what types of sanctions, e.g., probation revocation, should be imposed in the event of an unsuccessful termination, who should recommend them and who should implement the sanctions.

One advantage of the postconviction application of community service for the destitute offender is the opportunity it provides to do work rather than pay fines. Also, the prevailing opinion of criminal justice personnel and offenders polled by DRI indicates a preference for community service over traditional sentences. The feeling is that more is learned, more is accomplished, and more people benefit from community work than from jail, fines, or probation.

As with deferred sentencing, the judge is the main decision point in a postconviction referral system. Other participants in the criminal justice system such as prosecutors, defense attorneys, and probation officers generally

become involved with the project. This wide exposure can be quite helpful to a program in building a base of support.

By diverting offenders out of jails and off probation caseloads, secondary benefits to criminal justice systems are usually derived. The saving of jail space is cost effective and allows additional room for more serious offenders. The transfer of major client responsibility from probation officers to project staff permits the former group to concentrate their time on those cases requiring more of their special skills. To reiterate a point made earlier, a larger group of potential clients are available at this stage than at the pretrial stage.

The disadvantage of postconviction as compared to pretrial or deferred sentencing models is that offender court records are not dropped. However, it is reasonable to assume that some of those defendants presently in postconviction projects would not qualify for diversion. Also, the local environment of a particular criminal justice system might not be conducive to diversion, making postconviction the only practical option.

d. Postincarceration - Weekend Commitment Alternative Or As Part Of Work Release

Only two first year sites, Jacksonville and PACT, adapted community service to a jail setting. In a general sense, this system involves diverting offenders serving jail time into community service work. The work either replaces time which would be spent in jail, or, through a formula, reduces the sentence a certain amount per each day of work performed.

Both PACT and Jacksonville have used community service as a replacement for weekend jail commitments. In these sites offenders sentenced to serve weekend terms report instead to community service work assignments. No actual time is spent in jail, as CS replaces the sentence on a day-for-day basis.

Jacksonville has also employed CS as an addendum to their work program. Offenders are sentenced to Fairfield Correctional Institute, a work release center. In addition to performing their work release assignments they

may be given the option, by correctional officials, to perform community service. For each two days of CS performed, one day is deducted from their sentence at the institution. Participants in the work furlough and weekend commitment programs tend to be convicted of more serious crimes and have more extensive criminal backgrounds than offenders coming from other sources.

The primary advantage of such a program lies in the fact that community service replaces time which would normally be spent languishing in jail. This is especially true with weekend commitments. Space used for housing these offenders becomes vacant and available for inmates convicted of more serious crimes. Money needed to house and feed these individuals is saved and, in its place, "revenue" is generated through the community service work performed. Also, offenders may learn job skills and make employment contacts obviously not available in jail.

Because these projects take people out of jails and because they may deal with convicted felons, the development of placement opportunities can be relatively difficult. Another potential disadvantage evolves from the fact that such projects are under the administrative authority of correctional officials, and tend to be isolated from the rest of the criminal justice system.

The following table presents a summary of the possible advantages and disadvantages of the various criminal justice processing options.

TABLE 3

SUMMARY OF RELATIVE ADVANTAGES AND DISADVANTAGES
OF VARIOUS COMMUNITY SERVICE CRIMINAL JUSTICE PROCESSING OPTIONS

	Supervised Release	Pretrial Diversion	Deferred Sentence	Postconviction	Postincarceration
Possible Advantages	<ul style="list-style-type: none"> • avoids detention • avoids bonding debts 	<ul style="list-style-type: none"> • avoidance of a criminal record • avoidance of further penetration into the criminal justice system • Potential prosecutor support for project 	<ul style="list-style-type: none"> • direct judicial involvement in the referral process • judicial control over sanctions for non-compliance • avoidance of pretrial legal issues • larger group of potential clients • can permit expungement of criminal record 	<ul style="list-style-type: none"> • can be applied in lieu of fines for indigent defendants • more cost effective than jail or probation • direct judicial involvement • larger group of potential clients 	<ul style="list-style-type: none"> • serves as a more productive option than incarceration • cost effective
Possible Disadvantages	<ul style="list-style-type: none"> • potential 13th Amendment violations • potential due process violations • no defendant guarantee of averting further processing • potential of "widening the net" by having CS serve as an add-on to what normally would be recognizance release 	<ul style="list-style-type: none"> • potential 13th Amendment violations • potential due process violations • potential equal protection violations • potential of "widening the net" by having CS serve as an alternative to dismissal 	<ul style="list-style-type: none"> • potential of "widening the net" by having CS serve as an alternative to dismissal 	<ul style="list-style-type: none"> • no chance to have charges dropped 	<ul style="list-style-type: none"> • may be more difficult to place formerly incarcerated persons

III. ADMINISTRATIVE STRUCTURE AND MANAGEMENT

This section analyzes the various administrative and management structures which can be established to operate a community service restitution project, based on the experience of the seven LEAA experimental projects studied. While these projects do not represent the universe of administrative/management scenarios, they do constitute a diverse range of structures and styles. Certain advantages and drawbacks of each of these systems have become apparent through program evaluation.

The questions to be addressed in Section III are:

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|--------|---|----|
| III-1. | What are the various types of organizations/institutions that can exercise administrative sponsorship and control over a CSR project? | 57 |
| III-2. | What types of management structures can be employed to operate a community service restitution project? | 62 |
| III-3. | What steps should be followed in designing a CSR project? | 69 |
| III-4. | What functions are necessary to conduct a project and what staff are needed to perform those functions? | 78 |

III-5. What costs are incurred in operating a community service restitution project? 83

III-6. What type of insurance coverage is needed to protect volunteers against injury, and to protect agencies against loss or damage caused by volunteers? 88

III-1. WHAT ARE THE VARIOUS TYPES OF ORGANIZATIONS/INSTITUTIONS THAT CAN EXERCISE ADMINISTRATIVE SPONSORSHIP AND CONTROL OVER A CSR PROJECT?

The LEAA projects studied were housed under several types of administrative structures including:

- a. Agencies of the local criminal justice system
 - adult probation department
 - sheriff's department
 - county criminal justice coordinator
 - regional corrections unit
- b. Community-based nonprofit organizations (local branches of national organizations)
- c. Local institutions, i.e., university

Discussion

The prevailing tendency that became clear from the experimental projects is that the closer, in terms of proximity and contact, the administrative agencies are to the affected criminal justice systems, the fewer the problems that arise. Obviously these problems become minimized when the project is housed under an agency of the criminal justice system. Nevertheless, experience shows that administrative control in the system does not ensure success, nor does control outside the system doom a project to failure.

a. Agencies of the Local Criminal Justice System

Those sites whose administrative sponsorship was centered within an agency of the local criminal justice system seemed to gain quick credibility with primary parties needed to make the concept work in that system. Going further, it has proven preferable to select an agency most closely tied to the

intended source of project referrals. For instance, projects receiving postconviction referrals from a particular court system would be advised to locate their administrative control in or near that system, i.e., probation. However, the mere fact that a project is housed within a system does not automatically assure immediate cooperation from the remainder of that system. As an example, a project operating out of a correctional office, but getting the majority of its referrals through the prosecutor on a pretrial basis, would probably need to establish its credibility to the same extent as if it were an outside agency.

b. Community-Based Nonprofit Organizations

The LEAA experience has shown that community-based agencies, especially those having a good reputation and track record, have had success in operating community service programs. This was especially true for the PACT project. Their long, close and successful working relationship with the criminal justice system and community agencies in Porter County, Indiana made them a logical choice to initiate a community service project. The independence they have from any one branch of the criminal justice system often proves to be an asset because they have no allegiances toward or responsibility to one agency over another. Also, because of prominent exposure in the community these agencies have proven to have a relatively easy time developing placement opportunities. Because private agencies are often seen as outsiders to the criminal justice system, they have to conduct an intensive job of selling themselves and their program.

c. Local Institutions

One site operated a project under the auspices of a major local institution, in this case a university. This design had both positive and negative effects. The high visibility and prominent community reputations such institutions usually enjoy can be an invaluable asset to a new project in its attempt to gain credibility. On the other hand, the sometimes cumbersome layers of administrative control evident in many large institutions, coupled with criminal

justice administrative obligations any program must address, can tend to overburden a community service endeavor in paperwork and excessive red tape.

Program operation is facilitated when administrative control and project management are closely aligned. This is true if the project is housed inside or outside the criminal justice system. Problems arise when multiple layers of authority progressively removed from the day-to-day operation exist in tandem with each other. This creates a situation in which multiple jurisdictions, often confusing each other and often in conflict, can cause problems for project management. For example, in most cases the branch of the criminal justice system most directly impacted by a project, i.e., the courts, will generally desire input into policies and procedures. If primary administrative control is vested in an institution totally outside this sphere, confusion may ensue regarding who has ultimate control. An important function such as hiring of staff could end up bogged down in trying to appease the needs of both "masters." A situation such as this took place in one of the LEAA projects. The project served a local court system, but operated under the administrative auspices of a local institution. The sometimes conflicting needs and desires of the agencies being served and those administering the project caused occasional problems in such areas as hiring and policy setting. If a situation like this appears imminent, the project directors should raise these issues with all parties to try to work out a policy acceptable to all concerned.

Other problems can arise when administrative control is centered outside the area in which the project operates. An example of this type of situation is one in which a local office of a national organization is sponsoring a project. Attempts to run the project from the national office can cause difficulties in communication and conflicts with local needs and desires. In such situations it is advisable for the larger entity to establish overall organizational policies and act in an advisory capacity, while the local unit is given the autonomy to run the project on a day-to-day basis.

The matrix on the following page presents a summary of the administrative options by the types of restitution options and the structural placement of the LEAA sites studied.

TABLE 4

COMMUNITY SERVICE RESTITUTION OPTIONS EMPLOYED IN THE
LEAA COMMUNITY SERVICE RESTITUTION PROGRAM

Administrative Options

Restitution Options	Judicial Referral Direct to Placement Agency	Administered by Probation Department	Administered by Volunteer Bureau/ Agency	Administered by Independent Public Agency	Administered by Private Nonprofit Agency	Administered by Court Personnel
Pretrial restitution as a condition of secured release (bond)				Arrowhead		
Pretrial restitution instead of prosecution		San Francisco Pretrial		Arrowhead Jacksonville	OAR/Fairfax OAR/Durham OAR/Madison	
Restitution instead of formal probation or fine		San Francisco Postconviction		Arrowhead Northeastern Baltimore County	PACT	
Restitution as a condition of Probation/continued--probation instead of incarceration Return to incarceration		San Francisco Postconviction		Arrowhead Northeastern Baltimore County Jacksonville	OAR/Durham OAR/Madison	
Restitution on work release instead of continued incarceration				Jacksonville	PACT	
Restitution on community residential release/parole instead of return to incarceration						

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III-2. WHAT TYPES OF MANAGEMENT STRUCTURES CAN BE EMPLOYED TO OPERATE A COMMUNITY SERVICE RESTITUTION PROJECT?

There are, of course, a multitude of management structures which may be adapted to a community service setting. The appropriate course for any particular project to take is contingent upon several factors including: the size of the area to be served, the anticipated volume of referral, needs of the sponsoring and impacted agencies, and budget constraints. The management configurations which emerged from the LEAA community service experience included the following:

a. A director/coordinator manages a small, localized project. The director plans staff functions; acts as spokesperson with criminal justice personnel and placement sites; controls budget, hiring, and firing activities; conducts some client intake and follow-up; and conducts public relations and political activities on behalf of the project. Community service workers perform functions of client screening and intake, placement, monitoring and termination.

b. A director/coordinator supervises a multicounty regional program. Community service field workers conduct client intake, placement, monitoring and termination. All policy and planning decisions emanate from the central office.

c. A director/coordinator manages a small staff serving a relatively large number of clients in an urban area. All staff, including the director, are involved in intake, placement and monitoring of clients. The project acts strictly as a brokerage agency. Client referrals are required to contact the project, receive a job assignment and notify the project periodically of their progress. Most contact with clients, except in extraordinary cases, are made by telephone. In addition to handling a caseload, the director conducts traditional

managerial activities such as hiring and firing, planning, staff training, liaison activities and daily staff supervision.

d. The coordinator works in conjunction with an administrator responsible for overseeing several such special projects. The director oversees the day-to-day operation, but all major decisions, i.e., staff hiring, are made by both individuals. Client monitoring is set apart from intake, placement and termination which are conducted by restitution workers.

e. A director has total management control over a high volume project in a major urban center. Because clients come from two separate and distinct sources, two components with physical and operational autonomy were set up. Each component has a coordinator and separate staff. Both components (pretrial and postconviction) have implemented rather elaborate procedures for screening and placement of referrals. Support services such as mental health counseling and job placement assistance are available. The functions of intake through the courts and other direct client activities, e.g., placement, follow-up, are handled separately.

f. A project coordinator works in tandem with an administrative assistant on all facets of the day-to-day operation including court liaison, intake, placement and follow-up. The coordinator takes responsibility for the project's operational success. The coordinator is, in turn, responsible to the head of the local office which is part of a national organization dealing with offender needs. In addition, a national project director works in an advisory capacity to assist this and other community service projects operating under the overall auspices of the national organization. The national project director tries to establish and maintain a uniform framework, including policies and procedures, between all participating sites in the program.

As stated above, LEAA projects can hardly represent the range of management possibilities which can be implemented in a community service

setting. Nevertheless, certain basic issues have arisen out of these organizational structures which can be analyzed and applied to any new project situation. These issues include:

- Should managerial control be vested in a "strong" director or should that person serve in a coordinator's role?
- How many levels of administrative/management control should exist above the project director and how should interaction take place?
- To what degree can management responsibility be delegated in projects spread out geographically and/or functionally?
- How many staff are needed to effectively work with small, medium, or large sized caseloads?
- To what degree should client functions be integrated or separated?
- Can the project director be responsible for maintaining a client caseload, or any client responsibilities?

Although this handbook does not attempt to completely resolve each of these issues, information from the seven LEAA projects is presented to assist new programs to address these concerns.

Discussion

- Should managerial control be vested in a "strong" director or should that person serve in a coordinator's role?

Experience has proven that, generally speaking, the more centralized the managerial control of a project, the better. This is especially true for those locations where the base of operation is localized. The old axiom "two many cooks spoil the broth" is certainly pertinent here.

- How many levels of administrative/management control should exist above the project director and how should interaction take place?

As much as possible, a project should speak with one voice to criminal justice personnel, placement agencies, sponsors, staff and the public. To ensure this the sponsoring agency should make the director the project's spokesperson. Competition and conflict between designated project directors and administrative supervisors can have negative fallout on the order of staff dissension and communication problems internally and externally. Therefore, we recommend that only one administrative level exist above the project manager, with the project director/coordinator enjoying close to total autonomy in the day-to-day operation of the project.

Several of the LEAA projects studied suffered from too many layers of authority above the project manager and/or conflicting lines of authority between managers and administrators. In the former situation sited, one project had administrative authority vested in a local supervisor and advisory supervision from a national project director. However, the advisory role of the national director often turned into a policy making role leading to a situation where multiple and, at times, conflicting messages were received by project management. The latter situation took place in one site where the administrative officer tried to influence the operation of the project in tandem with the director. This caused confusion and dissention among staff as to who was really in charge.

For a complete discussion of the management structures of the LEAA projects studied see DRI's "Evaluation of Community Service Restitution Program."

- To what degree can management responsibility be delegated in projects spread out geographically and/or functionally?

The situation described in which a regional or national program is operated through several local sites can cause problems if clear lines of authority are not established. Policies and procedures for the sites to follow should be formulated and agreed upon in advance of actual operations. From

that point the sites should be granted autonomy to run their own projects, with program personnel acting in an advisory capacity. Because of this it is probably unnecessary to install one program liaison to oversee the sites from the administrative level, in that the projects will essentially run themselves.

The above should also be the case where one big project operates on a regional basis. Although individual project sites may not be needed throughout the region, management responsibility should be delegated to local coordinators. They would be in charge of community service operations in their county or locality. This becomes necessary as it is untenable for a central office to handle the daily communications and decisions which must be reached with persons such as judges and placement site representatives. The central office should establish policies and procedures and monitor each location for continuity and progress. The satellite sites should, however, have strong input into the formulation of management policies. The increased utilization and consequent expansion of projects makes periodic procedural modifications necessary. Because the sites deal with these matters day to day, local coordinators should meet together on a regular basis to raise those issues most important to them, propose solutions, and present their ideas to central management.

For a complete discussion of management of a regionally based community service program, refer to the Arrowhead case study in the DRI document, "Evaluation of Community Service Restitution Program."

● How many staff are needed to effectively work with small, medium, or large sized caseloads? To what degree should client functions be integrated or separated?

The question of the depth of staff support and functional diversification needed to operate a project is somewhat complicated. In the LEAA program studied, examples of high volume (client) projects with small staffs and low volume projects with larger staffs have been in evidence. Staff capability should be sufficient enough to deliver the type and extent of services proposed. If placement sites, for instance, are requiring intensive client monitoring, the project will have to staff up accordingly.

Another consideration is the breadth of services a project prepares to provide. Obviously, if client support services such as counseling and job placement assistance have been advocated, personnel trained in these areas will have to be brought on.

A third factor to consider is the overall philosophy of the project. If its purpose is strictly to provide a criminal justice alternative, using the project as a processing mechanism to carry that out, a minimum level of staff support will be needed. If, on the other hand, the project has more elaborate goals geared to the needs of the offender, additional staff support will be required. For instance, if programs are expected to provide such services as extensive client suitability evaluations and to work with a diverse group of individuals, many of whom may require special attention, then a large, specialized and extensively trained staff becomes a necessity.

Another practical consideration in determining staff allocation is the budget. Monetary constraints can, of course, limit staff size and the functions that can be carried out.

The LEAA experience has demonstrated that a large staff, with different people responsible for each of the major project functions, does not assure success. Sites operating with small staffs and sharing duties such as court liaison, intake and monitoring have managed to achieve their desired goals. A larger staff can, at times, prove to be unwieldy and may create overlap. Yet there must be ample people on board to carry out basic tasks. The LEAA program studied also pointed to examples of inadequate staffing causing delays in developing placement opportunities and getting clients to work.

● Should the project director be responsible for maintaining a client caseload, or any client responsibilities?

The director of a community service project is the most important resource for assuring a quality, efficient operation. This person should be the key individual involved in hiring and firing decisions, planning, training, public relations, placement site development, criminal justice system interaction,

staff proficiency assessments and procedural development. With all these vital functions it would seem impractical to require the director to assume any client responsibilities. Nevertheless, once the operation becomes routinized the director can do some client work without jeopardizing project management. This has been borne out by experience. This situation took place at the Baltimore County project where the director was able to assume some client responsibilities from time to time to relieve the burden on caseworkers and to improve her own ability to provide project direction. Obviously, client work must not get in the way of management responsibilities and should be relinquished if it does.

III-3. WHAT STEPS SHOULD BE FOLLOWED IN DESIGNING A CSR PROJECT?

Once needs have been identified and an administrative "home" for a CS project has been designated, several preliminary steps involving the planning of activities should be taken prior to beginning a community service project. These steps provide the implementers with a foundation and "road map" to guide them through the life of the project. The points outlined here were followed in varying forms by the LEAA projects studied. For a review of the planning procedures undertaken by the sites see DRI's "Evaluation of Community Service Restitution Program." These steps include:

- a. Formulate program philosophy
- b. Establish goals and objectives
- c. Establish base of support
- d. Plan for client referral, monitoring, reporting and terminating procedures
- e. Establish placement agency commitments and referral procedures
- f. Formulate a public relations strategy
- g. Develop policies and procedures, job descriptions, task outline and timetable
- h. Develop data collection and evaluation procedures

Discussion

The activities discussed below can be made easier through use of a planning, or advisory committee. If possible, such a committee should consist of criminal justice personnel, placement agency representatives and community leaders. This makes it possible for those who will be impacted by the project to take an active role in the planning process.

a. Formulate Program Philosophy

Before attempting to start a community service project the proponents should consider their motivation in undertaking such a venture. They must establish guiding principles and operating philosophies so that the purposes behind the project are understood and firmly established. As discussed in Section II on needs assessment, a diverse variety of purposes relating to offender, criminal justice system and community needs may be part of any community service venture. Such purposes may include commitments to providing constructive sentencing alternatives for offenders, increasing interaction between the criminal justice system and the community, etc. It is incumbent upon project proponents to formulate and prioritize their purposes early to avoid problems in goal setting, design and procedures later on.

b. Establish Goals and Objectives

To guide a project in determining where they want to go and how they intend to get there it is imperative to set up goals and objectives at the front end. This is also important to demonstrate to funding agencies and those potentially impacted by the project, just what the program intends to accomplish. As discussed in earlier sections, project advocates should analyze needs and how a community service restitution project might help rectify those needs. For instance, if the courts are overcrowded with minor offenders, if probation caseloads are swelled by relatively nonserious clients, or if prosecutors lack an adequate diversion option to cut down their filings, a community service alternative could be the answer. Project goals and objectives should address the existing needs.

Goals usually comprise a few broad statements of the projects' general intended impacts. An example of a goal is: "Reduce the caseload of the district attorney by diverting defendants from prosecution to community service work."

Unlike goals, objectives are more specific and usually quantified. Also, time frames for reaching the objectives should be laid out. It is recommended that two types of objectives be elucidated under each goal: (1) operational, or process objectives and (2) effectiveness, or impact objectives.

Operational objectives spell out anticipated milestones relating to the process to be carried out by a project. An example of this type of objective would be "Accept 1,000 convicted misdemeanor referrals for community service within six months from the start of operations."

Effectiveness objectives speak to the impacts a particular project is expected to have on the clients and systems it is serving. A typical effectiveness objective would read, "Reduce the number of prosecution filings by 15 percent from X to Y over a one year period by diverting defendants to community service."

Goals and objectives should not be drawn up in a vacuum or in a haphazard fashion. Rather, extensive research should be conducted to make educated projections of project accomplishments. For instance, the costs of running the program should be offset by calculations relating to the monetary savings, i.e., court processing, jail time, and derived revenues in order to estimate cost effectiveness. Goals and objectives may be set slightly above a standard one realistically believes one can achieve in order to provide incentives. Also, they should be flexible to allow for adjustments if proven to be out of line in one direction or the other.

The development of a comprehensive list of objectives addressing the potential project impacts in the major areas of the clients, the criminal justice system, the community, and internal management is frequently helpful in projecting desired ends. Following are examples of qualitative and quantitative objectives, many of which were included in the LEAA program studied:

Client Objectives

- The project will provide an alternative sentence for X clients during the project period who would normally receive traditional sentences.
- Less than X percent of the participants in the project will recidivate during the course of their sentence.
- Accomplish an X percent success rate among clients referred to the program during 14 months of operation.

- Place at least X percent of the program participants in positions that enhance or teach marketable skills.
- Enroll X participants in part-time or full-time educational or vocational training programs for the purpose of upgrading skills for employability.
- Provide an alternative to incarceration for X defendants over a 12 month period.
- Provide an alternative to fines for X defendants over a 12 month period.

Criminal Justice Objectives

- Reduce the probation department's supervision responsibilities by the equivalent of X cases.
- Reduce the number of court appearances by X percent over a 12 month period by diverting defendants from the system.
- Reduce the prosecutor's caseload by X percent over a 12 month period by providing a community service option to prosecution.
- Effectuate a savings of \$X to the county jail by providing a community service alternative to X sentenced offenders who would have normally spent an average of X days in jail at a cost of \$X per day.

Community Objectives

- Return to the community X hours of service worth \$X if paid at the minimum wage per hour in 12 months of operation.
- Provide assignments to at least X agencies.
- Organize a Board of Directors to keep the program responsive to community needs.

Internal Management Objectives

- Monitor and record offender implementation of community service restitution assignments.
- Maintain a management information system on each client, from initial contact to termination.

c. Establish Base of Support

The fledgling project should be working to establish a base of support in and around the criminal justice system to bolster its efforts. If, for instance, proponents are attempting to gain referrals from a County Court, documented support from the local prosecutor, public defender, probation staff, placement agencies and influential community leaders could prove very valuable in paving the way for court approval.

In dealing with a potential referral source, project advocates should have a good idea of the target population they are aiming community service at. This would necessarily flow from the research done prior to meeting with the intended source of referrals. A proponent should be able to document how community service will benefit the target group, the criminal justice system and the community.

d. Plan for Client Referral, Monitoring, Reporting and Terminating Procedures

Once the concept has been at least tentatively accepted, proponents should begin planning, in concert with the intended referral source, for procedures to be used in referral flow, client monitoring and evaluation, termination procedures and progress reporting. Here again, those agencies within and outside the criminal justice system who will be at least indirectly impacted by the new project should be consulted in the planning process.

e. Establish Placement Agency Commitments and Referral Procedures

No community service project can operate without the active cooperation and support of client placement agencies. Therefore, as part of its planning strategy, a new project must seek out organizations within the community who are willing to accept community service volunteers and provide the necessary work opportunities and supervision. This should be done at the same time, or before finalizing offender intake procedures to insure that volunteers have places to work once referred.

An obvious question which arises here is: Where does one go to get a comprehensive list of potential placement sites? A good starting point is other agencies or programs who presently send criminal justice referrals to work sites. Such sources might include probation and diversion programs. The fact that their sites already accept this type of client should make it easier to gain acceptance for community service volunteers. Other good placement site sources are directories of state, county and municipal agencies. Because community service projects are aligned with the public agencies, i.e., courts, corrections, their credibility is enhanced when trying to gain access to other public agencies.

Finally, one should turn to any number of directories listing nonprofit agencies. Local United Way offices often publish such documents. Also, some communities have volunteer coordinating organizations, such as Volunteer Jacksonville in Jacksonville, Florida, which can provide assistance in locating sites in need of volunteer assistance.

In planning for movement of clients to placement agencies, a new project must work with representatives of the individual agencies to establish work plans. The following items should be dealt with and at least tentatively decided before a final joint agreement is reached to refer community service clients:

- the type of work to be performed
- the volunteer capacity of the agency
- a designated supervisor/contact person
- referral procedures
- hours and days volunteers are needed
- monitoring and performance evaluation procedures
- steps for dealing with problem cases
- termination procedures
- procedures for retention of volunteers beyond their community service tenure

f. Formulate a Public Relations Strategy

Proponents must also make plans for gaining community backing for their project. This involves development of outlines for a project prospectus, brochure and other literature which can be disseminated to spread the word. Also, it is highly advisable to contact representatives of the local media in an effort to gain as much publicity as possible.

While good public relations are crucial to project start-up, they should also be pursued throughout the life of the project. Project proponents should direct public relations efforts to both the community at large and the other members of the criminal justice system which might be impacted by the project.

The following table lists the publicity techniques utilized by the first year LEAA projects which also could be implemented by other projects.

**TABLE 5
PUBLIC RELATIONS TECHNIQUES**

1. Public speaking
2. Press releases and newspaper coverage
3. Information brochures
4. Word-of-mouth
5. Television appearances
6. Radio appearances
7. Personal contact with judges
8. Personal contact with other criminal justice officials
9. Personal contact with community voluntary service organizations
10. Making bilingual information available
11. Involving key staff in community committees and boards
12. Personal contact with community schools
13. Personal contact with community professional organizations
14. Encouraging visitors

It is especially valuable to develop a "project champion" who is in an influential position and who can set an example for others to support the project. This was borne out in the PACT CSR situation. An influential judge in the community became a very vocal champion of community service restitution and contributed greatly to furthering the wide acceptance enjoyed by the PACT project.

The planning functions discussed above might be classified as external in that they involve outreach activities necessary to gain outside support for starting a community service project. The remaining (policies and procedures, job descriptions, task outlines, timetables, data collection and evaluation) all involve internal planning needs.

g. Develop Policies and Procedures, Job Descriptions, Task Outline, and Timetable

Policies and procedures are needed to establish a foundation for project operations and to outline the processes to be followed. Job descriptions are essential to spell out who is designated to perform the various duties and for what purpose. The task outline and timetable pinpoint the means to be taken to reach project goals and objectives and the time required to accomplish each step. The timetable should be delineated in person-months needed to accomplish each task in the allotted time so that ample personnel resources can be allocated.

h. Develop Data Collection and Evaluation Procedures

Finally, the project director must take special care in developing data collection and evaluation materials. These materials should be designed to evaluate the performance of clients and staff. Such tools as management information systems and client tracking mechanisms are vital components of a project's evaluation scheme. A more detailed discussion of evaluation needs is presented in Section V of this document.

**TABLE 6
PROJECT PLANNING ACTIVITIES**

**FORMULATE PHILOSOPHY OF PROJECT
AND DEVELOP GOALS AND OBJECTIVES**

- operational objectives
- effectiveness objectives

ESTABLISH BASE OF SUPPORT

CLIENT PROCESSING PROCEDURES

- referral
- intake
- monitoring
- performance evaluation
- project termination

PLACEMENT SITE DEVELOPMENT

- locate listings of possible participating agencies
- determine volunteer needs of each site
- designate work supervisor
- establish referral process
- determine days and hours volunteers are needed
- establish monitoring procedures, reporting, crisis and termination procedures

FORMULATE A PUBLIC RELATIONS STRATEGY

ESTABLISH INTERNAL POLICIES AND PROCEDURES

DEVELOP JOB DESCRIPTIONS

OUTLINE TASKS

DEVELOP TIMETABLE

DEVELOP DATA COLLECTION AND EVALUATION PROCEDURES

- client files
- data collection forms
- management information system
- satisfaction survey
- client tracking forms

CONTINUED

1 OF 3

III-4. WHAT FUNCTIONS ARE NECESSARY TO CONDUCT A PROJECT AND WHAT STAFF ARE NEEDED TO PERFORM THOSE FUNCTIONS?

Following is a list of functions which have been performed by the staffs of community service projects evaluated by DRI:

- a. Project direction/coordination
- b. Court liaison
- c. Intake
- d. Placement development
- e. Client and site monitoring/follow-up
- f. Data collection, evaluation
- g. Mental health and vocational counseling

Discussion

As noted in the discussion on management structures, each function performed as part of a community service operation does not necessarily require one or more staff positions. The number of clients flowing through a particular project and/or the operating procedures involved may permit the consolidation of tasks under one job.

a. Project Direction/Coordination

The director/coordinator is the key individual involved in planning project operations, managing the staff, conducting political activities on behalf of the project and representing the project to the community. As noted in the management section of this handbook, this is usually a full-time job. The director can, however, occasionally assume some other tasks once the flow of operations becomes standardized and routine.

b. Court Liaison

Court liaison is a function which is essential at the outset of a project. Having staff present at the point of referral gives the new option much needed exposure. Staff can be there to assist the court, prosecutors, etc. in facilitating community service referrals. Beyond the initial stages, court liaison is optional, depending on requirements the court makes on a project in the referral and termination process. If it is necessary for someone from the project to be in the courtroom to recommend, receive and/or screen potential referrals, then, obviously, representation is vital. In some cases, the court or prosecutor requires someone from the project to scan the court docket noting those cases eligible for community service participation. The judge then considers only those cases so noted for referral. Most of the time a court liaison is present to confer with officials on the advisability of referrals and to deliver preliminary orientation, screening and instructions to those defendants recommended for community service participation. Also, a court liaison's presence is sometimes required at subsequent hearings where the determination of a client's final criminal justice status is made. Here project personnel may be requested to report on the offender's community service work and termination status from the project. It is important to ensure that court liaisons do not try to act as defense attorneys, but remain strictly as representatives of the community service program.

A representative of a project, or court liaison, is not required in all cases. The court may refer a client to community service, requiring that person only to report to the project offices. Similarly, community service termination reports may be sent to the court, or presented by someone other than project staff, such as a probation officer.

c. Intake

Staff are needed to conduct client intake. The more sophisticated this process is, the greater the training and qualifications required of individuals conducting intake. This is generally not a function requiring specific staff slots, unless the screening is complicated. For instance, if a project elects to

place clients in supportive services such as counseling or job training, the intake people may be required to conduct screening tests to determine the appropriate slot. However, in most cases intake involves determining client eligibility, explaining the terms of community service participation, helping the new volunteer select a work assignment, and mutually signing a contract specifying the joint obligations of the parties.

d. Placement Development

The task of placement development is most often spread out among various staff, i.e., restitution workers, or handled by one designee like the project director. This, of course, involves contacting potential placement sites and securing volunteer slots. It also demands an ongoing dialogue with the agencies to insure maintenance of a good working relationship.

e. Client and Site Monitoring/Follow-Up

Client and placement site monitoring have taken on different modes from project to project. The extent of such monitoring is generally contingent upon the amount of feedback required by the referral source (court, probation, prosecutor, or jail). In locations where this type of follow-up has been considered highly essential, one staff person with a title like field representative, has been brought on to make periodic checks on clients and agencies. Reports completed by the field representatives are then passed on to the project director and client referral agency. Unless a community service project handles an extraordinary volume of clients the appointment of a field representative is not necessary. Restitution workers who perform initial client responsibilities like intake and placement development usually follow-up their assigned cases through termination. Also, a project may elect to adopt a reactive rather than a proactive form of monitoring. Under this scheme the client is periodically responsible for contacting the office regarding his/her progress. Staff take the initiative only when a failure to make contact becomes evident. Less project personnel time is required to record contacts than to go out and actively pursue community service volunteers for progress reports.

f. Data Collection/Evaluation

Data collection and evaluation are essential for a project to track its progress and pinpoint its shortcomings. Funding to continue future operations is often contingent upon positive evaluations. The expected volume of clients should dictate the need for an in-house evaluator and data collector. If the volume is small these duties can be handled by the director or a designee and a clerk respectively. Otherwise, outside help will most likely be necessary. It should be pointed out that these tasks involve more than the gathering and analysis of information, but also entail form or systems design, report writing, and presentation of findings.

g. Vocational and Mental Health Counseling

Support services, such as vocational and mental health counseling, are optional, depending on the philosophic bent of the project, sponsor, and community. If the project is designed to intercept offenders and try to remediate problems, in addition to filtering them into community service assignments, support services are appropriate. It is recommended, however, that such services be limited to intervention, i.e., crisis counseling, and not long-term type services. Projects should not lose sight of their main purpose, community service, by getting too involved in support activities. Staff hired to perform these tasks should be well informed of the agencies in the area providing intensive services so that clients requiring long-term help can be referred out.

Obviously, trained staff are needed to undertake these skilled functions. The number of positions required is contingent upon the anticipated number of referrals needing support services and the variety of services to be offered. For a more detailed discussion of support services, refer to Sections IV-11 through IV-14 of this handbook. Given a hypothetical site in a medium-sized urban community, and based on DRI's experience, the following staff structure is recommended: one project director/coordinator; two-three restitution workers; one mental health/vocational counselor; one clerk/data collector; and one secretary.

The project director would assume the duties described above and take on client responsibilities as time permits. The restitution workers would handle all client functions including intake, placement, monitoring, court liaison, and termination. One person would be assigned to handle the various short-term client support services, generally consisting of mental health and vocational counseling. A clerk would conduct all internal record keeping and data collection, while the project director becomes responsible for evaluation. The final position is one secretarial slot to handle typing, filing, and receptionist duties. Because the secretary may have frequent telephone interaction with clients, referral agencies, placement agencies, etc. that person should be someone knowledgeable about the project and sensitive to its goals.

Another consideration in staffing a project is bilingual needs. In a community where the primary language of a large percentage of clients is not English, those staff dealing directly with clients should be recruited with the language need in mind.

III-5. WHAT COSTS ARE INCURRED IN OPERATING A COMMUNITY SERVICE RESTITUTION PROJECT?

The following factors impact the total cost of operating a project.

- a. Salaries
- b. Rent
- c. Supplies and equipment
- d. Travel
- e. Telephone
- f. Utilities, maintenance
- g. Training
- h. Transportation
- i. Purchase of services

Discussion

Actual project costs will, of course, vary according to the size of the project planned, prevailing salaries and local costs for items such as supplies and equipment. The largest single category is generally salaries. Thalheimer (1978)¹⁹ contends that the average community service/restitution program incurs 79.5 percent of its costs in personnel. His research shows the largest nonpersonnel categories to be rent, utilities and maintenance at 5.8 percent. Obviously, it would be to a project's benefit to optimize staff and thus minimize the overall operating expense.

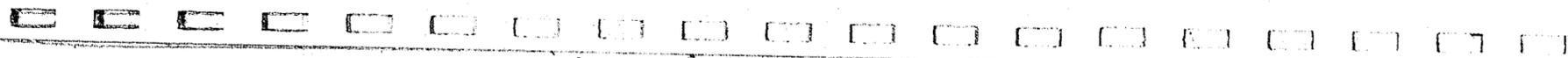
Specific recommendations cannot be made here regarding either the staff size or the amount of monetary compensation each person should receive. The following chart however, indicates the range of salaries (including fringe benefits), for various community service staff positions based on the LEAA projects studied. These salaries represent 1979 figures as presented in the respective grant proposals and, most likely, have since risen due to inflation, cost of living increases, etc.

TABLE 7

COMPARABLE SALARIES OF COMMUNITY SERVICE
 RESTITUTION POSITIONS - JULY 1979 (annual rate)

Position	Site A	Site B	Site C	Site D	Site E	Site F	Site G
Project Director/ Coordinator/Manager	\$17,988	\$16,000	\$13,655	\$12,000	\$13,200	\$12,504	\$18,296
Supervisor/Placement Coordinator/Vocational Coordinator		12,500	11,292	11,040			
Placement Developer/ Career Specialist/ Placement Represen- tative		14,000				12,000	12,300
Court Liaison/ Unit Representative		12,500					12,307
Restitution Worker/ Community Worker/C.S. Placement Specialist/ Correction Aide/C.S. Representative/Service	11,940	12,000	11,292	10,200		12,504	13,207
Administrative Assistant		11,000			8,700		
Clerk/Typist/Secretary			7,164	7,560			8,925

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It is evident that for comparable jobs, salaries showed wide variations from site to site. This was especially true for project director positions where starting pay ranged from \$12,000 to \$18,000. As noted previously, differences in compensation for these and other jobs were due to local pay scales as well as differences in duties from site to site and the amount of experience these people brought to their jobs. However, it is very important to set a director's salary at a level which will attract someone who is competent and qualified; a good director is a key to the success of a project.

The remaining categories (rent, supplies and equipment, travel, telephone and utilities) are all essential encumbrances of a community service project. Rental costs can be minimized by sharing space where possible and seeking out a relatively inexpensive location. However, it is advisable to house a project as close to the source of referral, i.e., the courthouse, as possible. Also, the amount of space should be ample and the physical surroundings sufficiently comfortable to create a good working atmosphere.

Experience has shown that local travel can be minimized by making extensive use of the telephone and requiring clients to see staff at the project offices when personal contact is necessary. Aside from the initial meeting, contacts with placement sites regarding referrals and client monitoring can effectively be conducted by phone or mail.

Following is a breakdown of the LEAA projects studied by their total costs and number of projected clients. The per client cost is calculated simply by dividing the total project budget by the projected number of clients for each site. The purpose here is not to compare projects based on costs, but to point out the range of program costs based on such factors as the size of the potential client pool and the extent of services to be provided. For instance, Project A's relatively high per client cost is a factor of a small, select target population and extensive support services such as vocational training built into the operation. Project B, on the other hand, serves a metropolitan area with less restrictive criteria applied to its target population. Also, Project B provides virtually no client support services, but acts primarily as a conduit to screen, place and monitor community service referrals. Project F operates out

of a small community, thus limiting the volume of potential referrals and raising the per client costs. Certain minimal fixed expenses such as salaries, rent, telephones and equipment are absorbed by any project regardless of its caseload. Therefore, the per client costs in a small town may exceed those in a large city primarily because of the fewer number of clients available.

In preparing their budgets, project directors should be cognizant of the fact that start-up expenses necessary for such activities as staff recruitment and program promotion will cause a disproportionate amount of their funds to be expended in the first months of operation. Therefore, funds should be appropriated accordingly.

TABLE 8

BUDGETS AND FACTORS IMPACTING BUDGET SIZES:
LEAA COMMUNITY SERVICE RESTITUTION PROGRAM

SITE	INITIAL STAFF SIZE (Prof)	TOTAL BUDGET	PROJECTED NUMBER OF CLIENTS	PROJECTED COST PER CLIENT	TYPE OF SERVICE AREA	INITIAL CLIENT RESTRICTIONS	TYPES OF SUPPORT SERVICES
A	6 (2 full-time 4 part-time)	\$163,777	450	\$363.06	multi-county, urban and rural, approx. pop. = 300,000+	women only - misdemeanors and felonies	counseling, educational vocational
B	3	111,260	1,320	84.29	suburban county; approx. pop.= 650,000	misdemeanors, minor felonies	minimal - referred upon request
C	9	231,046	1,200	192.54	suburban; approx. pop. = 200,000	misdemeanors, minor felonies	minimal - referred upon request
D	5	145,819	900	161.02	small metropolitan; approx. pop.= 560,000	none except with history of violence or mental illness	some follow-up vocational assistance
E	6	255,848	1,250	204.68	multi-jurisdictional; small urban, suburban areas; approx. pop.= 650,000	1st offender misdemeanants; shoplifters only in one of three sites	none
F	4	121,176	350	346.22	semi-rural county; approx. pop.= 105,000	misdemeanants only	minimal - referred upon request
G	15 (13 full-time, 2 part-time)	344,992	4,356	80.35	large metropolitan; approx. pop.= 700,000	unit 1 - misdemeanants only unit 2 - none except violent offenders	extensive mental health and vocational sources

III-6. WHAT TYPE OF INSURANCE COVERAGE IS NEEDED TO PROTECT VOLUNTEERS AGAINST INJURY AND TO PROTECT AGENCIES AGAINST LOSS OR DAMAGE CAUSED BY VOLUNTEERS?

The following types of insurance coverage can be put into practice in a community service setting:

- a. Coverage through governmental units such as counties or localities
- b. Coverage of community service volunteers through policies carried by placement sites
- c. Coverage by the project's sponsoring agency
- d. No coverage--waivers signed by volunteers

Discussion

While insurance may not be the most pressing item for a project to deal with, it is, nevertheless, an important issue which should be resolved before operations begin. Injuries incurred by clients while working at a site can cause physical hardships for the individual, medical expenses, time and monetary losses from job interruptions, etc. By not being covered for such eventualities, a project leaves itself open for lawsuits and all the ramifications inherent in such actions. Also, loss and/or damage to an agency which can be attributed to community service workers can be costly to a project from a financial as well as public relations standpoint. One LEAA project found many potential placement agencies reluctant, or unwilling, to accept CS volunteers until insurance coverage for the workers and agencies could be assured.

It is certainly preferable for a community service project to carry its own insurance rather than having to rely on placement sites for coverage. If a project is sponsored by an agency of the government, such as probation or corrections, administrators should attempt to extend normal client coverage to community service volunteers. If, for instance, a CS project were sponsored by

corrections, volunteers would be considered (for insurance purposes) the same as jail inmates.

If a particular project is not tied to a local unit of government, or for some reason cannot get a government agency to extend insurance coverage to community service people, an alternative is to try to get the project's sponsor to provide coverage. Such was the case with the first year OAR project in which OAR, a national nonprofit organization, arranged insurance for CS volunteers in each of its three project sites. However, a project may encounter resistance from sponsors if such coverage requires absorbing the expense of taking out a new policy.

A project should approach placement agencies for extended coverage if all attempts to arrange in-house insurance fail. In many places this coverage would be afforded to CS volunteers as a matter of course. However, resistance may be encountered because of the clients' criminal status and the added responsibility the sites are being asked to carry. Also, some agencies may not be accustomed to employing volunteers, or may not carry insurance if they are.

The least attractive of all options is to carry no insurance. Even if volunteers sign waivers, the project may still be legally liable in the event of worker injury or death.

Most placement agencies have their own coverage against damage or theft caused by volunteers. Nevertheless, project staff should have a clear understanding of these provisions before referring someone to a particular placement site.

The details of any insurance arrangement will be much more complicated than outlined above. A project should talk with attorneys and insurance experts before reaching final decisions in this area.

IV. INTERACTION WITH THE CLIENT AND COMMUNITY

This section seeks to provide working guidelines for the day-to-day operation of a community service restitution project. It discusses procedures for processing clients through a community service system, from referral to termination. A discussion of the various practices for monitoring client progress through a community service assignment as well as maintaining communication with placement agencies and other criminal justice officials is also presented. Finally, the type and extent of support services that can be provided to the clients are reviewed.

Questions to be addressed in Section IV are:

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IV-1. WHAT ARE THE VARIOUS TYPES OF CLIENT REFERRAL PROCESSES?

In the LEAA projects studied the client referral mechanisms vary primarily by the origin of those referrals. Different processes and different people are involved if the projects receive their clients on a:

- a. Pretrial basis
- b. Postconviction basis
- c. Postincarceration basis

Discussion

a. Pretrial Basis

Pretrial referrals originate from the bonding process as part of a secured release arrangement, or from the prosecutor's office as part of a deferred prosecution package. Enabling legislation or state statutes may be required to give referral agents the authority to release or divert defendants (see legal section). In the secured release situation, one of several people could make the decision to release (in lieu of bond or custody) to community service. These persons include booking agents, arraignment judges, bond commissioners or pretrial services screeners. In all likelihood, community service will be one option a pretrial services program can prescribe under a supervised release arrangement. Therefore, as a rule, a referral under these circumstances will be made to pretrial services and they, in turn, will make the decision to assign community service hours.

Decisions to divert defendants from prosecution are virtually always made by the prosecutor, whether it be the district, state, county, or commonwealth attorney. The extent of a project's participation in pretrial decisions to divert to community service, on supervised release or deferred prosecution, varies from location to location. Project involvement in these decisions can be limited by the degree of latitude the referral agent will allow the staff to exercise. The prosecutor, judge, or commissioner may desire no more than

written and agreed upon eligibility criteria from the projects. On the other hand, prosecuting attorneys at the OAR project sites (Fairfax County, Virginia; Madison County, Indiana; and Durham, North Carolina) permit community service staff to flag eligible defendants from the court docket. Staff are in court during arraignments to further advise prosecutors and judges on the advisability of referring particular defendants.

Whether or not permitted direct case by case input, CS projects generally have the responsibility to see that referral agents are fully aware of the community service alternative and understand the eligibility requirements.

b. Postconviction Basis

The court is generally the sole referral decision maker when community service is prescribed as a postconviction sentencing alternative, or as a deferred sentencing condition. Here the judge imposes community service in lieu of, or in addition to, a sentence of jail time and/or probation. With deferred sentencing, a disposition has been reached, but imposition of sentence is suspended conditional upon successful completion of community service. Oftentimes postconviction CS assignments are aligned with some form of informal probation and the referral is made to a probation officer. In these cases, unless part of probation, the project must work with that department throughout the duration of the community service assignment. At referral, a system should be worked out whereby primary responsibility for a client is transferred to the project, with regular status reports going to probation. Also, both agencies (probation and community service) must decide who will make client status reports back to the court if such reports are required.

As was the case with pretrial projects, the active role of CS staff in influencing referral rates is largely dependent on the court's willingness to accept assistance. At least a physical presence is recommended, especially early in the program to visually remind the court of the project's existence.

c. Postincarceration Basis

DRI's evaluation of postincarceration projects involved scrutinizing two types of situations, community service in lieu of weekend commitment and community service as part of a work furlough program. In both situations, correctional authorities make referral recommendations to community service.

A very active role for project staff is suggested in securing postincarceration referrals. While the LEAA experience has shown a strong willingness on the part of jail administrators to divert detainees to community service, their primary concern is managing their institutions. Therefore, project staff should take the initiative to identify and recommend eligible detainees for release. This involves reviewing jail rosters to flag eligible releasees and making recommendations to the proper correctional officers. It is also preferable for the project to be housed within or near the correctional facility to facilitate close access to clients and jail personnel.

IV-2. HOW CAN THE LENGTH OF A COMMUNITY SERVICE ASSIGNMENT BE DETERMINED?

Project management should strive to develop rationally based assignment lengths. This process encourages consistency in community service workloads from one offender to another.

Several issues arise in trying to establish these guidelines. Initially, one must decide what criterion or criteria to use as a standard for prescribing sentence length. Any combination of factors including present offense, prior offense history, employment status, etc. may be taken into consideration in deciding the duration of an individual's community service obligation. Also, an individual's personality and related needs which a community service assignment may remediate should be taken into account. For example, a referral agent may determine that one defendant requires a punitive experience, while another's community service work should serve as an educational experience.

Given all these variables, the task of developing guidelines becomes very complicated. A project may establish some sort of weighted point scheme so that each factor can be scored and assigned a weight according to its predetermined level of importance. Development of such a scale should be accomplished in conjunction with referral agents. An individual defendant's total score then determines the hours or range of hours he/she should be assigned.

Several of the LEAA projects studied have eligibility criteria which "equalize" some of the variables described above. For example, if a community service agency accepts only those defendants aged 18-25, with no prior offenses, age and criminal history will not be factors in setting assignment length. In these cases the referral offense generally becomes the primary variable. An example of assignment length guidelines based on the referral offense follows. A system similar to this was in practice at the OAR/Durham and OAR/Madison sites.

<u>Referral Offense Type</u>	<u>Range of Hours</u>
Class 3 misdemeanor	10 - 20
Class 2 misdemeanor	21 - 30
Class 1 misdemeanor	31 - 40
Class 5 felony	41 - 50
Class 4 felony	51 - 60

A range of hours corresponding to offense charges such as the example above can be worked out jointly between the project staff and the referral agents. A suggested initial step would be to develop minimum and maximum service limits for any referral. For instance, a given site might conclude that no referral will be assigned less than 10, nor more than 50 hours.

Most projects will have established eligibility criteria based on referral offenses. For example, a given jurisdiction may limit eligibility to those charged with misdemeanors or minor felonies. Given the range of eligible charges and the lower and upper service hour limits, the next step is to fit the various charges into a range of hours. This can most easily be accomplished by categorizing the spectrum of acceptable charges according to the state penal code, i.e., Class 1 misdemeanors, Class 2 felonies, etc. The range of hours can then be apportioned progressively according to the relative severity of the referral offense. Also, as an intermediate step, projects may survey existing community service programs (see Appendix C) to get some idea as to hours assigned for various offenses at other sites. The information derived can serve as a yardstick to setting one's own recommended assignment length categories.

By creating a range, other factors besides the offense can be considered in determining which point in the range to use. Referral agents can then exercise some discretion in making these decisions.

Another approach to setting community service assignment lengths for convicted offenders is to derive a formula based on the type of sanction the community service option is designed to replace. If community service is to be an alternative to a suspended fine, a formula can be worked out to replace the dollar amount of the fine for each day served, (i.e., one day per every \$10

fined). Similarly, if CS is to serve as an alternative to jail so many days may be replaced by so many days of community service. The latter system was used by PACT, the former by Arrowhead and San Francisco's Postconviction Unit. A potential problem with this approach relates to the question of whether or not the fine or jail sentence was determined and administered rationally. Realizing that community service will replace the traditional sanction, a sentencing judge may elect to impose a harsher than normal sentence, suspend all or part of it, and assign community service hours in its place.

A corollary issue involving assignment length is the amount of time to be allotted to each client to complete the assigned hours. Maximum time frames may be set by the referral agent on a case-by-case basis, by the project on a case-by-case basis or by a pre-established formula for all referrals. In the LEAA program studied, the projects generally had the authority to establish completion time frames.

It is advisable to develop time limits on a per case basis, in that the availability and needs of each referral are likely to be different. For instance, an unemployed individual certainly requires less time than a fully employed worker or student to complete their assignment. A project should strive in all cases to develop a time frame which allows the volunteer ample time to complete the service, yet which is not so long as to encourage procrastination.

A given project may wish to establish timetables for completion based on their experiences or those of other projects. PACT, for example, after operating for several months, developed a simple formula for all clients whereby one week was allotted for every six hours assigned. Therefore, a 60-hour community service sentence would carry a maximum time limit of ten weeks. Variable criteria may be established for referrals with differing time and responsibility constraints (i.e., employed vs. unemployed; children to care for vs. no children, etc.). It is also advisable to include the time limits in the contract between the project and client signed at intake.

Implementing standardized assignment procedures at the front end is not always easy. Convincing persons like judges of the merits of uniform sentences can prove to be highly frustrating. The LEAA experience has shown

judges and prosecutors generally are very reluctant to yield their case-by-case decision making powers.

To lessen possible resistance to this concept, proponents should meet with the person primarily responsible for sending referrals, e.g., the chief judge or district attorney while the community service concept is still in its planning stage. If this person can be convinced of the utility of guidelines for assignment lengths and time frames for completion, the order should trickle down to his/her colleagues. When the project starts and referrals begin coming, a schedule of recommended hours can be used from the outset. If this approach does not work, project staff can attempt to influence the adoption of voluntary guidelines once a track record of assignments has been established. For example, regular feedback to judges showing the length of their CS sentences by various defendant characteristics, and those of other judges in that jurisdiction, may bring about voluntary standardization.

IV-3. HOW SHOULD CLIENT INTAKE PROCEED?

The following list represents a consensus of procedures followed in client intake by the LEAA projects studied:

- a. Initial contact
- b. Eligibility confirmation
- c. Final intake screening
- d. Work placement

a. Initial Contact

After referral the potential client meets with project intake officers within one to two days. If project staff are present at the point of referral (usually in the courtroom) this initial screening can take place immediately. Delays beyond two days tend to increase the risk of a "no-show."

This first meeting familiarizes the referral with the philosophy of community service restitution and gives the staff a chance to learn about the potential client. Staff may hand out any brochures or other literature describing the project. Information is gathered regarding the referral's skills, volunteer work interests, need for support services, full-time job commitments, days and hours of availability, and transportation needs. The referral is told the amount of hours that have been assigned and how long he or she will be given to complete the work should acceptance occur. Finally, intake officers should get a preliminary agreement, preferably in writing, stating the individual's intention to participate.

b. Eligibility Confirmation

Referrals are often made to projects on the basis of incomplete and/or unverified information. One item frequently requiring confirmation is the person's criminal history, which in many cases is not available to the court or other referring agent. Criminal history files are usually accessible through

state law enforcement agencies. The project should also verify items like residence and employment status.

Care should be taken to complete this eligibility confirmation as quickly as possible. It is vital to get the referral back in for final intake processing if the evaluation is positive, and return the referral if it is negative.

c. Final Intake Screening

Once a referral has cleared eligibility screening, formal intake processing can begin. This should take place no longer than one week after referral.

The important business to accomplish at this meeting is the signing of an agreement, or contract, between the community service project and the new client. Both parties should agree to the total hours of work required, reporting obligations and sanctions for nonadherence to contract terms. The project and client should negotiate an assignment completion date commensurate with the person's availability for work and the project's natural desire to get the work done as quickly as possible (see Section IV-2).

In the interim between initial screening and this final intake interview, project staff should have selected a volunteer site and developed a work plan for the new client. Site selection should be based on the worker's needs and interest, hours of availability, and the availability of placements.

Several other matters must be handled at this final screening. The project should go over termination procedures. Clients should be informed of any pending court hearings and their obligation for attendance. Details of monitoring should be reviewed. Any special screening for support services, i.e., vocational testing, should take place at this point and referrals made to the appropriate agencies for delivery of these services. Finally, the client should be notified of phone numbers and addresses where project staff can be reached if contact becomes necessary.

d. Work Placement

Project staff must decide how volunteers are to be placed in work assignments based on client needs and availability and the types of services

required by placement agencies. Ideally, a single assignment through the term's duration is desirable. All LEAA projects studied strived to limit the number of placements per volunteer. This is not always possible. Requests for community service volunteers at certain times, on specific days and coordinated with work availability is often difficult to achieve without staggering assignments. Therefore, multiple, rotating placements sometimes become necessary.

The rotating placement system can be successfully implemented only under select conditions. First, the total assignment must be short (about 20 hours or less) so that the client does not get shuffled around too much. Second, there should be a stated need by local agencies for short-term help. Finally, placement sites should be in close proximity to one another to avoid undue transportation demands on clients.

Overall, single placement appears to be superior to multiple placements for several reasons. Clients can "get into" their work more, accomplish more, and perhaps, learn some skills. The chances of continued volunteer service or paid employment at a given site are enhanced when one site is the permanent work place. Experience has shown that longer term work tends to be more meaningful, as reported through DRI's client survey. Keeping track of multiple placements can become a cumbersome chore for project staff. On the positive side, volunteering in several places exposes clients to different types of work and different types of work settings.

For the mutual benefit of clients and placement sites, community service projects should make an effort to match volunteers' skills and interests with placement opportunities. For unskilled referrals, attempts can be made to create a situation in which new skills can be learned. For clients with special needs the project may make a concerted effort to help remediate those needs through community service placements. For example, a lonely homebound individual who committed a crime to gain attention would be well served with a placement involving extensive exposure to and work with other people.

Projects may try to gear assignments to clients' referral offenses. For instance, someone charged with drunk driving may be asked to serve as a

counselor in an alcohol treatment center. Similarly, a charge of defacing public property may bring an assignment related to public beautification.

The client's community service schedule should be designed around that person's work and personal time commitments. The LEAA experience has shown many volunteers to be available at night or on weekends only. Therefore, it is incumbent upon a project to develop enough night/weekend placement opportunities to meet the expected high demand. It is generally more difficult to locate such placements, as the majority of agencies operate during regular business hours. The LEAA projects have demonstrated that maintenance, janitorial and public works assignments are the most readily available at these off times. However, more "meaningful" kinds of placements for night/weekend volunteers can also be found. Perhaps the best example is hospital work, where the need for help is most acute after hours and on Saturday and Sunday. Placements, especially in urban areas, should be located as conveniently as possible to a client's home and/or job to minimize travel. Also, unless there is an attempt to match the CS assignment with a particular offense, the project should make every effort to match an individual's skills and interests with his or her placement assignment.

In referring a client the project should be cognizant of the fact that these are people who have been implicated in some criminal activity. Therefore, staff should be sensitive as to where these people are placed. For instance, it is probably a good idea not to refer someone accused with a drug related offense to work at a hospital or other agency where such items are readily accessible to avoid a possible negligency charge. Also, the project should work out a plan with each agency supervisor to notify them of the nature of the charges against the community service volunteer. To maintain confidentiality and avoid problems only the supervisor should be made aware of the charges and the fact that a volunteer is on a community service assignment.

IV-4. INTO WHAT TYPES OF ASSIGNMENTS AND AGENCIES CAN COMMUNITY SERVICE VOLUNTEERS BE PLACED?

The types of work and the types of nonprofit agencies in which clients can be placed are almost limitless. Following are selected lists of the kinds of assignments and types of placement agencies that have been utilized by the LEAA community service programs.

TYPES OF VOLUNTEER WORK

- Clerical (typing, filing)
- Fix-up
- Park cleanup
- Public landscaping
- Bookkeeping
- Library aide
- Hospital aide
- Day care
- Clothing repair
- Furniture repair
- Drug/alcohol counseling
- Recreation assistant
- Care for the elderly
- Animal care
- Street/road maintenance
- Painting
- Carpentry
- Bus driver
- Assistance for blind/retarded/deaf
- Tutors

TYPES OF PLACEMENT AGENCIES

- Red Cross
- Salvation Army
- Government road/highway depts.
- Nursing homes
- Hospitals
- YMCAs
- YWCAs
- Women's resource centers
- Boy's clubs
- Institutions for blind/retarded/deaf
- Schools
- Veteran's organizations
- Sheltered workshops
- Park services and public works departments
- Humane societies
- Animal shelters

- Museums
- Cultural centers
- Mental health centers

- Libraries
- Camps
- Drug/alcohol treatment centers

IV-5. WHAT APPROACHES TO MONITORING CLIENTS AND PLACEMENT SITES CAN A PROJECT EMPLOY?

As noted briefly in the section on staffing, there are two basic approaches to client follow-up, proactive and reactive. Under the proactive philosophy, the management of a community service project assumes the initiative to follow-up client progress. The terms of such follow-up are generally specified in the joint contract agreed to at intake by the project and volunteer. Client performance and evaluation is conducted to ascertain information concerning: how the volunteer is adapting to the assignment; how he or she is reacting to supervision received; how things are working out with regard to hours, transportation, job conflicts, etc.; and how, if at all, the situation can be improved.

Placement sites are also contacted at a regular interval under this proactive approach. The project queries the designated agency representative about the client on the quality of the volunteer's service, absenteeism and punctuality, the client's attitude, and any problems which might be surfacing. To facilitate this information flow, the CS project should develop and distribute forms to each active placement site. Upon receiving input from the client and the placement agency, the monitor generally draws up a report noting the information gathered and enters the findings in the client's file. Also, an understanding should be established at the outset of the project regarding the receipt of client progress reports by referring agents within the criminal justice system, such as the court or prosecutor.

Under the reactive approach, the project takes action only when alerted to the need for intervention by the placement agency or client, or when they become aware of a special need. This is not to say, however, that performance evaluation does not take place. Usually, under this procedure, clients must take the initiative to contact the project on a regular basis. Placement sites are asked to reach the project periodically to report overall satisfaction with the community service volunteers and to point out any problems with particular individuals.

Proactive monitoring is beneficial in that the project is always on top of each client's status vis-a-vis work and location. The reports generated by this process provide a comprehensive chronology of a volunteer's progress through a program. Whether they use the information or not, client referral sources generally appreciate such reports and tend to look favorably upon community service projects for having the initiative to track the progress of these offenders. Also, placement agencies have indicated good will toward those projects which take the time and trouble to follow-up on referrals. The major drawback to this type of monitoring is the fact that it is very time consuming, especially in those projects with a large volume of clients. In sites such as these, it may become necessary to designate one staff person strictly as a case monitor.

The reactive type of monitoring has the advantages of being less time consuming and of placing the responsibility for reporting with the offender. The argument might be made that this is where the responsibility should lie, and that projects should not "coddle" their offender volunteers. The disadvantage of this system is that less extensive data becomes available on each client. Also, the project cannot detect problems which may be occurring and react to them as expeditiously as if they were actively seeking out data. Furthermore, a project can use the opportunity afforded by contacts to remind clients of pending court appearances or other criminal justice obligations.

In the case of pretrial projects, active contacts with clients are vital in order to insure the defendant's appearance at subsequent court hearings. The rationale behind community service and pretrial release is to create a supervised release situation through which the CS project takes responsibility for the defendant's appearance at future court proceedings. Therefore, it is incumbent upon a project to actively monitor their clients to remind them of court dates as well as check on their work performance.

IV-6. HOW OFTEN SHOULD CLIENT MONITORING BE CONDUCTED?

Project staff should agree on a time frame for each client in which agencies and volunteers are contacted often enough to provide regular updates, yet not so often as to cause a nuisance. The frequency of exchanges between project staff and a placement agency supervisor is dependent on that supervisor's willingness to cooperate and the degree of sympathy he or she displays toward the goals of community service restitution. Agency contacts should be coordinated to obtain reports on as many clients simultaneously as possible. As a general rule, the longer the assignment, the less frequent and more spread out the monitoring should be. If, for example, a client is projected to take several months for completion of an assignment, after the initial contact, monthly contact would seem sufficient. For someone working a two-week assignment, one monitoring session is probably enough. Whatever the total number of contacts over the duration of a case, the initial one should be early so that any start-up problems can be quickly remediated.

IV-7. HOW SHOULD CLIENT PROBLEMS UNCOVERED THROUGH MONITORING BE DEALT WITH?

There are not "tried and true" formulae for dealing with client problems uncovered through performance evaluation. Basically, the interests of the client, placement site, and project should be weighed together to derive a course of action most beneficial for all concerned. Regardless of the steps taken in any particular instance, a community service operation should have existing policies for dealing with the most common problems.

During the LEAA projects studied, the types of issues which surfaced most often were worker absenteeism and tardiness. Work quality and attitude problems were also prevalent. The primary options open to projects in dealing with these occurrences are: (1) take no action; (2) talk to the client and agency supervisor after which the client is awarded a second chance; (3) transfer the client to an alternate work site; or (4) terminate client from the project.

It has generally been considered in the best interest of the offender and project to try to work things out upon the first sign of any trouble in order to permit continued service at the original site. Beyond that, it is probably best in most cases to transfer the offender from a work site to avoid a pattern of recurring problems and to maintain a good rapport with that agency to insure future referrals. Unsuccessful termination should be enforced only when all attempts to work out another solution have failed. As previously stated, the client should be informed both at the outset, and again if problems arise, of the consequences of unsuccessful termination.

IV-8. HOW SHOULD MONITORING/PERFORMANCE EVALUATION INFORMATION BE RECORDED?

The forms in Appendix A represent examples of client performance data collection instruments used by the Jacksonville Community Restitution Clearinghouse in Jacksonville, Florida. These instruments amply reflect the types of information that need to be collected as part of performance evaluation.

IV-9. WHAT PROCEDURES SHOULD BE FOLLOWED IN THE CASE TERMINATION PROCESS?

A project is responsible for making sure the client, placement agency (or agencies) and the source of referral are all notified of a pending termination. The client, (through self-reporting), or project monitors (through their contacts) should be aware well in advance of the work completion date. When the required community service work has been completed, the client should contact the project staff to notify them. Work supervisors should be required to fill out a brief, final client evaluation confirming that person's successful completion of the assigned work.

Steps to be taken with referral agents depend to a great extent on the types of referral (pretrial, postconviction, or postincarceration). In the cases of pretrial and deferred sentencing, defendants are doing community service work in the place of bond, filing or sentencing. Therefore, it is very important that the judge and/or prosecutor responsible for making the diversion decision are notified of the alternative service results. This may take place through a formal hearing or through informal notification, depending on the referral agent's desires.

In the case of an unsuccessful termination of a diversion assignment, the referral source should be notified immediately so that they can take whatever actions they deem necessary. With successful diversion clients, it is usually required, at a minimum, to submit a written report detailing the results of the community service work. Oftentimes project staff are asked to appear in court to present their results. If these clients are put under any form of probation supervision, it is generally the probation officer, with or without the assistance of project personnel, who delivers the community service report.

Judges sometimes do not request termination reports on successful clients who have been required to do community service as a sentencing option. If CS is part of a probation sentence, however, failure to successfully complete the assignment can result in a probation revocation being filed with the court. In other cases, the court may issue a bench warrant for the arrest of an

unsuccessful referral. It is always a good idea for a project to file a report with the referring agency, whether or not one is requested, to avoid any possible misunderstandings.

Because release from incarceration or suspension of a jail sentence is at stake in a postincarceration project, staff should make sure to report completion of an assignment promptly to the designated correctional authorities. Unsuccessful terminations should also be reported immediately. Beyond that, it is up to these authorities to decide what they want to do and whether they want anything more from community service.

It is certainly desirable for projects to spell out the types of sanctions to be imposed if the volunteer fails to successfully complete the assigned service hours. Preferably, such sanctions should be written into the service contract and fully expand to the client at intake.

The types of sanctions vary according to the point of referral in the criminal justice processing. Failure to meet the terms of community service in a pretrial release situation will generally result in a bond revocation and return to detention. In a diversion situation, unsuccessful termination most likely will result in the resumption of case processing through prosecution. With deferred sentencing, failure will result in the upholding of the conviction and imposition of sentence. In a postconviction situation, an unsuccessful termination can result in a revocation of probation, if probation is part of the sentence, or the issuance of a bench warrant and return of the defendant to court. In cases where community service is a diversion from incarceration, a negative termination usually results in the return of the client to serve all or part of the original jail sentence.

Avoidance of the negative consequences described above will serve as a prime incentive for program completion. In addition, diversion and deferred sentencing projects may offer expungement of criminal records relating to the referral offense, which can also motivate clients to complete their assignments. Additional incentives can be built into volunteers' individual work plans. For

instance, if the type of work is matched to the client's interests, if the work becomes a learning experience, or if the client gains help through the program in finding full-time employment, he/she is more likely to fulfill the community service obligation.

IV-10. WHAT IS THE ROLE OF A COMMUNITY SERVICE PROJECT IN PROVIDING SUPPORTIVE SERVICES TO CLIENTS?

At some point, most community service restitution programs decide whether or not to provide support services to program participants. There are basically three options available to programs for the provision of support services. These options are: (1) to offer minimal support services and to maintain a low profile unless the participant specifically requests services; (2) to act as a broker or linkage between the client in need of services and the agency providing the needed services; and (3) to offer in-depth direct service from in-house project staff such as a mental health counselor or employment counselor.

When community service programs are considering these options, there are a number of factors that can assist the project staff in deciding if and how support services can be provided directly and/or made available to the clients.

IV-11. SHOULD THE COMMUNITY SERVICE RESTITUTION PROGRAM BE RESPONSIBLE FOR PROVIDING SUPPORT SERVICES TO ITS PARTICIPANTS?

An agency can opt to deliver services, broker services, or ignore the support service issue. The following list and discussion can assist project staff in deciding which option to choose. This list provides an outline for conducting a needs assessment of the clients, the project, and the criminal justice system. The factors to consider in the assessment are:

- client characteristics and client needs, e.g., type of client (age, income, education, etc.) and type or nature of offense
- program location, urban vs. rural
- community service program goals and objectives
- program staff resources available
- costs to provide services
- program organizational structure and staff responsibility
- support services currently available within the criminal justice system

Discussion

Client characteristics. Perhaps the primary consideration in deciding whether services should be provided is the nature of the local client population. Are potential clients in need of services? This question can be addressed by reviewing the characteristics of the population participating in the community service program. In addition to their sociodemographic characteristics such as age, race, economic and employment status, education and so on, it is important to consider the type of referral offenders, e.g., minor traffic violation, petty theft, felons, and their historical need for these services. For example, an individual committing a first-time traffic violation may not require support services. On the other hand, a petty theft charge or shoplifting charge

may indicate the individual is unemployed and committed the crime out of desperation. In this type of situation the program would be in a key position to assist the offenders by referring them to an employment agency, a financial assistance agency or career/vocational training center.

Program location. The location of the program can also assist staff in determining the need to offer support services and the extent to which they should be available to the clients. From a review of the LEAA community service demonstration programs, high density urban areas appear to have a greater need for mental health services and vocational/career counseling than the rural areas. This factor is related to the population characteristics; type and nature (e.g., seriousness of the crime) of offense; availability and accessibility to community support services; and most importantly, varying environment factors.

Community service program goals and objectives. A third factor to consider relates to the objectives and goals of the program. The program goals, objectives, eligibility criteria, and client selection guidelines are items to consider in determining whether to provide support services. Program goals will assist project staff in deciding if a support services component will in fact enhance the program. For example, will the availability of in-house counselors have more of an impact on recidivism rates than services provided by community service agencies? In sum, the goals and objectives of the program should support the need for providing support services.

Availability of project staff resources. Another factor is consideration of the staff resources available to provide adequate support services. A social support service component requires additional staff responsibilities and a time commitment. It may also involve training and/or knowledge about community service agencies. The success or failure of a support service component depends largely on the staff's experience and desire to assist clients with their service needs.

Costs. Cost considerations are extremely important since the delivery of support services involves staff time to arrange referrals and additional staff when the program provides direct client services. While the cost factor may be difficult to assess, programs should review the time/costs involved in determining client service needs, reporting procedures, telephone calls, and the costs involved in arranging appropriate service referrals for the participants.

Program organizational structure and staff responsibility. A fifth consideration is the program's organizational structure and staff's duties and responsibilities. When community service programs question the need for support services, they should also consider how the service component will be integrated into the organization. If the proposed support service component requires a change in the organizational/staffing structure, it is important to solicit input from the staff. What are the staff's needs and how will the additional component influence their performance, etc? What additional responsibilities will they assume?

Support services currently available within the criminal justice system. Another consideration is whether other agencies within the criminal justice system offer support services. This issue needs to be examined since frequently the probation officers will act as a broker to obtain services for offenders. Further there may be other individuals and/or programs within the system who have assumed responsibility for counseling clients (e.g., drug and alcohol programs) or referring clients to appropriate support service agencies. In fact, linkages between the criminal justice system and the community social service system may already be established. This should be investigated by the project staff prior to their decision to provide or not to provide supportive services.

In sum, the factors mentioned above provide a checklist to assist programs in determining whether support services are in fact a necessary program component. This list further assists staff in reviewing their internal functions and client characteristics and needs. Finally, there is an external

factor which needs to be considered, and this involves a review of existing community support service resource.

IV-12. WHAT TYPES OF SUPPORT SERVICE RESOURCES ARE AVAILABLE IN THE COMMUNITY?

The decision to provide support services should also depend on an assessment of existing community social services. Once the client characteristics have been assessed and specific needs are in fact identified, the program is in a position to decide if the client should be referred to an existing community service agency or if the services should be provided in-house. To determine this, an assessment should be conducted of community service resources. The following concerns should be addressed:

- availability and accessibility of community resources
- quality of services
- cooperation and coordination between the program and community social service agencies

Discussion

Availability and accessibility of community resources. Although program staff have determined, through an individual needs assessment or at the request of a client, that specific services are needed, the service may be unavailable in the community. Further, if specific types of services are available, they may be unaccessible to program participants. For example, some social service agencies may be reluctant to accept referrals from a community service program. The services may also be inaccessible due to the client's personal situation such as transportation problems, ethnic background, etc. Thus, the program staff, when considering the support service options, must be aware of: (1) the types of support service programs available; (2) the client population they serve; (3) accessibility to the service agency's programs and eligibility criteria; and (4) agency's physical location.

Quality of services. Following an assessment of the existing support service agencies, the program should also consider the quality of services provided at these agencies. In addition, project staff should determine whether the social services available are appropriate for the offenders and that the agency is capable of addressing the needs of project clientele.

Cooperation and coordination. Finally the community service program will want to consider the establishment of cooperative agreements with certain community service resources. This implies that social service agency personnel be contacted and an agreement is established. In some instances service agencies may be reluctant to cooperate due to staff shortages, the types of services available, etc. These factors need to be considered during the assessment stage and prior to determining how and if support services are provided.

IV-13. IF SUPPORT SERVICES ARE AVAILABLE TO PROGRAM PARTICIPANTS, HOW SHOULD SERVICES BE PROVIDED AND MANAGED?

When a community service restitution program decides to offer support services, the project staff must determine how the services will be provided (e.g., staff duties and level of involvement) and how the services will be managed.

Discussion

Services provided. Several different approaches have been utilized for providing support services. One approach is to have project staff maintain a low profile with respect to services and responding when the client expresses a need for help, or when ordered by the court. These projects also provide basic help to clients such as reminding them of upcoming court dates, providing bus schedules and encouragement to persevere in their assignments. At this point, the staff determine their role and the level of effort required on their behalf to obtain services for the client. The staff can choose to either provide the name of the agency and contact person to the client, or they can actively pursue an appropriate resource. The latter approach entails the staff contacting the agency personnel, discussing the client's needs and making the necessary placement arrangements. Thus, when CS programs decide to take a low profile approach, there are varying levels of staff involvement and the extent to which support services are actually provided.

A second approach is to have a program component/procedure of thoroughly assessing the client's social, physical, and psychological needs. If the assessment indicates the client needs support services, the staff assumes an active role in acquiring services in the community. In this situation the CS program acts as the primary linkage between the client and community service system. The "broker" or "service linkage" approach can be taken a step further whereby project staff monitor and follow-up on the client who is receiving

support services. If a placement is not successful, then the project staff intervenes and begins the process of obtaining an alternative service placement. It is important the project staff determine at what point, during the client's participation in the program, he or she is referred to a community support service agency. Some projects refer clients at the beginning of their community service, immediately following client screening procedures. Other programs conduct an "exit interview" when participants are either terminated from the program with cause or their community service term is completed. During the exit interview, participants are asked if they need to receive support services. When services are requested, the client is referred to a community agency.

A third option is to provide direct, extensive, in-house services (i.e., child care, vocational counseling), through the project. In most instances this level of support service is considered an agency luxury and it should be questioned whether it is necessary and/or beneficial to the client. Whether direct services are provided is dependent on the type of clients, location of project, and staff resources available.

In some instances direct services, such as crisis intervention, may be necessary. When the local mental health service system is inadequate, the criminal justice system is frequently the only alternative for the mentally ill. If this is the situation, an in-house mental health counselor is a necessity. The San Francisco Community Service Project has been extremely successful in developing a direct service component. In addition, this component of the project has further received very positive feedback from the criminal justice system. The direct services offered in San Francisco are mental health screening and evaluation and employment assistance for "job ready" clients.

Management of support services. There are a number of options for managing a project's support service activities. Some projects designate a staff member to serve as community support service liaison. This individual is responsible for determining the services needed and arranging the placement. In some instances they conduct monitoring and follow-up activities. In other programs, the staff responsible for placing the participant in the community

service assignment site is also responsible for obtaining support services. Finally, for projects with an in-house, support service component, the counselor or service provider is responsible for managing and monitoring all aspects of this unit. Their duties range from conducting needs assessments, providing counseling services, making referrals, maintaining records, monitoring clients, and identifying and selecting new community support service resources.

In sum, although support services are important they should not be overemphasized. An elementary level of client assistance should be accessible to volunteers in any project. Staff must have the capability to provide help with problems such as transportation information, reminders of work (court obligations, basic supportive counseling, etc.). However, the development of wide ranging brokerage services and/or extensive in-house capabilities should be weighed against the perceived need for such services, the costs, and the necessary resources. Further, participation in a community support service agency should not be a replacement for community work service. Finally it is recommended the contract signed between the client and community service program avoid any references or statement that the client is obligated to participate in a social support program, unless mandated by the court.

IV-14. WHAT TYPES OF SUPPORT SERVICES SHOULD BE AVAILABLE TO THE PROGRAM PARTICIPANTS?

Briefly, there are a variety of support services that can be made available to program participants. Listed below are some of the services the programs have made available to their clients. These include:

- Basic in-house services
 - client follow-up and monitoring services (e.g., telephone contacts, supportive encouragement)
 - liaison between court and client (e.g., court scheduling)
 - liaison between placement agency/work assignment and client (e.g., telephone contacts, site visits)
 - transportation assistance
- Extensive in-house services
 - mental health counseling
 - career/vocational counseling
 - child care services
- Brokerage services
 - Mental health centers/crisis centers
 - Employment centers
 - Career/vocational counseling and training centers
 - Local vocational rehabilitation centers
 - Drug and alcohol abuse programs
 - Programs for displaced homemakers
 - Physician/medical services
 - Financial assistance agencies
 - Information and referral agencies for social services

Discussion

As indicated above, there is a wide range of services and most are available and/or accessible in the community. However, as mentioned previously, the services provided should be determined by the client population, their characteristics, and the organizational structure and staffing for the community service restitution program. Further, in some instances it may not be necessary to have access to a career/vocational training resource center while it may be necessary to develop a cooperative arrangement with the local mental health/counseling center. Thus, community service programs should

carefully select the types of support services they offer their clients. We suggest that if a program decides to maintain a low-profile regarding support services, the staff should be aware of the service resources available. Likewise, key agencies such as mental health centers, medical service centers, and financial assistance agencies, etc. should be aware of the community service restitution project and program activities. In some instances, the fact that an individual is experiencing physical or psychological problems remains unknown until the individual enters the criminal justice system. Consequently, we recommend the establishment of some type of working relationship between the program and certain community support service agencies in order that appropriate referrals can be made, which in the long-term, benefit the client and the community.

V. EVALUATION

The recommended types of data to be gathered by a community service project and the ways in which the data can be usefully applied are examined in this section. Various advantages of project evaluation are presented. Finally, evaluation of cost savings is also discussed.

The questions to be addressed in Section V are:

- | | | |
|------|--|-----|
| V-1. | What purposes do data collected from community service projects serve and why should a project be evaluated? | 128 |
| V-2. | What kinds of information should be collected on an ongoing basis by a community service project? | 131 |
| V-3. | What types of forms can be used for the various data collection efforts? | 134 |
| V-4. | What can be included in an evaluation plan? | 135 |
| V-5. | What factors are considered in calculating a project's cost savings? | 138 |

V-1. WHAT PURPOSES DO DATA COLLECTED FROM COMMUNITY SERVICE PROJECTS SERVE, AND WHY SHOULD A PROJECT BE EVALUATED?

Data collection and maintenance of forms and files can be used by project managers as management and evaluation mechanisms. Keeping updated client files allows ready access to any client's status as the need for such information arises. Up to date, accurate records should be available for referral sources, placement agencies, or auditors entitled to and requesting such information. Also, accurate, up to date record keeping helps to improve the image of a program in the eyes of other agencies like the courts. This, in turn, contributes to the overall credibility of a community service project.

Discussion

Information gathered from a management information system (MIS) can be used to allocate staff resources and time. An MIS is also a planning device, using current information to plan for upcoming activities. Manual systems such as the one utilized by PACT have been criticized as taking too much staff time. However, PACT's experience has proven that MIS benefits outweigh drawbacks, making implementation of such a system worthwhile.

Evaluation provides the means for displaying the overall progress of the community service option in a community. Project funding agencies are generally very interested in gauging results. A project must demonstrate its ability to serve a reasonable number of clients and to record satisfactory impacts on those clients and the criminal justice agencies affected. A project must demonstrate cost effectiveness and productivity. Published documents illustrating evaluation results can, if positive, serve as very effective public relations tools to aid in future growth. Finally, project evaluations serve as a means of identifying strengths and weaknesses, allowing management to concentrate on deficiencies and modify them accordingly. Evaluation during a

project can provide a feedback system to let managers know if change is needed and why. It can also contribute to state-of-the-art research in criminal justice.

The following chart presents a summary of issues to consider in evaluating any community service project:

ISSUES IN EVALUATION

Why Evaluate

- modify project
- continue or stop project
- allocate project resources
- document project results
- disseminate project results
- satisfy funding agency requirements

When to Evaluate

- before (baseline measurements and needs assessment)
- during (process of implementation)
- after (project outcome)
- later (project impact)

Who Uses Evaluations

- project director
- staff
- policy makers (i.e., criminal justice officials, advisory boards)
- clients (potential participants)
- sponsoring institution
- funding agency
- placement agencies
- scholars

What Information to Seek

- activities (i.e., types of work performed, placement development, support services)
- participant outcome (i.e., types of terminations, hours worked, job placements)
- impact (defendants, justice system, community)
- resources (type and cost)

How to Collect Information

- observation
- review of project documents
- questionnaires (participants, staff, criminal justice personnel, placement sites)
- interviews
- subjective ratings by professional evaluators
- objective measurements, such as total hours worked

For additional information on the technical aspects of program evaluation, the following sources should prove helpful:

Schneider, A.L., Schneider, P.R., Wilson, L.A., Griffith, W.R., Medler, J.P., & Feinman, H.I. Handbook of Resources for Criminal Justice Evaluators. Washington, DC: Law Enforcement Assistance Administration, 1978.

Weiss, C.H. Evaluation Research. Englewood Cliffs, NJ: Prentice-Hall, 1972.

Suchman, E.A. Evaluation Research, Principles and Practice in Public Service and Social Action Programs. New York: Russell Sage Foundation, 1967.

V-2. WHAT KINDS OF INFORMATION SHOULD BE COLLECTED ON AN ONGOING BASIS BY A COMMUNITY SERVICE PROJECT?

There are two basic types of data that almost all community service projects collect and maintain: internal or management type of information and external, or evaluative data. Following is a list of the subcategories falling under these major information needs:

- a. Internal data
 - client referral history
 - client needs assessments
 - client contracts
 - client performance evaluations
 - management information data
 - placement agency logs
- b. External data
 - aggregate information on project performance
 - client satisfaction indicators
 - placement site satisfaction indicators

Discussion

a. Internal data

Extensive client files should be maintained on each referral so that the project can track clients and know the client's current status. Each file should contain a referral history yielding such information as: referral offense, criminal justice disposition of referral offense, prior criminal history, source of referral, data of referral, length of community service assignment and special stipulations on the assignment. General client demographic information is needed including age, race, sex, home address and telephone number, and employment status.

Copies of records generated at client intake should be placed and kept current in each file. Such records would include any contracts signed between the project and client, needs assessment information, records of placement assignments, and any documents relating to support services. Also, volunteer performance evaluations and client termination records should all be part of each file. These records may be consulted from time to time for such purposes as subsequent placement decisions, tracking client progress toward completing the required hours within the allotted time, and to make periodic progress reports to probation officers, courts, etc. Also, records may be updated beyond termination if a project elects to follow-up on their clients.

It is recommended that any community service restitution project develop and implement a management information system. Whether it be an automated or manual process, an MIS can prove to be an invaluable tool for allocating staff resources and evaluating the use of staff time. In addition to other uses, an MIS provides a project manager with a periodic statement of the time spent by each staff member on the various project tasks such as client intake, monitoring, court hearings, etc. Taken over time, data derived from an MIS will reflect any seasonal fluctuations and will permit a project manager to move resources to areas of anticipated need.

A final suggested area of internal data collection is the maintenance of placement agency logs. These records allow a project to keep a running account of active placement agencies, the number of volunteers accepted by each one, capacities, current workloads, special needs, etc.

b. External data

External information collection provides data that can be used to gauge the project's progress. These evaluations should be completed periodically in order to pinpoint project strengths, weaknesses, or areas requiring attention. They can be accomplished using internal or external evaluators.

Aggregate statistics should be accumulated and reported preferably monthly, but at least quarterly. Data would include, but not be limited to, the following:

- age, race, sex of clients
- referral offenses of clients
- types of referral offenses (misdemeanor, felony, municipal ordinance violations)
- types of placements, i.e., library, outdoor maintenance, hospital
- court of referral
- number of hours of community service logged
- dollar value of community service work
- number of successful and unsuccessful project terminations
- criminal justice status of terminated clients
- rearrests
- support services provided

In order to develop and maintain a high level of operational quality, a project should attempt to obtain continual feedback directly from the recipients of its services. Therefore, clients and placement agencies should be surveyed regularly. Using DRI survey instruments, clients completing the LEAA projects were asked to provide their reactions to their community service experience. Opinions were elicited anonymously regarding the fairness of the sentence, the quality of the work experience, and general impressions of community service. Such surveys can be tailored to meet a project's individual information needs. PACT, for instance asks all former clients to complete a rather extensive satisfaction questionnaire.

V-3. WHAT TYPES OF FORMS CAN BE USED FOR THE VARIOUS DATA COLLECTION EFFORTS?

Several examples of forms used by the LEAA projects studied can be found in Appendix A of this document. These forms include:

- a. Program agreement (Baltimore County)
- b. Statement of terms and conditions (Baltimore County)
- c. Participant performance evaluation (Jacksonville)
- d. Record of field visit (Jacksonville)
- e. Client satisfaction questionnaire (PACT)
- f. Log of client services (PACT)
- g. Log of community contact and referral (PACT)
- h. Monthly program report (PACT)
- i. Client information coding form and codebook (DRI)
- j. Client survey (DRI)

Discussion

Most of these forms are self-explanatory and require no elaboration here. Some, however, do need a bit of elaboration.

The client service log and community contact and referral logs are used to collect data for PACT's management information system. Staff persons complete one of each of these daily. Time units are compiled monthly to give the project director feedback on how staff time is being spent.

The DRI client tracking instrument is an example of a coding form used to follow clients through their community service experience. The case-by-case data was keypunched and processed by computer to yield aggregate information for purposes of evaluating these projects.

V-4. WHAT CAN BE INCLUDED IN AN EVALUATION PLAN?

Information for evaluation should focus on the primary audiences a project wants to reach and convince of its effectiveness--sponsor agencies, funding sources, impacted agencies.

It is generally advisable to develop an evaluation plan before initiating a project. Such a process can prove quite helpful in clarifying goals and procedures and in insuring better interstaff communication as well as communication between clients and staff. Following is a list of suggested steps to follow in developing an evaluation plan:

STEPS IN DEVELOPING AN EVALUATION PLAN

- a. Establish objectives of program
- b. Define audience of the evaluation
- c. Define information needs of each audience
- d. Define primary objectives of evaluation effort
- e. Frame evaluation in measurable terms (e.g., number of participants who enter labor force)
- f. Examine available resources
 - personnel
 - time
 - money
- g. Select methodology (e.g., survey, personal interview, or records)
- h. Determine availability of data/information
- i. Develop work plan
 - determine how data will be obtained
 - determine who will collect data
 - determine when data will be collected/analyzed
 - determine how data will be verified
 - determine how data will be analyzed
 - determine how data will be used/presented

- j. Collect data, including contextual information that could impact programs, e.g., new judge or legislative changes
- k. Review plan and update it as project unfolds
- l. Analyze data
- m. Interpret and report data

On the following page is a sample of the types of evaluation measures which can be gleaned from a community service project. The table also presents data elements, possible data sources, collection procedures and types of analysis that can be performed for each measure.

TABLE 9
 SAMPLE EVALUATION MEASURES FOR A COMMUNITY
 SERVICE RESTITUTION PROJECT

SPECIFIC MEASURES	DATA ELEMENTS	DATA SOURCES	COLLECTION PROCEDURES	ANALYSIS
changes in judicial sentencing patterns as a result of the community service option	defendant sentence types baseline data on sentences of matched pre-CS defendants court sentencing judge	court records	ongoing data collection on CS clients sample data on pre-CS offenders	compare sentencing patterns of matched pre-CS defendants with sentencing patterns of CS clients by judge
number and types of client placements	active placement sites number of clients placed by site and type of work	CS client files		frequency distributions of number and clients placed in each site; number of clients performing particular types of work; hours of work performed by type of job
effects on client recidivism rates	referral offense prior arrests prior convictions rearrest charges total rearrests baseline group arrest data	police/law enforcement records client self-reports court records	internal data collection sample data on pre-CS offenders	compare the CS group to a matched baseline sample controlling for offense charge, age, race, sex, prior criminal history and time at-risk
monetary value of community service work completed	total hours of work performed dollar value of CS work	placement site records internal project records	placement site visits client feedback tabulation of performance records	cumulative total of hours logged by hourly rate
degree of client satisfaction with community service experience	responses to post-service survey questions	satisfaction questionnaires client interviews	conduct exit interviews ask clients to complete satisfaction surveys	tabulate responses to interview and survey questions

V-5. WHAT FACTORS SHOULD BE CONSIDERED IN CALCULATING A PROJECT'S COST SAVINGS?

The savings generated through implementation of a community service program and the costs involved in operation are as follows:

- a. Savings
 - jail time and space
 - probation staff time
 - "revenue" generated through CS work
 - court processing time
 - recidivism costs
- b. Costs
 - project operating costs
 - fine revenue lost

Discussion

a. Savings

Before determining where and to what extent savings can be effectuated, a project must identify the area or areas within the criminal justice system which will be impacted by community service. If the project is to serve as an alternative to jail time, information should be compiled on the average daily cost of housing, inmates, and the number of jail days expected to be saved by diversion to community service. Similarly, if the project is expecting to reduce probation caseloads, figures should be calculated depicting the costs of probation services and the hours of savings anticipated.

Perhaps the biggest "selling" point of the community service concept is the "revenue" generated through the hours of volunteer work performed by project clientele. The value to the agencies served and to the general community should be calculated by using the prevailing rate for such tasks multiplied by the projected, or actual, number of hours worked. Because of the

volunteer nature of these jobs, the value of community service work is usually calculated at a rate commensurate with the current minimum wage.

Savings generated through recidivism reductions are highly questionable with a community service program, yet they may be of some consequence. It is questionable to imply that the brief intervention made by a project can have a long-term effect on an offender's propensity to get reinvolved with the criminal justice system. Also, the calculation of recidivism impacts requires the establishment of a research design. If a project decides to measure recidivism, the preferred method is to set up an experimental design in which randomly selected nonreferred offenders (control group) are tracked for rearrest along with project clientele (experimental group). All things being equal, the variance in recidivism rates can then be attributed to project intervention. The resulting cost savings, if any, can be estimated by consulting police and court officials regarding the expenses involved in processing offenders, and then multiplying that figure by the rate of reduction.

Cost savings emanating from a reduction in court processing for offenders is generally linked to prosecutor diversion programs. Savings result from the adjudication not conducted as a factor of diversion to community service. It is very difficult, however, to determine how much actual processing these divertees would normally receive and what the inherent costs are. The advisable method for determining the criminal justice disposition of offenders without the community service option is to conduct a baseline study of matched defendants coming through the system prior to inception of the project. These calculations should yield a figure of hours saved, which can then be multiplied by the estimated costs of court processing to obtain an overall savings amount related to reduction in court processing.

Several other intangible cost savings can result from a community service project. While these are not readily measurable, they are, nevertheless, factors to be considered. To the extent that a project keeps an individual free from serving time in jail, that person is continuing his or her normal employment. In such cases, welfare savings may be effected and also personal taxes

will continue to be paid. Otherwise, incarceration may cause a loss of employment and the consequences that follow.

b. Costs

The cost savings delineated above are somewhat offset by expenses involved in operating a community service restitution project. Foremost among these expenses are the costs described earlier in the handbook (salaries, rent, supplies and equipment, travel, telephone and utilities). Another major expense is fine revenue lost at those locations where community service is a postconviction alternative to fines. To estimate the dollar value of these revenues, a project should conduct a baseline study to ascertain the number of convicted offenders, matched by project eligibility criteria, who were fined in a time period (six months to one year) before community service was an option. The study should also include a follow-up of how many of these fines were collected and the costs involved in collection to obtain an accurate estimate of revenues actually generated.

In very simple terms, the net cost of a project is the cost of operation minus revenues created through community service labor. An analysis such as this can be conducted on the front end in trying to predict benefits, or after a project has been operating for a time. Because of the nebulous nature of these estimates and the means of calculating them, cost benefits are often "ballpark" estimates. The presentation of cost information should clearly indicate the limitations of the data.

FOOTNOTES

1. Newton, A. Sentencing to community service and restitution. Criminal Justice Abstracts, 1979, 11(3), 435-468.
2. American Bar Association. Standards relating to the administration of criminal justice. Chicago: ABA, 1974.
3. Newton, A. Sentencing to community service and restitution. Criminal Justice Abstracts, 1979, 11(3), 436.
4. Newton, A. Sentencing to community service and restitution. Criminal Justice Abstracts, 1979, 11(3), 435-468.
5. Galaway, B. Use of restitution. Crime and Delinquency, 1977, 23(1), 57-67.
6. Harland, A.T. National assessment of adult restitution programs: Court ordered community service in criminal law. Duluth, MN: University of Minnesota, School of Social Development, 1980.
7. Read, B. How restitution works in Georgia. Judicature, 1977, 60(7), 323-331.
8. Harland, A.T., Warren, M.G., & Brown, E.J. A guide to restitution programming. Working paper #17. Albany, NY: Criminal Justice Research Center, 1979.
9. Weber, J.R. Georgia's residential restitution centers. Lexington, KY: Council of State Governments, 1978.
10. McCrissy v. Brewer, 408 U.S. 471, 92 Sup. Ct. 2593, 33 L. Ed. 2d 484 (1972).
11. Judicial review of probation conditions. Columbia Law Review. 1967, 67(1): pp. 181-209.
12. Beha, J., Carlson, K., & Rosenblum, R. Sentencing to community service. Washington, DC: U.S. Government Printing Office, 1977, p.3.
13. National Association of Pretrial Services Agencies. Performance standards and goals for pretrial release and diversion. Washington, DC: NAPSA, 1978.
14. Scott v. Illinois, 440 U.S. 367, 99 Sup. Ct. 1158, 59 L. Ed. 2d 383 (1979).

15. Rummell v. Estelle, 445 U.S. 262, 100 Sup. Ct. 1133, 63 L. Ed. 2nd 382 (1980).
16. Uniform crime reports: Crime in the United States. U.S. Department of Justice, Federal Bureau of Investigation. Washington, DC: U.S. Government Printing Office, quarterly.
17. Sourcebook of criminal justice statistics. Criminal Justice Research Center. National Criminal Justice Information and Statistics Service. Washington, DC: U.S. Government Printing Office, annual.
18. It is anticipated that most CS project planners will not need to resort to scientific sampling techniques, and thus a detailed discussion of sampling is not included in this handbook. For this information, the reader is referred to any of the following sources:

Babbie, E.R. Survey research methods. Belmont, CA: Wadsworth Publishing Company, Inc., 1973.

Cicchinelli, L. Service needs - sampling techniques. In A.S. West (Ed.), Design issues for demonstrations of rural service delivery projects incorporating telecommunications technologies. Denver, CO: University of Denver, 1978.

Hanse, M.H. Hurwitz, W.N. Madow, W.G. Sampling survey methods and theory. 2 volumes. NY: John Wiley and Sons, Inc., 1953.
19. Thalheimer, D.J. Cost analysis of correctional standards, community supervision, probation, restitution community service. Volume 1. Washington, DC: U.S. Government Printing Office, 1978.

APPENDICES

The following appendices are provided as reference material.

They include:

- | | |
|------------|--|
| Appendix A | Examples of CSR Project Forms |
| Appendix B | Selected Bibliography on Restitution and Community Service |
| Appendix C | Directory of CSR Projects Identified by DRI |
| Appendix D | Adult Community Service Legislation in the United States |

APPENDIX A
EXAMPLES OF CSR PROJECT FORMS

BALTIMORE COUNTY PUBLIC SERVICE PROGRAM AGREEMENT

After being advised by the court of the Baltimore County Public Service Program, I voluntarily agree to perform _____ hours of unpaid public service for a non-profit agency. I agree to abide by the following conditions of the program:

1. A schedule will be arranged for me and with the agency. This schedule will enable me to complete the work program prior to the assigned "due date" (_____). This schedule can only be altered with permission of the Baltimore County Public Service Program Coordinator or the non-profit agency supervisor. Failure to comply with this schedule, i.e., no show or tardiness, will result in termination of the assignment.

2. Should my contribution of services be unsatisfactory or be performed with an uncooperative attitude, as assessed by the agency representative or the Baltimore County Public Service Program Coordinator, the assignment will be terminated.

3. I understand that should I experience any difficulties or problems in performing the volunteer services to the assigned non-profit agency, I am to contact the Baltimore County Public Service Program Coordinator for resolution of the problem.

4. ~~Additional Conditions:~~ Court Information:

Judge: _____ Court: _____ Date: _____
Docket/Citation# _____ Sentence: _____
Subject's Name: _____ Phone: _____
Address: _____
S.S.# _____

I have read, or had read to me, the conditions under which I will be assigned an agency through the Baltimore County Public Service Program and the conditions under which this assignment will be continued. I fully understand that my failure to comply with the above conditions will result in the termination of this assignment and the referral of this case back to the sentencing judge for appropriate disposition.

Signature of the Assignee _____

Witness and Title _____ Date _____

Distribution: 1 copy - Court Clerk
1 copy - ~~Volunteer~~ Public Service Coordinator
1 copy - Parole & Probation
1 copy - Work Supervisor

**Subject must contact:

Public Service Coordinator

123 Courthouse

Towson, Maryland 21204

494-2268

BALTIMORE COUNTY VOLUNTEER COMMUNITY SERVICE PROGRAM

TERMS AND CONDITIONS

1. You have agreed to work for a certain period of time. You will be expected to report on time to the Agency you are assigned.
2. If you have any physical problem which may prevent you from participating in this program, you must bring this to the attention of the Court before starting work. Should the agency require that you submit to a physical examination or fill out any papers or forms prior to the commencement of work, you must do so.
3. You are expected to undertake any task that you are assigned at any location under the jurisdiction of the agency you are assigned.
4. You are instructed to report for work in serviceable clothing, dressed for outside labor if required, properly protected according to the weather, with a packed lunch and wearing hard shoes (not tennis shoes). In addition, you will wear any insignia or uniform clothing provided.
5. Your supervisor will grade your quality of work, attitude, and note your attendance. If you do not show for work or leave without being excused, you will receive no credit for that day.
6. The work supervisor is authorized to cancel your participation in the program at any time if your work, attitude or attendance are unsatisfactory.
7. When your service is completed (or your work terminated for unsatisfactory conduct) the supervisor's report will be forwarded to the sentencing judge and placed in the Court file. If the report is satisfactory, the Court may approve an expungement of this case (if you so petition three years after your probation expires. If the report is unsatisfactory, the Court will recall you for a hearing in Court and impose the sentence that may have been given originally.
8. WAIVER AND RELEASE - In consideration of the permission granted to me to participate in a work service program in lieu of other sentencing, I hereby, for myself, my heirs, administrators, release and discharge Baltimore County, Maryland, its employees and agents from all claims, demands, and actions for injury sustained to my person and/or property during my participation in volunteer community service when such injury is due to my negligence. I also agree to accept sole responsibility and liability for any injury or damage to a third party resulting from my act(s) or omission(s) and I agree to hold Baltimore County, Maryland its employees and officials harmless from any lawsuit or claim arising therefrom, and I agree to indemnify Baltimore County, Maryland, its employees and officials in the full amount of any judgement obtained. I certify that my attendance and participation in this program is wholly voluntary and that I am not, in any way, an employee, servant or agent of Baltimore County, Maryland.

I HAVE READ (or have had read to me) AND UNDERSTAND THE FOREGOING TERMS, CONDITIONS, WAIVER AND RELEASE.

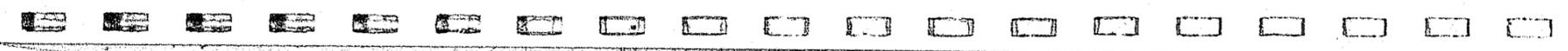
Community Service Program

Date

Parent or Guardian if under 18 yrs. of age

PORTER COUNTY PACT
 TERMINATION DATA
 CLIENT SATISFACTION QUESTIONNAIRE
 (con't.)

	STRONGLY AGREE	MILDLY AGREE	NEITHER AGREE NOR DISAGREE	MILDLY DISAGREE	STRONGLY DISAGREE	DON'T KNOW
8. I felt that I understood my responsibilities as a part of the Work Release/Community Service Restitution Program very well. Comment: _____	()	()	()	()	()	()
9. I feel PACT significantly helped me readjust from incarceration back into the community. Comment: _____	()	()	()	()	()	()
10. I felt comfortable to discuss my concerns about re-adjustment with PACT staff and volunteers. Comment: _____	()	()	()	()	()	()
11. More one to one counseling would have been helpful. Comment: _____	()	()	()	()	()	()
12. I found the personal treatment by PACT staff to be satisfactory. Comment: _____	()	()	()	()	()	()
13. Volunteers coming in the jail provided a pleasant break from the routine. Comment: _____	()	()	()	()	()	()
14. The attitude of PACT staff/volunteers was less than acceptable. Comment: _____	()	()	()	()	()	()
15. PACT's services were not appropriate for me. Comment: _____	()	()	()	()	()	()



PORTER COUNTY PACT
 TERMINATION DATA
 CLIENT SATISFACTION QUESTIONNAIRE
 (con't.)

	STRONGLY AGREE	MILDLY AGREE	NEITHER AGREE NOR DISAGREE	MILDLY DISAGREE	STRONGLY DISAGREE	DON'T KNOW
16. I feel that I could contact PACT staff other than at pre-arranged appointments. Comment: _____	()	()	()	()	()	()
17. To me, PACT's programs seem to be effective. Comment: _____	()	()	()	()	()	()
18. I feel my diversion placement was a positive alternative to spending time in jail. Comment: _____	()	()	()	()	()	()
19. I felt I had an adequate amount of time to complete the assigned number of hours in my diversion placement. Comment: _____	()	()	()	()	()	()
20. The staff know what they are doing. Comment: _____	()	()	()	()	()	()

CLIENT'S SIGNATURE: _____

OFFICE OF THE SHERIFF
 JAILS AND PRISONS DIVISION
 CONSOLIDATED CITY OF JACKSONVILLE
 COMMUNITY RESTITUTION CLEARINGHOUSE
PARTICIPANT PERFORMANCE EVALUATION

NAME OF PARTICIPANT _____ COMMUNITY SERVICE ASSIGNMENT _____
 RSA: _____ DOCKET NO. _____ CASE NO. _____

SECTION I (to be completed following initial interview)

COUNSELOR'S INITIAL EVALUATION

CHECK THE APPROPRIATE BOXES BELOW WHICH REFLECT YOUR EVALUATION OF THE PARTICIPANT'S WORK RECORD, ATTITUDE AND OVERALL ADJUSTMENT.

	UNSATISFACTORY 0	SATISFACTORY 1	ABOVE AVERAGE 2
WORK RECORD (QUANTITY AND QUALITY)			
ATTITUDE (TOWARDS WORK, AUTHORITY, OTHER PEOPLE)			
OVERALL ADJUSTMENT			

TOTAL: _____

CHECK ANY TERMS WHICH REFLECT YOUR EVALUATION OF THE PARTICIPANT.

- | | |
|--|--|
| <input type="checkbox"/> COOPERATIVE | <input type="checkbox"/> RESENTFUL |
| <input type="checkbox"/> RELIABLE | <input type="checkbox"/> UNRELIABLE |
| <input type="checkbox"/> WELL-ORGANIZED | <input type="checkbox"/> DISORGANIZED |
| <input type="checkbox"/> SINCERE | <input type="checkbox"/> MANIPULATIVE |
| <input type="checkbox"/> IN GOOD HEALTH | <input type="checkbox"/> HEALTH PROBLEMS |
| <input type="checkbox"/> MATURE | <input type="checkbox"/> CHILDISH |
| <input type="checkbox"/> QUICK, ALERT | <input type="checkbox"/> SLOW, FLOODING |
| <input type="checkbox"/> GOOD SELF-CONTROL | <input type="checkbox"/> POOR SELF-CONTROL |
| <input type="checkbox"/> HARD WORKER | <input type="checkbox"/> AVOIDS WORK |
| <input type="checkbox"/> COURTEOUS | <input type="checkbox"/> SARCASTIC |

COMMENTS: _____

COUNSELOR'S SIGNATURE

DATE
 P-935 10/79
 S-1

COUNSELOR'S EXIT EVALUATION

CHECK THE APPROPRIATE BOXES BELOW WHICH REFLECT YOUR EVALUATION OF THE PARTICIPANT'S WORK RECORD, ATTITUDE AND OVERALL ADJUSTMENT.

	UNSATISFACTORY 0	SATISFACTORY 1	ABOVE AVERAGE 2
WORK RECORD (QUANTITY AND QUALITY)			
ATTITUDE (TOWARDS WORK, AUTHORITY, OTHER PEOPLE)			
OVERALL ADJUSTMENT			

TOTAL: _____

CHECK ANY TERMS WHICH REFLECT YOUR EVALUATION OF THE PARTICIPANT.

- | | |
|--|--|
| <input type="checkbox"/> COOPERATIVE | <input type="checkbox"/> RESENTFUL |
| <input type="checkbox"/> RELIABLE | <input type="checkbox"/> UNRELIABLE |
| <input type="checkbox"/> WELL-ORGANIZED | <input type="checkbox"/> DISORGANIZED |
| <input type="checkbox"/> SINCERE | <input type="checkbox"/> MANIPULATIVE |
| <input type="checkbox"/> IN GOOD HEALTH | <input type="checkbox"/> HEALTH PROBLEMS |
| <input type="checkbox"/> MATURE | <input type="checkbox"/> CHILDISH |
| <input type="checkbox"/> QUICK, ALERT | <input type="checkbox"/> SLOW, FLOODING |
| <input type="checkbox"/> GOOD SELF-CONTROL | <input type="checkbox"/> POOR SELF-CONTROL |
| <input type="checkbox"/> HARD WORKER | <input type="checkbox"/> AVOIDS WORK |
| <input type="checkbox"/> COURTEOUS | <input type="checkbox"/> SARCASTIC |

COMMENTS: _____

COUNSELOR'S SIGNATURE

DATE

P-935 10/79
 S-2

COMMUNITY RESTITUTION CLEARINGHOUSE
RECORD OF FIELD VISIT

THE FIELD SERVICES SPECIALIST WILL MAKE EVERY EFFORT TO CONTACT THE COMMUNITY RESTITUTION CLEARINGHOUSE PROGRAM PARTICIPANT AND SUPERVISOR AT ACTUAL JOB SITE WHERE PARTICIPANT IS WORKING.

PARTICIPANT'S NAME _____ DATE OF VISIT _____

AGENCY ASSIGNED _____ ADDRESS _____

SUPERVISOR CONTACTED _____

LOCATION OF PARTICIPANT AT TIME OF VISIT _____

TIME ARRIVED _____ TIME DEPARTED _____

ACCORDING TO SUPERVISOR HAS PARTICIPANT:

BEEN ABSENT? YES ___ NO ___
 BEEN LATE? YES ___ NO ___
 BEEN WORKING DILIGENTLY? YES ___ NO ___
 HAD ANY VISITORS TO JOB SITE? YES ___ NO ___
 ANY OTHER PROBLEMS? YES ___ NO ___
 ANY JOB OPENINGS? YES ___ NO ___

REMARKS: (RECORD ANY EXPLANATIONS OF PROBLEM AREAS NOTED ABOVE, AS WELL AS ANY PERTINENT COMMENTS BY SUPERVISOR OR PARTICIPANT)

FIELD SERVICES SPECIALIST _____

OFFICE OF THE SHERIFF
JAILS AND PRISONS DIVISION
CONSOLIDATED CITY OF JACKSONVILLE
COMMUNITY RESTITUTION CLEARINGHOUSE
PARTICIPANT PERFORMANCE EVALUATION

NAME OF PARTICIPANT _____ COMMUNITY SERVICE ASSIGNMENT _____
 RSA: _____ DOCKET NO. _____ CASE NO. _____

SECTION I (to be completed following initial interview)

COUNSELOR'S INITIAL EVALUATION

CHECK THE APPROPRIATE BOXES BELOW WHICH REFLECT YOUR EVALUATION OF THE PARTICIPANT'S WORK RECORD, ATTITUDE AND OVERALL ADJUSTMENT.

	UNSATISFACTORY 0	SATISFACTORY 1	ABOVE AVERAGE 2
WORK RECORD (QUANTITY AND QUALITY)			
ATTITUDE (TOWARDS WORK, AUTHORITY, OTHER PEOPLE)			
OVERALL ADJUSTMENT			

TOTAL: _____

CHECK ANY TERMS WHICH REFLECT YOUR EVALUATION OF THE PARTICIPANT.

- | | |
|--|--|
| <input type="checkbox"/> COOPERATIVE | <input type="checkbox"/> RESENTFUL |
| <input type="checkbox"/> RELIABLE | <input type="checkbox"/> UNRELIABLE |
| <input type="checkbox"/> WELL-ORGANIZED | <input type="checkbox"/> DISORGANIZED |
| <input type="checkbox"/> SINCERE | <input type="checkbox"/> MANIPULATIVE |
| <input type="checkbox"/> IN GOOD HEALTH | <input type="checkbox"/> HEALTH PROBLEMS |
| <input type="checkbox"/> MATURE | <input type="checkbox"/> CHILDISH |
| <input type="checkbox"/> QUICK, ALERT | <input type="checkbox"/> SLOW, PLODDING |
| <input type="checkbox"/> GOOD SELF-CONTROL | <input type="checkbox"/> POOR SELF-CONTROL |
| <input type="checkbox"/> HARD WORKER | <input type="checkbox"/> AVOIDS WORK |
| <input type="checkbox"/> COURTEOUS | <input type="checkbox"/> SARCASTIC |

COMMENTS: _____

COUNSELOR'S SIGNATURE _____

DATE
P-935 10/79
S-1

CONSOLIDATED CITY OF JACKSONVILLE
 COMMUNITY RESTITUTION CLEARINGHOUSE
 RECORD OF FIELD VISIT

COUNSELOR'S EXIT EVALUATION

CHECK THE APPROPRIATE BOXES BELOW WHICH REFLECT YOUR EVALUATION OF THE PARTICIPANT'S WORK RECORD, ATTITUDE AND OVERALL ADJUSTMENT.

	UNSATISFACTORY 0	SATISFACTORY 1	ABOVE AVERAGE 2
WORK RECORD (QUANTITY AND QUALITY)			
ATTITUDE (TOWARDS WORK, AUTHORITY, OTHER PEOPLE)			
OVERALL ADJUSTMENT			

TOTAL: _____

CHECK ANY TERMS WHICH REFLECT YOUR EVALUATION OF THE PARTICIPANT.

- | | |
|---|---|
| <input type="checkbox"/> COOPERATIVE
<input type="checkbox"/> RELIABLE
<input type="checkbox"/> WELL-ORGANIZED
<input type="checkbox"/> SINCERE
<input type="checkbox"/> IN GOOD HEALTH
<input type="checkbox"/> MATURE
<input type="checkbox"/> QUICK, ALERT
<input type="checkbox"/> GOOD SELF-CONTROL
<input type="checkbox"/> HARD WORKER
<input type="checkbox"/> COURTEOUS | <input type="checkbox"/> RESENTFUL
<input type="checkbox"/> UNRELIABLE
<input type="checkbox"/> DISORGANIZED
<input type="checkbox"/> MANIPULATIVE
<input type="checkbox"/> HEALTH PROBLEMS
<input type="checkbox"/> CHILDISH
<input type="checkbox"/> SLOW, PLODDING
<input type="checkbox"/> POOR SELF-CONTROL
<input type="checkbox"/> AVOIDS WORK
<input type="checkbox"/> SARCASTIC |
|---|---|

COMMENTS: _____

 COUNSELOR'S SIGNATURE

 DATE

P-935 12/79
 S-2

THE FIELD SERVICES SPECIALIST WILL MAKE EVERY EFFORT TO CONTACT THE COMMUNITY RESTITUTION CLEARINGHOUSE PROGRAM PARTICIPANT AND SUPERVISOR AT ACTUAL JOB SITE WHERE PARTICIPANT IS WORKING.

PARTICIPANT'S NAME _____ DATE OF VISIT _____

AGENCY ASSIGNED _____ ADDRESS _____

SUPERVISOR CONTACTED _____

LOCATION OF PARTICIPANT AT TIME OF VISIT _____

TIME ARRIVED _____ TIME DEPARTED _____

ACCORDING TO SUPERVISOR HAS PARTICIPANT:

- | | | |
|-------------------------------|---------|--------|
| BEEN ABSENT? | YES ___ | NO ___ |
| BEEN LATE? | YES ___ | NO ___ |
| BEEN WORKING DILIGENTLY? | YES ___ | NO ___ |
| HAD ANY VISITORS TO JOB SITE? | YES ___ | NO ___ |
| ANY OTHER PROBLEMS? | YES ___ | NO ___ |
| ANY JOB OPENINGS? | YES ___ | NO ___ |

REMARKS: (RECORD ANY EXPLANATIONS OF PROBLEM AREAS NOTED ABOVE, AS WELL AS ANY PERTINENT COMMENTS BY SUPERVISOR OR PARTICIPANT)

FIELD SERVICES SPECIALIST _____

Please Do Not Sign Your Name To This Form

CLIENT SURVEY

Your Age: _____ years
Your Sex: _____ Male; _____ Female
Are you presently employed? _____ Yes; _____ No.

State of Residence: _____
County of Residence: _____

1. Did you learn any skills during your community service experience that will be helpful to you in locating permanent employment or in improving your present job situation?
_____ Yes; _____ No;
2. During your community service work, did you use any of the skills you already have? _____ Yes; _____ No; _____ Somewhat.
3. Would the community service experience have been better if you had been assigned a different kind of work while in community service? _____ Yes; _____ No; _____ Maybe.
4. At the time, was the service work a good or bad choice compared to the other options available? _____ Good; _____ Bad; _____ Both good and bad; _____ It was the only choice available.
5. Considering the nature of the charge and the legal findings in your case, was the community service work a fair or unfair alternative? _____ Fair; _____ Unfair; _____ Not sure.
6. Overall, was your community service experience positive?
_____ Yes; _____ No; _____ Partly yes and no.

Comments:

Place in postage-paid envelope addressed to:

Ruth Katz
Denver Research Institute/SSRE
University of Denver
Denver, Colorado 80208

Favor No Firmar Este Formulario

CUESTIONARIO DEL CLIENTE

Edad: _____ años residencia: estado _____

Sexo: _____ Masculino; _____ Femenino residencia: condado _____

¿Está Ud. actualmente empleado? _____ Si; _____ No.

1. ¿Durante su experiencia con el servicio a la comunidad aprendió alguna habilidad la cual le ayudará a encontrar empleo permanente o a mejorar su empleo actual? _____ Si; _____ No.
2. ¿Usó Ud. alguna de las habilidades que tenía de antemano durante su experiencia con el servicio a la comunidad? _____ Si; _____ No; _____ Un poco.
3. ¿Hubiera sido mejor su experiencia con el servicio a la comunidad si le hubieran dado algún trabajo diferente al que le dieron? _____ Si; _____ No; _____ Tal vez.
4. ¿Fue el trabajo una buena o mala selección comparado con otras opciones que habían? _____ Buena; _____ Mala; _____ Buena y mala; _____ Fue la única opción que había.
5. Tomando en cuenta la clase de acusación y los descubrimientos legales de su caso, ¿fue el trabajo del servicio a la comunidad una alternativa justa o injusta? _____ Justa; _____ Injusta; _____ No estoy seguro.
6. En general, ¿fue su experiencia con el servicio a la comunidad buena? _____ Si; _____ No; _____ En parte si y no.

Comentarios:

CARD 1

Denver Research Institute
Community Service Restitution Project

CSRP INFORMATION CODING FORM

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Project Site		Client #				Referral Date						CS Interview Date						Hours		
22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40		
Termination Date						B	Age		Race		Sex		Residence		Length of Residence		Intake Employment			
41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58			
Grade		Occupation		Offense				Offense Type		Offense Class		Felony Arrests		Felony Convictions		Misd. Arrests				
59	60	61	62	63	64	65	66	67	68	NAME OF JUDGE: _____										
Misd. Convictions		Point		Sentence		Court		Judge												
69	70	71	72	73	74	75	76	77	78	79	80									
Support Prescribed		1st Assignment		1st Duration		1st Completion		1st Noncompletion		Card No.										

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
2nd Assignment		2nd Duration			2nd Completion		2nd Noncompletion		3rd Assignment		3rd Duration			3rd Completion		3rd Noncompletion		Total Placements	

21	22	23	24	25	26	27	28	29	30
Supportive Services Delivered						Screening Devices Used: Screening			

31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47
Termination Type		CJ Status		Termination Employment		Rearrests		Serious Rearrest		Project Unsuccessful		Disposition		Hours Worked		

48 49
Bench
Warrant

50-79 - Blank 2
80
Card No.

DRI 10/79



CONTINUED

1 OF 3

APPENDIX B

SELECTED BIBLIOGRAPHY ON RESTITUTION AND COMMUNITY SERVICE

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APPENDIX C

DIRECTORY OF CSR PROJECTS IDENTIFIED BY DRI

Note: This list is not exhaustive. CSR projects which do not appear in this list are encouraged to contact LEAA or DRI to be included in future editions.

CALIFORNIA

Jan Cerny, Executive Director
San Francisco Community Services Project
880 Bryant Street, Room 200
San Francisco, CA 94103
(415) 553-1717

Jane Thomson, Coordinator
Community Service Alternatives Program/
Volunteer Bureau of Alameda County
1419 Broadway, Suite 419
Oakland, CA 94612
(415) 893-7147

Kay Stevens, Work Placement Coordinator
Court Work Referral Program
655 Oleander Avenue
Chico, CA 95926
(916) 891-2726/2701

Tom Willis, Jimmie Morrison
Adult Community Services Program
Contra Costa County Probation Department
10972 San Pablo Avenue
El Cerrito, CA 94530
(415) 231-3290

Beverly Perez, Executive Director
Court Referral Program/
Volunteer Bureau of Contra Costa County
2116 North Main Street, Suite E
Walnut Creek, CA 94596
(415) 934-0424

Gay Brown, Branch Coordinator
West County Branch
445 33rd Street
Richmond, CA 94804
(415) 233-5558

Ruth Miller
East County Branch
Las Madonas College
2700 East Leland Road, Room 619
Pittsburg, CA 94565
(415) 439-1705

Pete Villereal
Del Norte County Probation
County Courthouse
Crescent City, CA 95531
(707) 464-4181

Mary Eickar, Coordinator
Court Referral Program/
Voluntary Action Center of El Dorado County
P.O. Box 14524
South Lake Tahoe, CA 95702
(916) 541-2611

Franz Weinschenk, Coordinator
Fresno County Court Referral Program
310 Crocker Bank Building
Fresno and "I" Streets
Fresno, CA 93721
(209) 237-8323

Hon. Robert W. Trimble
Adult Probationers Work Program/
Orland Justice Court
P.O. Box 577
Orland, CA 95963
(916) 865-9691

Rene Birnbaum, Deputy P.O.
Adult Community Services Program
Humboldt County Probation Department
2002 Harrison Avenue
Eureka, CA 95501
(707) 445-7781

Louise Calusen
Court Referral Program/
Volunteer Center
912 18th Street
Bakersfield, CA 93301
(805) 327-9346

Shirley Ramm, Director
Hanford Community Volunteer Bureau
P.O. Box 196
Hanford, CA 93232
(209) 582-3455

Bert Hoover
Lake County Probation
Courthouse
Lakeport, CA 95453
(707) 263-2361

Lamar Prince
Lassen County Probation
Courthouse
Susanville, CA 96130
(916) 257-5183

Phyllis Summers, Court Referral Program Director
Court Referral Community Service Program/
Los Angeles Voluntary Action Center
621 South Virgil
Los Angeles, CA 90005
(213) 736-1311

Priscilla Wilson, CRP Supervisor
Court Referral Community Service Program/
Voluntary Action Center of San Gabriel Valley
3301 Thorndale Road
Pasadena, CA 91107
(213) 792-6118

Bonnie Rams, Executive Director
Court Referral Community Service Program/
San Fernando Valley Volunteer Bureau
6851 Lennox Avenue
Van Nuys, CA 91405
(213) 908-5066

Dawn Ruxton
City of La Mirada Volunteers in Action
12900 Bluefield Avenue
La Mirada, CA 90638
(213) 943-0131

Marvel Dodson, Director
Downey Volunteer Bureau
11026 South Downey Avenue
Downey, CA 90241
(213) 861-1712

Madelyn Henderson
La Puente Valley Volunteer Bureau
Fairgrove Campus
1110 Fickewirth
La Puente, CA 91746
(213) 968-4638 - ext. 213

Alex Esquivel
City of Montebello Community Services
1700 Victoria Avenue
Montebello, CA 90640
(213) 725-1200 - ext. 441

Peggy Hattendorf, Assistant Director
Santa Monica Westside Voluntary Action Center
1235 5th Street
Santa Monica, CA 90401
(213) 394-3795

Olive Neiheiser, Executive Director
Rio Hondo Area Volunteer Center
P.O. Box 488
Whittier, CA 90608
(213) 693-4023

Lenore, Jacoby, Director
Voluntary Action Center of Pomona Valley
260 South Garey, Room 202
Pomona, CA 91766
(714) 723-1284

Kathryn Joiner, Executive Director
Volunteer Bureau South - Bay Harbor
3915 Spencer Street, Suite 208
Torrance, CA 90503
(213) 370-6393

Mary Jane Bagan
Madera County Youth Services Bureau
113 South "Q" Street
Madera, CA 93637
(209) 673-5987

Cres Van Keulen
Marin County Alternative Sentence Program
Room 175, Civic Center
San Rafael, CA 94903
(415) 499-6602, 499-6619

Ivan B. Rauch, Court Referral Coordinator
Volunteer Bureau of Mendocino County
101 West Church Street
Ukiah, CA 95482
(707) 462-1954

Denise Mitchell
Community Service Work Program
Salinas Judicial District
P.O. Box 1409
Salinas, CA 93902
(408) 424-8611 - ext. 34

Marilyn Dorman, Executive Director
Volunteer Bureau of Salinas
34 Central Avenue
Salinas, CA 93901
(408) 758-8488

Mary Dunn
Volunteers in Action (VIA)
444 Pearl Street, Suite A 26
Monterey, CA 93940
(408) 373-6177

Ace Hill
Work Probation Program
Seaside Recreation Department
440 Harcourt
Seaside, California 93955
(408) 394-8531

Sheila Daugherty
Community Justice Program
Napa Volunteer Center
1801 Oak Street
Napa, CA 94558
(707) 252-6222

Stephanie Watton
Court Referral Program
Voluntary Action Center of South Orange County
1714 West Balboa Boulevard
Newport Beach, CA 92663
(714) 675-9210, 833-9278

Joanne Chellsen, Court Referral Coordinator
Court Referral Program
Volunteer Bureau of North Orange County
2050 Youth Way
Fullerton, CA 92635
(714) 526-3301

Charlotte Calvin, Coordinator
Court Referral Program
Voluntary Action Center of West Orange County
8100 Garden Grove Boulevard, Suite No. 9
Garden Grove, CA 92644
(714) 898-0043

Sue Dings, Director
Placer County Volunteer Bureau/
Voluntary Action Center
11484 "C" Avenue
DeWitt Center
Auburn, CA 95603
(916) 885-7706

Leo T. Loera, Supervising Probation Officer
Elaine Adame, Court Referral Program Coordinator
Court Referral Program
Riverside County Probation Department
Health and Finance Building
3575 11th Street, 4th Floor
Riverside, CA 92501
(714) 787-6395/6168

Pat Rowe
Court Referral Program
Riverside Volunteer Center
3527 Main Street
Riverside, CA 92501
(714) 686-4402

Kim King, Coordinator
Alternative Sentencing Procedures
458 I Street Court
Sacramento, CA 95814
(916) 446-5081

Theresa Ramirez, Deputy Probation Aide
San Benito County Work Program (Juvenile)
San Benito County Probation Department
440 5th Street, Room 105
San Benito County Courthouse
Hollister, CA 95023
(408) 637-5829

Oscar Gonzales, Project Manager
Alice Beeman, Work Sentence Coordinator
Work Sentence Program
San Bernardino Probation Department
175 West 5th Street, Third Floor
San Bernardino, CA 92415
(714) 383-2457/2239/1568

Sherry Heitzman, Volunteer Placement
United Way of San Diego County, Volunteer Bureau Division
P.O. Box 2671
San Diego, CA 92112
(714) 292-0993

Judith Spracker
Center for Positive Prevention Alternatives, Inc.
5125 East Washington
Stockton, CA 95215
(209) 948-4357

Hazel Hall
Community Treatment Diversion
P.O. Box 1020
Stockton, CA 95202
(209) 982-1800 - ext. 3029

Irene Killion De Ojeda
Rising Sun
1018 E Street
Tracy, CA 95376
(209) 835-8583

Tom Neilsen, Unit Supervisor
Jerry Love, D.P.O. II
San Luis Obispo Probation Department -
Alternative Work Service
P.O. Box 700
San Luis Obispo, CA 93406
(805) 549-5300

Ronald J. Stablein, DPO I
San Luis Obispo Juvenile Probation Department -
Alternative Work Service
2176 Johnson Avenue
P.O. Box 700
San Luis Obispo, CA 93406
(805) 549-5300

Adele Shields, Coordinator
Court Referral Program/VIPS
San Mateo County Probation Department
21 Tower Road
Belmont, CA 94002
(415) 549-5300

Marilyn Rapanut/Dennis Shaughnessy
Santa Barbara County Probation Department
123 East Anapamu Street
Santa Barbara, CA 93101
(805) 963-7100

Sally Brennan, Director
Court Referral Program
Volunteer Bureau/VAC of North Santa Clara County
460 California Avenue, Room 15
Palo Alto, CA 94306
(415k) 327-2640

Linda Peluso
Sentencing Alternatives Program
Voluntary Action Center
2131 The Alameda, Suite A
San Jose, CA 95126
(408) 244-5252

John Booth/Tom Helman/Orisha Hodges
Community Options
1105 Emeline Avenue
Santa Cruz, CA 95060
(408) 423-4592

Steve Bautista
Alternative Community Work Program
Shasta County Probation Department
1545 West Street
Redding, CA 96001
(916) 246-5681

Judith Buell, Deputy Probation Officer
Volunteer Work Program
Solano County Probation Department
550 Union Avenue, P.O. Box 969
Fairfield, CA 94533
(707) 429-6295, 429-6302

Peg Meyer
Community Service Program
Voluntary Action Center of Sonoma County
741 5th Street
Santa Rosa, CA 95404
(707) 544-9480

Bill Huebsch, Coordinator
Court Ordered Voluntary Work Program
Sonoma County Probation Department
Juvenile Division
111 Pythian Road North
Santa Rosa, CA 95405
(707) 539-6660 - ext. 236

Steve Wyatt
Stanislaus County Court Referral Program
2215 Bluegum Avenue
Modesto, CA 95350
(209) 577-8381

Georgianna Andrade
Juvenile Work Program
Public Adult Service Work Service
Sutter County Probation Department
466 2nd Street
Yuba City, CA 95991
(916) 673-6220

Hollis Huckleberry, Deputy Probation Officer
Tehama County Probation Department
1840 Walnut
Red Bluff, California 96080
(916) 527-4052

Agnes Hinman/Evelynn Hennion
Tulare County Court Referral Program
Tulare Volunteer Bureau
125 M Street
Tulare, CA 93274
(209) 688-6539

Charlotte Corkle
Work Alternative Program
Direct Work Program
Weekend Work Program
Hall of Justice
800 South Victoria Avenue
Ventura, CA 93009
(805) 654-2104

Leonard Reinhart
Yolo County Alternative Community Service Work Program
Yolo County Probation Department
P.O. Box 239
218 West Beamer Street
Woodland, CA 95695
(916) 666-8325

Mary Lou Byer, Director
Bi-County Voluntary Action Center
433 Second Street
Yuba City, CA 95991
(916) 743-6558/673-5383

DELAWARE

Paul Fink
Bureau of Adult Correction Work Programs
820 North French Street, 5th Floor
Wilmington, DE 19801
(302) 571-3443

FLORIDA

Ft. Lauderdale Probation and Restitution Center
817 North Dixie Highway
Pompano Beach, FL 33060
(305) 943-9881

Miles MacEachern
Jacksonville Community Restitution Clearinghouse
515 Victoria Street
Jacksonville, FL 32202
(904) 633-5167

Latane N. Donelin
Court Referral Program
P.O. Box 422
Gainesville, FL 32602
(904) 377-5900

HAWAII

Community Service Sentencing Program
The Judiciary
P.O. Box 2560
Honolulu, HI 96804
(808) 548-4509

ILLINOIS

Gary E. Gonigam, Program Administrator
Deferred Prosecution
Tazewell Building
414 Court Street
Pekin, IL 61554
(309) 347-7758

INDIANA

Jan Freise
Porter County PACT
23 E. Lincoln Way
Valparaiso, IN 46383
(219) 462-1127

Randy Woodward
OAR/Re-Entry
1410 Meridian Street
Anderson, IN 46016
(317) 649-7373

IOWA

Michael E. Forret, Supervisor
Community Service Sentencing
Fifth Judicial District
Department of Correctional Services
Administrative Office
1000 College Avenue
Des Moines, IA 50314
(515) 244-3202

LOUISIANA

Orleans Parish Criminal Sheriff's Restitution Program
Community Correctional Center
2800 Gravier Street
New Orleans, LA 70119

MARYLAND

Aritee Poletis
Baltimore County Volunteer Community Service Program
223 County Office Building
Towson, MD 21204
(301) 494-2268

Maurice S. Ward, Program Director
Alternative Community Services
Montgomery County Government
6400 Democracy Boulevard
Bethesda, MD 20034
(301) 468-4455

MASSACHUSETTS

Ellie Shea
320 Washington Street
Brookline, MA 02146
(617) 734-8800

MINNESOTA

Lurline J. Baker-Kent
Arrowhead Regional Corrections
401 W. Superior Street
Duluth, MN 55802
(218) 727-4556

Winonus Program
Winona County Courthouse
Winona, MN 55987

Justice System Volunteer Project
Olmsted County Courthouse
Rochester, MN 55901
(507) 285-8164

MISSOURI

Milton Mitchell, Program Director
St. Louis County Alternative Community Services Program
Department of Welfare - Corrections
7900 Carondelet Avenue
Clayton, MO 63105
(314) 889-2539

NEW JERSEY

Pretrial Intervention Program
Atlantic County
640 Guarantee Trust Building
Atlantic City, NJ 08401
(609) 345-6700 - ext. 367

NEW MEXICO

David L. Black, Director
Pre-Prosecution Diversion Program
Room 110 Northwest Energy Building
Farmington, NM 87401
(505) 327-4881, 863-9309

NORTH CAROLINA

Harriet Quinn
OAR
305 E. Main Street
Durham, NC 27701
(919) 682-5773

OHIO

Floyd Simon, Program Coordinator
Toledo Municipal Court Alternatives Program
555 North Erie Street
Toledo, OH 43624
(419) 247-6091

OREGON

Harley Leiber, Coordinator
Alternative Community Service Program
Department of Justice Services
Division of Corrections/Community Services
Room 824 County Courthouse
Portland, OR 97204

RHODE ISLAND

Karen Sullivan
Adult Diversion Unit
Department of Attorney General
72 Pine Street
Providence, RI 02903
(401) 274-4400 - ext. 213

VIRGINIA

Diane Martin
OAR/USA
409 E. High Street
Charlottesville, VA 22901
(804) 295-6196

Fran O'Neal
OAR Community Service Program
4057 Chain Bridge Road, Room 103
Fairfax, VA 22030
(703) 691-3081

APPENDIX D

ADULT COMMUNITY SERVICE LEGISLATION IN THE UNITED STATES

TABLE 10

ADULT COMMUNITY SERVICE
LEGISLATION IN THE UNITED STATES: 1981

JURISDICTION AND STATUTE	SUMMARY OF STATUTORY PURPOSE	SERVICE TYPE	SERVICE AMOUNT	SERVICE RECIPIENT/ LOCATION	SUMMARY OF SIGNIFICANT PROVISIONS	SPECIAL NOTES
ARIZONA REV. STAT. ANN. s. 13-1805 (G) (1978)	Authorizes service sentence in addition to or in lieu of fine for misdemeanor or felony shoplifting	Public services	Not specified	Designated by court	The court may, in imposing sentence upon a person convicted of shoplifting, require any person to perform public services designated by the court in addition to or in lieu of any fine which the court might impose.	Service for specific offense only.
CALIFORNIA PENAL CODE s. 490.5(c) (Deering 1979)	Authorizes service sentence in lieu of fine for first conviction of petty theft of retail merchandise or library materials	Public services	No less than required to satisfy fine at minimum wage	Designated by court	In lieu of \$50-\$1,000 fines for a first conviction of petty theft of merchandise taken from a merchant's premises or a book or other library materials taken from a library facility, any person may be required to perform public services designated by the court, provided that in no event shall any such person be required to perform less than the number of hours of such public service necessary to satisfy the fine assessed by the court at the minimum wage prevailing in the state at the time of sentencing.	Service for specific offense only. Service for first offender only.
CALIFORNIA PENAL CODE s. 1001	Authorizes diversion from traditional criminal processing for individuals charged with misdemeanor.	Public service	Set at time of diversion	Designated by diversion program	In exchange for a fixed and contractual obligation in the form of service to the community arrestees can have charges fully dismissed. Pretrial diversion is defined as "the procedure of postponing prosecution either temporarily or permanently at any point in the judicial process from the point at which the accused is charged until adjudication."	
DELAWARE CODE ANN. tit. 11, s. 4105(b), (c) (Cum. Supp. 1979)	1. Authorizes service sentence in lieu of fine or costs if offender is unable or fails to pay. 2. Authorizes development of guidelines for permissible amounts of service in Justice of Peace Court. 3. Establishes program selection and offender assignment procedures. 4. Authorizes civil contempt penalty for service failure by offender.	Public work assignments	1. Amount required to satisfy fines and costs at minimum wage. 2. According to guidelines to be set by Deputy Administrator of J.P. Courts	Public projects submitted by state, county or municipal agencies and certified by Division of Corrections	Where a person sentenced to pay a fine, costs or both, on conviction of a crime is unable or fails to pay at the time of sentence or in accordance with terms of payment set by the court, the court may order the person to report at any time to the Director of the Division of Corrections, or a person designated by him/her, for work for a number and schedule of hours necessary to discharge the fine and costs imposed. For purposes of this section, an hourly rate equal to minimum wage for employees shall be used in computing the amount credited to any person discharging fines and costs. In cases involving J.P. Courts, the Deputy Administrator thereof shall establish guidelines for the number of hours of work which may be assigned and the courts shall adhere to said guidelines. The Division may approve public work assignments submitted for certification for convicted persons, whereupon the Director or a person designated by him/her may assign the convicted person to work under the supervision of any state, county, or municipal agency on any project or assignment specifically certified for that purpose. The D.O.C. shall not compensate any convicted person assigned to work but shall credit such person with the number of hours of satisfactory service. When the number of hours equals the number imposed by the court, the D.O.C. shall certify this fact to the appropriate court, and the court shall proceed as if the fines and costs had been paid in cash. In the event that a person serves the maximum sentence for civil contempt for failure to comply, the court in its discretion may order that any fines and costs totaling less than \$1,000 shall be cancelled.	Service is explicitly uncompensated.

Source: A. T. Harland, Criminal Justice Research Center, 1979.

TABLE 10 (cont.)

JURISDICTION AND STATUTE	SUMMARY OF STATUTORY PURPOSE	SERVICE TYPE	SERVICE AMOUNT	SERVICE RECIPIENT/ LOCATION	SUMMARY OF SIGNIFICANT PROVISIONS	SPECIAL NOTES
FLORIDA STAT. ANN. a. 775.091 (West Cum. Supp. 1979)	Authorizes service sentence in addition to any punishment.	Specified public service	Not specified	Not specified	In addition to any punishment, the court may order the defendant to perform a specified public service.	
FLORIDA s. 948.031	Authorizes public service as an addition to probation.	Specified public service	Not specified	Tax supported or tax exempt entity	Any person convicted of a felony or misdemeanor and placed on probation may be required to perform community service as a condition of that probation sentence.	Service must be performed at a time other than the person's regular hours of employment.
FLORIDA STAT. ANN. s. 812.015(2) (West Cum. Supp. 1979)	Authorizes service sentence in lieu of fine for second or subsequent petit retail theft.	Public service	No less than required to satisfy fine at minimum wage.	Designated by court	Upon a second or subsequent conviction for petit retail theft, in lieu of a fine of not less than \$50 not more than \$1,000 the court may require the offender to perform public services designated by the court. In no event shall any such offender be required to perform less than the number of hours of public service necessary to satisfy the fine at the minimum wage prevailing in the state at the time of sentencing.	Service for second or subsequent offense only.
HAWAII REV. STAT. s. 706-605(1) (F) (Supp. 1978)	Authorizes community service as a sentencing alternative or as a condition of probation.	Services for the community	Stated in the court's judgment	Governmental agency or benevolent or charitable organization or other community service group or under other appropriate supervision.	The court may sentence a person convicted of a crime to perform services for the community under the supervision of a governmental agency or benevolent or charitable organization or other community service group or under other appropriate supervision, or to perform such services and to probation, as the court may direct, provided that the convicted person who performs such services shall not be deemed to be an employee for any purpose. The extent of services required shall be stated in the judgment. The court shall not sentence the convicted person only to perform such services unless, having regard to the nature and circumstance of the crime and to the history and character of the defendant, it is of the opinion that such services alone suffice for the protection of the public.	Section 706-605(1) (e) authorizes a sentence to make restitution or reparation to victims in addition to any community service. Offender not an employee for any purpose.
ILLINOIS ANN. STAT. ch. 38, ss. 1005-6-3(b) (10) 3.1(c)(10) (Smith-Hurd Cum Supp. 1979)	Authorizes service conditions of probation and conditional discharge [3(b)(10)] Authorizes service conditions of court supervision, upon deferred judgment [3.1(c)(10)].	Reasonable public service work such as but not limited to picking up litter, or maintenance of public facilities.	Not specified	Public parks, public highways, public facilities.	The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person perform some reasonable public service work such as but not limited to the picking up of litter in public parks or along public highways or the maintenance of public facilities.	Sections 1005-6-3(b)(9), 3.1(c)(9) authorize restitution under same conditions of probation or court supervision.
ILLINOIS ANN. STAT. ch. 38, s. 204-4(6) (Smith-Hurd Cum Supp. 1979)	1. Defines duties of probation officers to develop and operate service programs. 2. Restricts P.O.'s Liability for offender's tortious acts	Reasonable public service work	Not specified	Not specified	Duties of P.O.s shall be to develop and operate programs of reasonable public service work for any persons placed on probation or supervision, providing, however, that no probation officer or any employee of a probation officer acting in the course of his official duties shall be liable for any tortious acts of any persons placed on probation or supervision as a condition of probation or supervision, except for willful misconduct or gross negligence on part of the P.O. or employee.	P.O. not liable for tortious acts of probationer

TABLE 10 (cont.)

JURISDICTION AND STATUTE	SUMMARY OF STATUTORY PURPOSE	SERVICE TYPE	SERVICE AMOUNT	SERVICE RECIPIENT/ LOCATION	SUMMARY OF SIGNIFICANT PROVISIONS	SPECIAL NOTES
ILLINOIS ANN. STAT. ch. 38, s. 204a (1) (Smith-Hurd Cum. Supp. 1979)	1. Authorizes county boards to establish and operate agencies to develop and supervise programs of public service employment for persons placed on probation or supervision by court. 2. Restricts liability of county employees for offender's tortious acts.	Public service work such as but not limited to picking up litter, or maintenance of public facilities	Not specified	To be developed in cooperation with the circuit courts for respective counties	County boards are authorized to establish and operate agencies to develop and supervise programs of public service employment for those persons placed by the court on probation or supervision; the programs shall be developed in cooperation with the circuit courts for the respective counties developing such programs and shall conform with any law restricting the use of public service work; the types of public service employment programs which may be developed include but are not limited to the picking up of litter in public parks or along public highways or the maintenance of public facilities. Neither the county nor any official or employee thereof acting in the course of his/her official duties shall be liable for any tortious acts of any person placed on probation or supervision as a condition of probation or supervision, except for willful misconduct or gross negligence on the part of such governmental unit, official or employee. No person assigned to a public service employment program shall be considered an employee for any purpose, nor shall the county board be obligated to provide any compensation to such persons.	Obligation to provide compensation explicitly denied. Offender not considered an employee for any purpose.
KANSAS STAT. s. 21-4610 (3) (m) (1978)	Authorizes service as condition of probation or suspended sentence.	Community or public service work	Not specified	Local governmental agencies, private corporations organized not for profit, or charitable or social service organizations performing services for the community.	Court may include among conditions of probation or suspension of sentence: the defendant shall perform community or public service work for local governmental agencies, private corporations organized not for profit, or charitable or social service organizations performing services for the community.	Section 21-4610(3)(h) authorizes restitution or reparation to aggrieved parties. See also s. 21-4610(3)(m), below.
KANSAS STAT. s. 21-4610 (3) (n) (1978)*	Authorizes service condition of probation or suspended sentence, under day fines system to satisfy monetary fines, costs, reparation.	Not specified [but see s. 21-4610(3)(m)]	Service for a period of days determined by court, to satisfy fines or costs, reparation or restitution on the basis of ability to pay, standard of living, support obligations and other factors	Not specified [but see s. 21-4610(3)(m)]	Court may include among conditions or probation or suspension of sentence: the defendant shall perform services under a system of day fines whereby the defendant is required to satisfy monetary fines or costs or reparation or restitution obligations by performing services for a period of days determined by the court on the basis of ability to pay, standard of living, support obligations and other factors.	Authorizes service to satisfy monetary obligations, including restitution on basis of ability to pay.

*Day-fine service only

TABLE 10 (cont.)

JURISDICTION AND STATUTE	SUMMARY OF STATUTORY PURPOSE	SERVICE TYPE	SERVICE AMOUNT	SERVICE RECIPIENT/ LOCATION	SUMMARY OF SIGNIFICANT PROVISIONS	SPECIAL NOTES
MAINE STAT. ANN. tit. 17-A, s. 1204(2-A) (L) (1978)	Authorizes work as condition of probation	Specified work	Not specified	State, county, municipality, school administrative district, other public entity, or a charitable institution.	As a condition of probation, the court in its sentence may require the convicted person to perform specified work for the benefit of the state, a county, a municipality, a school administrative district, other public entity or charitable institution.	Section 1204 (2-A) (B) authorizes restitution as a condition of probation, to each victim, or to the county if victim not found or not interested.
MAINE STAT. ANN. tit. 34, ss. 1007(1) (F), (2) (1979)	Authorizes court sentencing offender to county jail to allow inmate to leave jail during necessary and reasonable hours to perform services.	Voluntary services	Not specified	Within county where jailed	Any person sentenced or committed to a county jail for crime, nonpayment of a fine or forfeiture or court order, or criminal or civil contempt of court, may be granted the privilege of leaving the jail during necessary and reasonable hours to give voluntary services within the county in which the jail is located. The court may grant such privilege at the time of sentence or commitment or thereafter. The court may withdraw the privilege at any time by order entered with or without notice or hearing.	Authorizes voluntary service. Section 1007 (1) (G) authorizes similar privilege to work or provide service to the victim with the victim's express approval.
MARYLAND STAT. ANN. art. 27, s. 641(a) (1) (Cum. Supp. 1978)	Authorizes service as condition of probation prior to judgment.	Parks program or voluntary hospital program	Not specified	Parks or hospital	The terms and conditions of probation, after determination of guilt or nolo contendere plea but prior to entering judgment, may include any type of rehabilitation program or clinic, including but not limited to the driving while intoxicated school, or similar program, or the parks program or voluntary hospital program.	Authorizes voluntary service. Authorizes service prior to judgment Section 64.1 (a) (1). Also authorizes restitution as a condition of probation prior to judgment.

TABLE 10 (cont.)

JURISDICTION AND STATUTE	SUMMARY OF STATUTORY PURPOSE	SERVICE TYPE	SERVICE AMOUNT	SERVICE RECIPIENT/ LOCATION	SUMMARY OF SIGNIFICANT PROVISIONS	SPECIAL NOTES
MARYLAND STAT. ANN. art. 27, s. 726A (Cum. Supp. 1979)	Authorizes counties and Baltimore City to establish community service programs. Authorizes service as condition of probation, suspended sentence or in lieu of fines and costs. Specifies eligibility criteria and administrative procedures for service programs.	Community service	Not specified	Private charitable and nonprofit institutions and agencies of government.	Each county and Baltimore City may establish a community service program. Court may order community service as a condition of probation, as condition to suspended sentence or in lieu of payment of any fines and court costs imposed: IF: defendant consents, defendant is not compensated, and has not been convicted of a violent crime. County executives and Mayor of Baltimore shall request private charitable and nonprofit institutions and agencies of government to provide work projects. Agencies to provide information about projects on form prepared by Administrative Office of Courts, to be sent to Clerks of Court. Service program to be administered by Division of Parole and Probation which shall prepare general guidelines that allow modification to meet local conditions. County may elect to have local program monitored by D.O.P.P. or by county. County shall pay for local monitoring, supervising, transportation, tools and other items necessary to implement program. County shall report to D.O.P.P. which shall file annual report to A.O.C. Public or private agency that requests service is responsible for supervising worker and must accept the assignment on terms and conditions imposed by court. Public and private agency may report unsuitability of worker to court. Court may reassign or take other action allowed by law. Section not to limit court's authority to order restitution or service to victims.	Service assignment must be made with defendant's consent. Service is explicitly uncompensated. Defendants convicted of violent crime excluded. D.O.P.P. to prepare administrative guidelines. Recipient agency is responsible for worker's supervision. Service does not limit court's power to order restitution or service to victims.
MINNESOTA STATE ANN. s. 244.09 (s) (2) (West Cum. Supp. 1979)	Establishes sentencing guidelines commission. Authorizes guidelines including community work orders.	Community work	Not specified	Not specified	Any guidelines promulgated by the commission for offenders for whom imprisonment is not proper shall make specific reference to noninstitutional sanctions, including but not limited to community work orders.	Guidelines also to include day fines and restitution.
MINNESOTA STAT. ANN. s. 3.739 (Cum. Supp. 1979)	Establishes claims procedure and limitations on liability for injury to service worker.	Uncompensated work. Work in restitution.	Not specified	State agency, political subdivision or public corporation of state, or nonprofit educational, medical, or social service agency.	Claims to be paid pursuant to legislative appropriation following evaluation of each claim by appropriate house and senate committees, for: injury or death of inmate conditionally released from state correctional facility and ordered to perform uncompensated work for a state agency, political subdivision or public corporation of state, or nonprofit educational, medical, or social service agency, as a condition of his/her release, while performing the work; or injury or death of probationer performing work in restitution pursuant to court order; or injury or death of person, including a juvenile diverted from court system and performing work in restitution pursuant to a written agreement signed by him/herself, and if a juvenile, by his/her parent or guardian. Compensation will not be paid for pain and suffering. This procedure is exclusive of all other legal, equitable and statutory remedies against the state, its political subdivisions, or any employees thereof.	Service is explicitly uncompensated. Liability for injury during work in restitution exclude compensations for pain and suffering.

TABLE 10 (cont.)

JURISDICTION AND STATUTE	SUMMARY OF STATUTORY PURPOSE	SERVICE TYPE	SERVICE AMOUNT	SERVICE RECIPIENT/ LOCATION	SUMMARY OF SIGNIFICANT PROVISIONS	SPECIAL NOTES
MISSISSIPPI CODE ANN. s. 47-7-47(4) (1978)	Authorizes service as condition of probation or earned probation	Restitution to society through reasonable work for benefit of community.	Not specified	Community	Judge of any circuit court may place offender on program of earned probation after a period of confinement and shall direct that such defendant be under supervision of department of corrections. In event that court should place any person on probation or earned probation, the court may order appropriate restitution to any victim of his/her crime or to society through the performance of reasonable work for the benefit of the community.	Authorizes restitution to society. Authorizes service after period of confinement.
NEW HAMPSHIRE REV. STAT. ANN. s. 651:2(vi-a) (1977)	Authorizes service sentence for destruction of property or unauthorized entry.	Uncompensated public service that will foster respect for interests violated by defendant's conduct.	Not more than 50 hours	Public service under supervision of elected or appointed official of city or town in which the offense occurred	Person convicted of destruction of property or unauthorized entry may be required as a condition of discharge to perform not more than 50 hours of uncompensated public service under the supervision of an elected or appointed official of the city or town in which the offense occurred, such service being of the sort that in the opinion of the court will foster respect for those interests violated by the defendant's conduct.	Service for specific offenses only. Maximum amount of service specified. Service is explicitly uncompensated. Service related to offender's conduct.
NEW JERSEY STAT. ANN. s. 2C:44-1 (b) (6) (West Cum. Supp. 1979)	Includes service among circumstances in mitigation of sentence.	Community service	Not specified	Not specified	In determining appropriate sentence to be imposed on a person convicted of an offense, court may properly consider as a mitigating circumstance that the defendant has compensated or will compensate the victim or will participate in a program of community service.	Service considered in mitigation of sentence. Compensating victims is also considered in mitigation.
NEW YORK PENAL LAW s. 65.10(2) (f-1) (McKinney 1979)	Authorizes service as condition of probation or conditional discharge for misdemeanor or violation.	Services	Not specified	Public or not-for-profit corporation, association, institution or agency.	When imposing a sentence of probation or conditional discharge, the court may, as a condition of the sentence, require that the defendant perform services for a public or not-for-profit corporation, association, institution, or agency, only upon conviction of a misdemeanor or violation and where defendant has consented to the amount and conditions of such service.	Service is authorized among conditions of conduct and rehabilitation service for specific offenses only. Service authorized with explicit requirement of consent by offender. Section 65.10 also authorizes restitution.

TABLE 10 (cont.)

JURISDICTION AND STATUTE	SUMMARY OF STATUTORY PURPOSE	SERVICE TYPE	SERVICE AMOUNT	SERVICE RECIPIENT/ LOCATION	SUMMARY OF SIGNIFICANT PROVISIONS	SPECIAL NOTES
OKLAHOMA STAT. ANN. tit. 22, s. 991a (West Cum. Supp. 1979)	Authorizes service as condition of probation and suspended sentence, except for offenders of third or subsequent felony. Makes Department of Corrections responsible for monitoring and administration of service program.	Community service	Schedule consistent with employment and family responsibilities of offender	Not specified	Court may, at time of sentencing or at any time during the suspended sentence, in conjunction with probation order the person convicted to engage in a term of community service without compensation, according to a schedule consistent with his/her employment and family responsibilities. The court shall first consider a restitution program for the victim as well as imposition of a fine or incarceration of the offender. Suspended sentence under this section shall not be given to persons being sentenced upon third or subsequent felony conviction. D.O.C. shall be responsible for monitoring and administration of restitution and service programs under this section, and shall insure that service assignments are properly performed.	Service is explicitly uncompensated. Court must first consider restitution as well as imposition of fine or incarceration. Offenders sentenced for third or subsequent felony are excluded.

NOTE: Since preparation of this table, the New Criminal Code of Alaska has added provision for community service. See note 30 supra.

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