

MF-1



Volunteers and Adult Misdemeanor Courts

Teaching Module Booklet

-8-

83354

Funded by:

*L.E.E.A.-O.C.F.E.T.
The W.K. Kellogg Foundation*

*The Public Welfare Foundation
The Ford Motor Co. Fund*

*V.S.P. v. N.C.E.D.
1980-1981*



200 WASHINGTON SQUARE PLAZA ROYAL OAK, MICHIGAN 48067 (313) 398-8550

March, 1981

MAY 7 1982

KEITH J. LEENHOUTS, Director
Municipal - District Court Judge, 1959-1969

ACQUISITIONS

TO: Professors of Juvenile and Criminal Justice.
Professors of Sociology, Psychology, etc.
teaching juvenile and criminal justice courses.
Professors, Trainers and others conducting training
for juvenile and criminal justice volunteer programs.

FROM: The Curriculum Development Committee: Dr. Vernon Fox,
Professor G. LaMarr Howard, Dr. Gordon Misner, Mrs.
Marcia Penn, Dr. Ernest L.V. Shelley, Judge Keith J.
Leenhouts, Project Coordinator and Ms. Vera I. Snyder,
Associate Project Coordinator

During the past decade there has been a proliferation of information about volunteering. For those professionals interested, we are pleased to provide you with curriculum materials to assist you in teaching and developing classes or courses in juvenile and criminal justice volunteerism and juvenile and criminal justice general curriculum.

We have given much time and thought to this project since we are convinced volunteerism is one of the best, if not the best, development in juvenile and criminal justice programs during the last two decades. Volunteers, working under careful and intelligent supervision, reduce recidivism by greatly increasing effective rehabilitative services.

These materials have been prepared, compiled, printed and distributed with funds from a grant from the Law Enforcement Assistance Administration Office of Criminal Justice Education and Training; The Public Welfare Foundation, the Ford Motor Company Fund and the W. K. Kellogg Foundation. Special gratitude is extended to Dr. J. Price Foster, Davis Haines, Leo J. Brennan, Jr., Dr. Peter R. Ellis and Professor Thomas O. Johnson of Asbury College.

We do suggest broad flexibility in the use of these teaching module booklets. The Teachers Outline, suggested Questions and Answers, Learning Exercises, Bibliographies and Content Pages are to be used by you in any and every way they will be most helpful. Please feel free to be creative, imaginative and utilize the materials in a manner which will best suit you. The same is true of the resource packets, modules numbered eleven and twelve.

We feel volunteerism has a very legitimate and important place in juvenile and criminal justice curriculum. We hope you agree and find these resources helpful.

Please let us know if we can be of any further assistance. We wish you the best in your classes and courses on this most vital, crucial and critical subject.

*Grant No. #79-DF-AX-0132. The contents do not necessarily reflect the views and policies of LEAA.

- NATIONAL OFFICERS**
- H. LADD PLUMLEY*
Chairman of the Board
 - RICHARD L. GELS
Vice Chairman of the Board
 - ROBERT B. CLARK*
Vice Chairman, Governmental Affairs
 - JOHN L. KIDDE*
Vice Chairman, International Affairs
 - CARL M. LOEB, JR.*
Vice Chairman, Professional Affairs
 - ROBERT STUART*
Vice Chairman, National Affairs
 - MRS. POTTER STEWART*
Vice Chairman, Citizen Affairs
 - JOHN W. LARSEN*
Treasurer
 - HON. ARTHUR S. LANE*
Chairman, Executive Committee
 - WILLIAM F. MAY*
Chairman, National Executives' Committee
 - MILTON G. RECTOR
President
 - FREDERICK WARD, JR.
Executive Vice President
 - LEONARD A. TROPIN
Vice President

- VIP ADVISORY COUNCIL**
- Chairman
JOEL E. NYSTROM
Executive Director
International Y. M. C. A. (Ret.)

- TADINI BACIGALUPL JR.
President, Social Advocates
for Youth Program
San Francisco, California
- JAMES V. BENNETT
Director, U.S. Bureau of Prisons (Ret.)

- MR. JUSTICE TOM C. CLARK
U. S. Supreme Court (Ret.)

- JUDGE HORACE B. HOLMES
Juvenile Court - Boulder

- G. LA MARR HOWARD
Professor - Georgia State University

- QUINTON T. HUGHES
Del Mar, California

- LAURANCE M. HYDE, JR.
Professor of Law,
Nova University School of Law,
Fort Lauderdale, Florida

- JOHN W. LESLIE
Honorary Chairman
Signode Corporation - Chicago

- MRS. JOHN W. LESLIE
Evanston, Illinois

- R. STANLEY LOWE
Casper, Wyoming

- W. WALTER MENNINGER, M.D.
Menninger Foundation

- MILTON G. RECTOR
President - NCCD

- MR. JUSTICE POTTER STEWART
U. S. Supreme Court

- MRS. POTTER STEWART
Washington, D. C.

- MRS. THERESA YANCEY
Chicago, Illinois

- Consultant
ROBERT C. HOFFITT*
Executive Director,
Partners, Inc.
Denver, Colorado

OLUNTEERS	OLUNTEERS	OLUNTEERS	OLUNTEERS	OLUNTEERS
I N	I N	I N	I N	I N
P REVENTION	P ROSECUTION	P ROBATION	P RISON	P AROLE

U.S. Department of Justice
National Institute of Justice

83354

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
Keith J. Leenhouts
Nat'l Council on Crime & Delinquency
to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

VOLUNTEERS AND ADULT MISDEMEANANT COURTS

One of twelve teaching module booklets to assist Professors to teach classes and/or courses on juvenile and criminal justice volunteerism.

Written and Compiled by:

Dr. Vernon Fox, Florida State University--Founder of Southern Corrections Conference
Professor G. LaMarr Howard, Georgia State University--Former Director of Volunteers, Fulton County Juvenile Court (Georgia)
Dr. Gordon Misner, University of Illinois at Chicago Circle--Former President of Academy of Criminal Justice Sciences
Mrs. Marcia Penn, PM Associates--Former Director of the Governor's Office on Volunteerism (Virginia)
Dr. Ernest L.V. Shelley, Olivet College, Michigan--Former Director of Treatment, Michigan Department of Corrections
Judge Keith J. Leenhouts, Project Coordinator--Royal Oak Municipal Judge, 1959-1969, Director of VIP Division* of the National Council on Crime and Delinquency
Ms. Vera I. Snyder, Associate Project Coordinator, Administrative Associate of VIP Division of the National Council on Crime and Delinquency

Complete List of Teaching Module Booklets Available:

- 1) History of Volunteers in Juvenile and Criminal Justice
- 2) Value Base of Juvenile and Criminal Justice Volunteerism
- 3) Volunteer Resource Development
- 4) Management and Administration of Volunteer Programs in Juvenile and Criminal Justice
- 5) Dynamics of Individual and Group Counseling by Volunteers
- 6) Many Uses of Volunteers in Juvenile and Criminal Justice
- 7) Volunteers in Juvenile Diversion, Probation, Detention, Institutions and Alternatives
- 8) VOLUNTEERS AND ADULT MISDEMEANANT COURTS
- 9) Volunteers with the Adult Felon
- 10) Issues, Trends and Directions for Juvenile and Criminal Justice Volunteerism in the 1980's
- 11) Corrections Volunteer Information Portfolio (Resource Booklet)
- 12) National Education-Training Program (Resource Booklet for Juvenile and Criminal Justice Volunteerism)

Additional copies of student material (blue pages) may be photocopied or ordered from VIP-NCCD, 200 Washington Square Plaza, Royal Oak, Michigan 48067. Copies ordered from VIP-NCCD will be printed and bound similar to this booklet (at cost). Additional copies of the complete teaching module booklets are available at cost.

*Volunteers in Prevention, Prosecution, Probation, Prison, Parole

OUTLINE VOLUNTEERS AND ADULT MISDEMEANANT COURTS

- I MISDEMEANANT COURT:
 - a) Scope of Authority
 - b) Justice of the Peace
 - c) State Control vs Local Control
 - d) Preliminary Examination of Felony Charges
- II MISDEMEANANT OFFENDERS:
 - a) Defined
 - b) Limited Disposition
 - c) Variety of Behaviors
- III THE MISLEADING ASSUMPTION OF UNIMPORTANCE:
 - a) Misdemeanant Offenders are not Minor Matters
 - b) Broad-Scope -- Processing Law-Abiding Citizens
 - c) 85% of Known Felons have Appeared in Misdemeanant Courts Prior to their Felony Offense
- IV RESOURCES:
 - a) Minimal Budgeted Resources
 - b) High Case Loads
 - c) Limited Knowledge of Offender
- V VOLUNTEER INVOLVEMENT:
 - a) Rehabilitative Services
 - b) Facilitate Court Processes
- VI SERVICES THE VOLUNTEERS PROVIDE:
 - a) Probation
 - b) Pre-Sentence Reports
 - 1) Helps the Judge Sentence
 - 2) Identification of Alternatives for Diversion
 - 3) Create a Positive Atmosphere
 - 4) Consideration of the Victims Needs
 - 5) Develops a Probation Plan
- VII TYPES OF VOLUNTEERS:
 - a) One-To-One
 - b) Professional
 - c) Pre-Sentence Investigator
 - d) Administrative Volunteer
 - e) Public Relations

VIII SOURCES OF VOLUNTEERS:

- a) Retirees
- b) Recovered Clients
- c) Housewives
- d) Salespeople
- e) Others

IX ARTICLES FROM JUDICATURE:

- a) Judge William H. Burnett
- b) Judge Keith J. Leenhouts

X CASES:

- a) Assault and Battery
- b) Simple Larceny
- c) Accosting a Child for Immoral Purposes
- d) Indecent Exposure
- e) Drunk and Disorderly

VOLUNTEERS AND ADULT MISDEMEANANT COURTS

QUESTIONS AND ANSWERS

- 1) The Misdemeanant Court:
 - a) Is an Unimportant Court
 - *b) Holds Preliminary Hearings in Felony Cases
 - c) Deals with Juvenile Offenders
 - d) All of the above
 - e) None of the above
- 2) Most Misdemeanant Courts have adequate Probation Departments.
True -- *False
- 3) Misdemeanant offenders are frequently law abiding citizens most of the time. *True -- False
- 4) The Misdemeanant Court:
 - a) Handles less serious offenses than Felony Courts
 - b) Handles many traffic cases
 - c) Usually uses fines for punishment
 - *d) All of the above
 - e) None of the above
- 5) Discuss the impact of limited resources on disposition of misdemeanor cases.
- 6) Volunteers can provide rehabilitation services and facilitate court processes. Pro and Con discussion.
- 7) Discuss the five functions of pre-sentence investigation departments.
- 8) Where can volunteers be found?
- 9) What are the major differences between pre-sentence volunteers, administrative volunteers, one-to-one volunteers and the professional volunteers?
- 10) Discuss the Judicature Magazine article, "Volunteers In The Lower Courts-- The Weak Become Strong."
- 11) What are the major advantages of processing an assault and battery case in a program using volunteers?
- 12) What are the major advantages of processing a simple larceny case in a program using volunteers?
- 13) What are the major advantages of processing a case involving the accosting of a child for immoral purposes in a program using volunteers?
- 14) What are the major advantages of processing an indecent exposure case in a program using volunteers?
- 15) What are the major advantages of processing a drunk and disorderly case in a program using volunteers?

*Indicates Correct Answer

LEARNING EXERCISES

WRONG VOLUNTEER/WRONG JOB

OBJECTIVE: To provide students with the experience of dealing with an unsatisfactory volunteer probation officer.

- PROCEDURE:
- 1) Discuss the need to interview, screen and match volunteers
 - 2) Ask for two volunteers to demonstrate through role play the problem of a mismatched volunteer and client
 - 3) Read the situation to the group
 - 4) Assign one person to play the volunteer and the other to play the volunteer coordinator
 - 5) Allow ten minutes for role play
 - 6) Discuss how the volunteer coordinator might have referred the volunteer to a more appropriate placement

SECOND EXERCISE

The Adult Misdemeanant Court has a volunteer probation service. There are currently 25 volunteer probation officers, all doing a good job.

A volunteer coordinator recruits, screens, interviews and places volunteers. Joan, the volunteer coordinator, has recently placed John D. (a volunteer) with Henry, a 17-year old, who was charged with indecent exposure. John D. is an older man with strong religious convictions.

Very shortly, Joan discovers she has made a bad match. While John D. is a kind, dedicated volunteer, he cannot relate to Henry's offense in any way but, "He has sinned and must pray for forgiveness."

Questions: If you were the volunteer coordinator how would you handle this situation?

LEARNING EXERCISES (Continued)

WRITING A JOB DESCRIPTION FOR A VOLUNTEER PROBATION OFFICER

OBJECTIVE: To provide students with experience in the design of job descriptions

- PROCEDURE:
- 1) Discuss the need for a clearly defined, honest job description for volunteers
 - 2) Distribute hand-out material and job description format and instruction sheets
 - 3) Have each student prepare a job description for a volunteer probation officer
 - 4) Have several students read their job descriptions to the class and have class critique
 - 5) Discuss who should prepare the job description in a court setting and who should have additional input (Judge and probation officers should have input. Volunteer coordinators should prepare it)

INSTRUCTION SHEET

- 1) Job Title: Short, accurate title
- 2) Objective of Job: Describe work to be accomplished by the job
- 3) Responsibilities/Tasks: List duties to be performed
- 4) Time Requirements: Important--be honest, do not overestimate or underestimate time requirements. If minimum expectation is 6 months (1 year) be explicit.
- 5) Skills Required: Does the volunteer need a driver's license? Have a high school diploma? Etc.
- 6) Training Required: If training is mandatory, indicate. Also indicate if volunteer must attend a certain course with a specific number of hours.
- 7) To Whom is the Volunteer Directly Responsible?: Name and Title
- 8) Other: Any benefits offered to the volunteer--e.g., out-of-pocket expenses, insurance, etc.
Any restrictions--volunteer "Do's and Don'ts"

Job Title:

Objectives of Job:

Job Responsibilities/Tasks:

Time Requirements (time per day or week)

Skills Required:

Training Required:

To Whom is the Volunteer Directly Responsible:

Other:

BIBLIOGRAPHY

Corrections Volunteer Information Portfolio. See Module Eleven, this series.

National Education-Training Program. 34 hours of audio-visual TV cassettes. See Module Twelve, this series.

First Offender, Morris, J.A. Available from VIP-NCCD, 200 Washington Square Plaza, Royal Oak, Michigan 48067.

Alcohol, Drug Abuse and Mental Health Administration, Volunteer Services Manual. Washington, D.C., Public Health Service, DHEW, 1976, 5600 Fishers Lane, Rockville, Md. 20857. 68 pages.

Burnett, William H. The Volunteer Probation Counselor, Judicature, 1969, Vol. 52, No. 1, pp. 285-289.

Covner, Bernard J. Screening volunteer alcoholism counselors. Quarterly Journal of Studies on Alcohol, 30, 1969, pp. 420-425.

Dwarshuis, Louis, Kolton, Marilyn and Gorodesky, Michael J. Role of volunteers in innovative drug treatment programs. Proceedings of the 81st Annual Convention of the American Psychological Association, Montreal, Canada, Vol. 8, 1973, pp. 963-964.

Ferneau, E. and Paine, H.J. Attitudes regarding alcoholism: The volunteer alcoholism clinic counselor. British Journal of the Addictions, 67 (4), December 1972, pp. 235-238.

Ku, Richard with Moore, Richard and Griffiths, Keith. An Exemplary Project: The Volunteer Probation Counselor Program, Lincoln, Nebraska. Washington, D.C.: U.S. Department of Justice, Law Enforcement Assistance Administration, 1975.

Law Enforcement Assistance Administration, U.S. Department of Justice. Volunteers in Law Enforcement Programs. Washington, D.C.: U.S. Government Printing Office, October 13, 1972.

Leenhouts, Keith J. Volunteers in corrections (The story of volunteers in probation). In Richard E. Hardy and John G. Cull (Eds.), Applied Volunteerism in Community Development, Springfield, Illinois: Charles C. Thomas, Publisher, 1973, pp. 130-149.

Leenhouts, Keith J. "The Volunteer's Role in Municipal Court Probation." Crime and Delinquency, January, 1964, pp. 29-37. Article details the growth of the Royal Oak, Michigan, Municipal Court probation program from eight to one hundred fifty volunteers and numerous community inputs in three and a half years.

Leenhouts, Keith J. "Royal Oaks Experience with Professionals and Volunteers in Probation." Federal Probation, Vol. XXXIV, No. 4, December 1970, p. 45. Article deals with volunteers recruiting volunteers, role of the retiree, professionals-volunteer relationship and guideline for the use of volunteers in probation.

Levin, Stanley. Volunteers in rehabilitation. In Richard E. Hardy and John G. Cull (Eds.), Applied Volunteerism in Community Development, Springfield, Illinois: Charles C. Thomas, Publisher, 1973, pp. 115-129.

Morris, J.A. "A New Way to Help Problem Youngsters." The Lion, October, 1965, Vol. 48, No. 4, pp. 12-13=14-40.

Morris, J.A. "Big Help for Small Offenders." Reader's Digest, April, 1968. "Royal Oak Aids Its Problem Youth." Reader's Digest, October, 1965.

Nelson, E. Kim, Harlow, Nora, Ohmart, Howard. Promising Strategies in Probation and Parole, Office of Development, Testing and Dissemination, National Institute of Law Enforcement and Criminal Justice, LEAA, Washington, D.C., 20531, November 1978. Includes a discussion of promising strategies, including the use of volunteers; describes how to organize the community; lists components of successful organization and management and gives examples of some comprehensive correctional programs.

VOLUNTEERS AND ADULT MISDEMEANANT COURTS

Adult misdemeanor courts have long been known as lower courts, inferior courts, minor courts and, only lately and more elegantly, as special courts. They are the lowest courts on the judicial ladder and still reflect the historical and traditional adult misdemeanor court, the Justice of the Peace Court.

Although Justice of the Peace Courts still exist in some states, their traditional functions have been taken over in most states by Municipal Courts or City Courts and more recently many states have incorporated the adult misdemeanor courts into the state court system. Many of these courts are called District Courts, not to be confused with Federal District Courts.

In the states where these courts have become part of the state system, they have been considerably upgraded. However, they are still the lowest courts in the judicial system and the rehabilitative resources of these courts are virtually always minimal and very seldom adequate.

An adult misdemeanor is a person who has attained the age of adulthood in the eyes of the criminal law and who commits an act which is a violation of a city or state law known as a misdemeanor. In some states, a person is an adult in the eyes of the criminal law at age seventeen. In other states, a person is not an adult until they are eighteen and in a few states it is sixteen.

Persons committing a violation of the law under the age referred to above are processed by the Juvenile Court. The Juvenile Court is often a division of the Probate Court or Family Court.

A misdemeanor is a crime for which one cannot be sent to prison. Misdemeanants go to jail, not to prison. While this might sound like a distinction without a difference, it really is very different. Prisons are operated by the Federal Government or the state, while jails are county or city institutions. Generally speaking, the maximum jail term is ninety days. (There are some exceptions to this usually known as high misdemeanors, which we will not discuss here).

Adult misdemeanor courts, therefore, arraign* try and sentence only adults (usually seventeen years of age and older) who have committed a crime less than a felony, called misdemeanors.

Typical acts which constitute a misdemeanor are shoplifting, assault and battery (fighting) when no serious bodily harm results from the hitting of another person and simple larceny where the amount taken is less than \$100.00. (One hundred dollars is the traditional and historical limitation which has been changed in some jurisdictions).

These courts have another historical and traditional duty. They hear the preliminary examination in felony cases. Felonies are the more serious crimes such as murder, rape, armed robbery, larceny of larger sums of money, embezzlement, etc. These cases are ultimately tried by the adult felony courts but before

*The first appearance in court when a defendant pleads guilty or not guilty. Trials are usually on another day.

being sent to the higher courts, the misdemeanor court conducts a preliminary hearing called an examination to determine two things. First, was a crime committed and, second, is there probable cause for finding that the defendant committed the crime? If the court so determines, then the case is sent up to the adult felony court for trial and, if the defendant is found guilty, he or she will be sentenced in the higher court.

So, in adult misdemeanor courts, misdemeanors are heard and, if guilt is determined, the defendant is sentenced. In felony cases, a preliminary examination is conducted and the case is either dismissed for failure to show the two conditions mentioned above or the case is processed to the higher (adult felony) court for trial and, if guilt is determined, sentencing.

In one sense these courts do process less serious crimes and should have less resources. Yet, in another sense, these courts are very important for two reasons. First, it has been estimated as many as ninety percent of our citizens have their only court-room experience in these courts. This large percentage is due in no small part to the fact these courts usually hear and dispose of traffic violations. Thus, when a citizen has a poor experience in this court, it is very likely he will never have another experience in a "higher" court which might off-set this poor experience.

Second, it has been estimated that eighty five percent of the future felony offenders first commit a misdemeanor and appear in an adult misdemeanor court. Thus, these courts have the opportunity to treat and service some eighty five percent of serious criminals---our future felons---before they commit a serious crime called a felony. Here is our opportunity to assist future felons, attempt to change their attitudes and help them avoid the consequences of a life of serious crime. We could do much but we do so little.

Because of this, the lack of resources is deplorable. Many of these courts have no probation departments at all and give no continuing supervision to the apprehended misdemeanant. Thus, these courts are usually limited to assessing a fine, sentencing to jail or dismissing the case often in a few seconds. Experience has proven this accomplishes little.

Some of the courts have probation departments but they are often probation departments in name only. It has been estimated the average amount of time a probation officer gives to a probationer is three minutes a month. The average time received by probationers in adult misdemeanor courts is, no doubt, less than three minutes a month. (It has often been said probation does not work. In actuality, it has never really been tried in most courts unless a few minutes a month can be called probation).

In the late 1950's and, to a much greater degree in the 1960's and 1970's, some of these courts lifted themselves up by their own bootstraps by using volunteers. Funds remained non-existent or very inadequate so these courts tired of waiting for adequate funding and turned to their communities and utilized the volunteer power of their city or county.

Using volunteers, some of these courts developed excellent rehabilitative services in their probation programs and these rehabilitative services were often more complete than the services available in virtually all higher courts.

In addition to providing rehabilitative services for probationers, these citizen volunteers also streamlined court procedures. As an example, in one court a retiree facilitated procedure in traffic court so police officers spent less time in court. As a result of this, they had more time on the road thus increasing the number of police hours expended in insuring the safety and well being of the city. He also enabled the citizens to have their trials on the same day of the arraignment (the proceedings where defendants are informed of the charge, their legal rights and then they plead guilty or not guilty to the charge). Thus, neither the citizen nor the police officer had to return a second day for trial.

However, the main use of volunteers was in the rehabilitative services of the probation department. Volunteers did essentially two things. They enabled the court to ascertain the problem which brought the defendant to court and helped the court deal intelligently with the problem.

Formerly this court, and virtually all courts like it, simply looked at the defendant for two or three seconds after guilt had been determined by a plea of guilty or a trial and then sentenced the defendant to pay a fine or go to jail or both. Under this system, the rate of repeat crime (recidivism) is generally estimated at about thirty five to forty percent.

However, utilizing volunteers, this court was able to refer to volunteer pre-sentence investigators who studied each of the more serious misdemeanants (as an example, most traffic violators did not go through this process) for several hours, usually between three and twenty hours, after guilt was determined. They assisted the court with a careful pre-sentence report which included a recommendation for sentencing and the reason for such recommendation. Sentencing became a scientific process and not merely a two or three seconds guess. Then, utilizing volunteers, this court was able to furnish up to twelve hours a month of appropriate rehabilitative services based upon those reports, especially during the critical first three months when the vast majority of violations of probation occur. Under this system, the recidivism for this court was about seven percent over a ten year period, 1959-1969.

What did these volunteers do? First, the volunteers in pre-sentence investigations in this particular court had three retired men serving as pre-sentence investigators. They worked full time for the court, about forty hours a week for ten or eleven months a year. One was a retired school teacher, another a retired investigator of labor disputes for a railroad who first worked for the union and later for management and the third was also a retired railroad executive who was a recovered alcoholic. They performed five basic functions.*

First, they helped the judge sentence the defendant. A famous judge once said, "Determining guilt and innocence is as easy as rolling off a log compared to sentencing." Virtually all judges agree with this observation. Sentencing is the most difficult task a judge is called upon to perform and judges need all the assistance they can be given.

*Also, as a by-product, a good pre-sentence investigation department will constantly recommend optimum treatment service, thus encouraging the probation department to constantly expand and improve its services.

Second, it is important for all courts and judges to determine in each case if it is possible to divert the defendant from the system. A fine of even one dollar, a jail term or probation for even one day gives the defendant a criminal record which often adversely affects him or her for years into the future. Employment becomes more difficult and some professions are permanently closed to those with a criminal record. The Pre-Sentence Investigation Dept. (PSI) should seek to divert whenever it can and not use jail, fines or probation if there is an effective alternative available.

Third, the PSI Department sets the tone or atmosphere for the entire probation program. Here the defendant first comes in contact with the probation department. If the defendant is treated with concern, care, thoroughness, courtesy and respect, then the entire probation department is apt to be viewed in a favorable light. If he is treated poorly at the PSI level, there is every chance he or she will have a poor idea of probation. Like in everything else, the first impression is extremely important, crucial and critical.

Fourth, the PSI Department should be careful to ascertain the damage to or injury sustained by the victim. If the person or property of the victim has been injured or damaged, should not the defendant reimburse the costs of the doctor, hospital, dentist or pay for the damage to the property of the victim? During the PSI, information concerning the victim is discovered and presented to the judge for restitution and reimbursement.

Fifth, the PSI Department should develop a probation plan for the judge's approval, disapproval or modification. What should be done during the probation period to help correct the problem which has caused the damage to the defendant's life and which has interrupted the peace and security of society? Is the defendant in need of a role-model? Does the defendant need the services of Alcoholics Anonymous? Does the defendant need psychiatric assistance? What should be done on probation to deal successfully with the problem which has brought the defendant to court so the problem can be corrected and the likelihood of the defendant committing another crime is reduced as much as possible?*

Needless to say, if the court never understands the problem it will never deal with it successfully. It is absolutely critical the courts have excellent pre-sentence investigations so after conviction by trial or by a plea of guilty but before sentencing the court can receive meaningful information about the defendant. Such information must include factual information as well as a picture of emotional and physical problems and a recommendation for the judge at the time of sentencing.

If the court has adequate funding to purchase the services of a sufficient number of probation officers enabling a probation department to give adequate time to pre-sentence investigations and continuing supervisory follow-up, then there is little problem in providing such services. However virtually no courts have sufficient personnel to do this and certainly adult misdemeanor courts virtually never have sufficient funds. So there are two choices. Either you do not provide the services and greatly increase the likelihood defendants who appear before the court will be blindly punished and they will leave the court with their problems undetected, untreated, unabated and, in fact, made worse by increased hostility because of the quick and unthinking assessment of a fine or a

*For further information on this and other services see the booklet on The Many Uses of Volunteers.

jail term or, in the alternative, you can use volunteers.

The court mentioned above used retirees. One retiree, the former school teacher did a masterful job of setting the tone and atmosphere for the entire probation effort and assisted, along with volunteer psychiatrists and psychologists, in determining mental and emotional problems.

The retired investigator of labor disputes for the railroad did a fine job discovering the needed factual information such as the employment record, school record, police record, etc.

The recovered alcoholic, who also had some experience with drugs, was able to determine, sometimes with the help of the volunteer psychiatrists and psychologists, if the drinking defendant was alcoholic or merely an experimenting or occasional drinker who simply went too far on an isolated occasion. The method of treatment of such defendants varied considerably, of course.

Acting together these retirees, who worked full time for the court, helped the judge sentence the defendant, assisted in developing a probation plan, set the tone and atmosphere for the entire probation effort, recommended diversion whenever and wherever possible and assisted in victim restitution and assistance.

Another adult misdemeanor court accomplished the same goal by utilizing volunteers from the community who, like the retirees, were not paid. (Two of the above retirees were not paid at all, the other received what he could under Social Security regulations, which minimal salary was paid by businessmen who contributed financially to the program. Thus, no tax dollars were involved in the pre-sentence investigation department at all).

The second court used housewives, salespeople or others with flexible schedules. After several weeks of training in the preparation and writing of pre-sentence investigations, they donated twenty hours a week to the probation department for a year doing pre-sentence investigations. They became very expert after being trained by, and while acting under the supervision and direction of, professionals.

After sentencing the defendant, the probation department effectuates the probation plan. Many volunteers were used by this adult misdemeanor court and they were used in many different ways. We refer the reader to the booklet entitled, "The Many Uses Of Volunteers" for details. However, we will describe the volunteers and their function very briefly as background for what follows.

A major use of volunteers is the one-to-one volunteer who acts as a friend to the probationer. Many probationers have never had a friend they can trust. This is particularly true of the younger adult misdemeanants, seventeen to twenty years of age, who have never had a good father image. The one-to-one volunteer is very, very important.

A second use of volunteers is the professional volunteer. Examples are optometrists, psychiatrists, medical doctors, attorneys, marriage counselors, dentists, etc. When the problem is poor eyesight or bad teeth, jail and fines are

no help whatever. Often the only way the defendant can be rehabilitated is by professional assistance.

The third major use of volunteers is in pre-sentence as already discussed.

A fourth major use is the administrative volunteer who makes sure the probation program does what it has determined to do in the treatment program and rehabilitative services. They carefully maintain program quality control.

The fifth type of volunteer assists in public relations in a variety of ways.

Two articles printed in the American Judicature Society Journal, JUDICATURE, state the basic concepts of the use of volunteers in adult misdemeanor courts. They are reprinted on the following pages. (Note especially the foot-notes at the bottom of the Burnett article - pages 286 and 287).

Volunteers in the Lower Courts— The Weak Become Strong

Keith J. Leenhouts

An unlikely development is taking place in the judicial system and the administration of criminal justice of our country. The weak are becoming strong, and, relatively speaking, the strong are becoming weak.

In 1960, the juvenile and adult misdemeanor courts, which deal with 80 to 90 per cent of all future felons in our land, were called "lower" courts, "inferior" courts and "minor" courts. They still are so designated, however this designation is no longer nearly so apt as it was a decade ago. In another decade it will not be true at all.

No, these courts have not suddenly received sufficient sums of money to hire the staff and services they have always lacked. They still look with envy at the higher courts which handle felony criminal cases and civil claims of unlimited amounts, which have the funds to hire the staff needed to properly administer the court, which can even purchase rehabilitative services which, in some cases, are reasonably adequate. The lower courts still cannot hire the services needed; they probably will never be able to do so.

What, then, has made them so strong? The answer is simple: volunteers. Starting with virtually no courts in 1960, the volunteer movement spread to about twenty-five courts in 1967. By 1969, perhaps 200 courts were using volunteers. In 1971, between 1,500 and 2,000 courts, nearly all of them "lower, minor, inferior" courts, have involved some 150,000 to 200,000 volunteers. Within a decade, approximately one million volunteers will be involved in some 10,000 juvenile and adult misdemeanor

courts. Then the weak shall truly have become strong.

Let the example of one court suffice. In 1959, the lower court in Royal Oak, Michigan, an adult misdemeanor court, had absolutely no funds for court personnel outside of the judge, a clerk and some clerical assistance. In desperation, the judge turned to eight volunteers. Within five years, the eight volunteers had grown into 150 one-to-one volunteers working with probationers. Retirees gave up their retirement to work, some full-time, some part-time, in the administration of the court program. Psychiatrists, psychologists, lawyers, doctors, dentists, optometrists, all volunteered their time. By 1964, some 500 volunteers in all gave the court a rehabilitation program which furnished over \$250,000 a year in services on a budget of \$17,000 from the city, which itself was stimulated and inspired by the volunteers to contribute funds to the probation department of the city for the first time.

So many felonies were reduced to misdemeanors by the prosecutors and the police that the state parole office in Royal Oak had a greatly reduced caseload. Of course, the most serious felonies like murder, rape, drug pushers and armed robbery still went to the higher courts. But these constitute only 10 to 20 per cent of all felonies. Eighty to ninety per cent of the felonies are larceny from an automobile, drug and liquor violations by users, aggravated assaults, auto thefts and so forth. These were usually reduced to misdemeanors. Why?

This was for two reasons. Punishment was

swift and sure. The trial would usually be conducted within seven to ten days after the arrest. Sentencing would follow within three more weeks. If confinement or a fine was necessary, it would be assessed within about a month after the arrest. In the higher courts it took months, sometimes over a year. If you were a policeman or prosecutor, which would you prefer?

REHABILITATIVE SERVICES

Second, and of much greater importance, was the rehabilitative service available in the Royal Oak Municipal Court, the "minor, inferior, lower" court. Often the problem was alcoholism. The Royal Oak Court, with its volunteer medical doctors, a retired, recovered alcoholic who worked full-time without pay, an antibuse program, an alcohol information school, 12 part-time professional counselors with a case load of 10 to 12 probationers each and free group psychotherapy had a very effective program.

The higher court with its paid professional probation officers had an average case load of over 100 probationers per officer. About 80 per cent of the probation officer's time was spent in administration and pre-sentence investigations. Often the probationers reported in writing or by telephone only. If you were a policeman or a prosecutor, which program would you want to handle the alcoholic? The weak had become strong, thanks to the volunteer.

Sometimes the problem was psychiatric in nature. Royal Oak had 35 volunteer psychiatrists who did pre-sentence investigations and who worked on a one-to-one basis with motivated probationers. Group psychotherapy, primarily conducted by volunteer psychiatrists and psychologists, involved about 20 per cent of all probationers. The higher court had virtually no psychiatric service unless the defendant could hire his own psychiatrist. If you were a policeman or prosecutor, which court would you want to handle the case in need of psychiatric help? A "minor, inferior, lower" court? Or have the weak become strong?

On many occasions the defendant needed

a concerned, one-to-one friend who was, at the same time, firm and strong, a role that is usually filled by a father. Many of the defendants had never known a father. Others, victims of severe beatings and even sexual perversion at the hands of an alcoholic father, would have been better off without one. To which court should the policeman or prosecutor turn? Royal Oak has 150 one-to-one volunteers. The higher court has none.

We could go on. Marriage counseling, vocational and employment counseling, drug programs, an opportunity to achieve a hard-earned dismissal of the charges, a driver violator's school to improve attitudes which really works are all available in the lowly city court. None are available in the higher courts.

Why? Because in the higher courts, funds mean services and lack of funds means no services. It's that simple. They can and do hire minimal rehabilitative services only. The poor probation officer, with his high case load and many duties simply cannot do the job. What services can't be bought can't be had.

But the "minor, inferior, lower" court's complete lack of funds is not a problem; it is a way of life. Never having been able to buy needed services, the court does the only thing it can. It turns to volunteers who respond magnificently. Citizen participation, not funds, has made the weak strong.

AN ANALOGY

Many years ago, a young man lamented his weakness. Completely dedicated to a cause for which he was destined to give his life, his handicap placed severe limitations on his ability to serve his great calling. He sought intensely on several occasions to be cured, but the "thorn in the flesh" remained with him all his days.

The exact nature of this handicap and disability remains unknown. We do know, however, that it was physical, humiliating and embarrassing. Some have speculated that it might have been epileptic seizures which may have struck him down in the middle of some of his speeches. Others, with



KEITH J. LEENHOUTS is president and executive director of Volunteers in Probation, Inc., an organization to stimulate the development of effective citizen participation in court rehabilitative programs.

more justification, say that it was extremely poor eye sight. The inability to establish eye contact with an audience, perhaps even causing him to turn his back on those listening during parts of his speech, would place a severe limitation on his effectiveness. He simply did not understand why he suffered from this affliction.

Then, in the fullness of his life and in the maturity of his years, he realized that this handicap was a blessing. Without it, he would have relied upon his own insufficient and inadequate strength. With this

affliction, he had no alternative. He could not rely upon his own powers. He was forced to rely upon a greater power. Thus, Saul of Tarsus, relying upon the power of God, was transformed into St. Paul, and Christianity spread throughout the known world.

We in the "inferior, minor, lower" courts have cursed our afflictions. In a society in which money talks, we have none. Then suddenly, in the last decade we discovered that our weakness forced us to turn to the citizen volunteer and, in our weakness, we found our strength. Like St. Paul some 2,000 years ago, the "inferior, minor, lower" courts have discovered that, "When I am weak, then I am strong. When I am strong, then I am weak."

Is there hope for crime-infested America today? Some say there is no way we can stem the tide, that the situation is hopeless. Others, with some unlikely and improbable ideas about our strength being our weakness and our weakness being our strength, are fighting the battle in the only way it can possibly be won.

The Volunteer Probation Counselor

William H. Burnett

One of the most exciting developments in the field of corrections is the rapidly growing practice of using citizen volunteers as probation counselors either in lieu of or in supplement to professional probation officers. Throughout the nation, in an ever-increasing number of courts, literally thousands of volunteers from all walks of life are being trained and pressed into service. In our Denver County Court alone, nearly 1,000 citizen volunteers are on duty. Each serves without compensation, has completed a three-evening training session, has been sworn in as an officer of the court and has been assigned a caseload of just one youthful, misdemeanor offender with whom he has agreed to spend at least an hour per week for one year.

The volunteer may be a business man, teacher, lawyer, doctor, carpenter, minister, auto mechanic, professional football player, government employee, engineer, housewife or come from any other walk of life. He may be any age, of either sex, of any religious, ethnic or economic group. Indeed, the very diversity of backgrounds is one of the strengths of the system; for each probationer may be matched on an individualized basis. For example, a youthful offender who desires to study art may be assigned to a volunteer counselor who is an outstanding commercial artist, or a person with mechanical interests may be assigned to a first-rate mechanic.

STUDIES OF VOLUNTEER SUCCESS

So effective have the volunteers been that Judge Keith Leenhouts of the Royal Oak, Michigan, Municipal Court, the person most responsible for the current interest in court volunteers, has said, "This may well be more than an answer to the crime problem, it may be the answer." Statistics tend to back up Judge Leenhouts. In a research project, funded by The National Institute of Mental Health of

the Department of Health, Education, and Welfare, a group of Royal Oak volunteer-sponsored probationers were compared with a similar group of probationers from another city of the same size using conventional probation services. Both courts had about the same caseload and both budgeted about the same amount for probation services. The method of study was to give each probationer a series of tests designed to measure changes in hostility, aggressiveness, belligerence and anti-social attitudes during probation. The results to date of this study are dramatic. In Royal Oak, of 40 probationers tested, 31 (77 per cent) showed improvement, 5 showed no change and 4 regressed. In city A, of 42 tested, only 10 (24 per cent) showed improvement, 12 showed no change and 20 (48 per cent) regressed.

A similar study, conducted by the University of Colorado, of our Denver project compared two similar groups of defendants from our court: (1) a control group taken before the project commenced and (2) an experimental group using the volunteers. Here, the study concerned hard-core recidivists (with an average of three arrests during the year prior to the court appearance being studied), and success or failure was based upon re-arrests. In the control group only 15 out of 54 (28 per cent) succeeded; in the experimental group 28 out of 44 (64 per cent) succeeded. Thus, the success ratio was more than doubled even on this most difficult group—a pretty good batting average for the volunteers.

Both of the above studies are continuing; but, even with preliminary results, it is little wonder that courts across the land, suffering from insufficient or no probation services, are grasping at this newly discovered source of help. For the fact remains that existing probation supervision is usually pretty meager. Probation-officer caseloads in excess of one hundred are extremely common; those running

into several hundreds are not uncommon in spite of the recommendation of the President's Crime Commission that the caseload not exceed 35. But of perhaps even more significance, in the courts into which the majority of offenders go, the lower courts, handling adult misdemeanants, there are as a rule no probation services. In these courts a judge is usually expected to dispose of a case on the basis of fine or jail. In these courts, where real probation is an almost unknown word, it has long been recognized ironic that jail sentences are proportionately more common and probation less common than for presumably more serious felony cases. Yet, it is estimated that 80 to 90 per cent of all convicted felons have previously appeared in these lower courts, and frequently they have repeatedly appeared before "graduating" to more serious crime. Here, then, is the ideal opportunity for correction before it becomes too late; here, the process in the past has failed and here, obviously, changes must be made if success is to be achieved in corrections. It is not strange, therefore, that these lower courts have been in the forefront in the use of volunteers.

Actually, neither the use of probation in misdemeanor courts nor the use of volunteers may be considered new ideas. Probation, as a practice of legalized supervision of a convicted offender, really commenced in America in 1841 when the judge of a Boston municipal court released a "common drunkard" to a bootmaker, by the name of John Augustus, who had agreed to supervise and work with him. Augustus, working without pay, must have been successful for, during the next 18 years, he served some 2,000 prisoners in the same way. Thus, probation started in a lower court with a misdemeanor offender being assigned to a volunteer counselor. In the late 19th century a statewide probation service was established for Massachusetts requiring pro-

bation services in all lower courts. Then, without any one being sure exactly how the transformation happened, the practice of probation for misdemeanants was almost abandoned and only felons were assigned probation; and, as the practice developed of assigning probationers solely to paid caseworkers, the volunteer concept was pretty well put to sleep for a hundred years.

RENEWED USE OF VOLUNTEERS

Interest in the use of court volunteers was renewed when, in 1960, Judge Leenhouts commenced a large-scale program in the Royal Oak Municipal Court which recruited and used hundreds of volunteers from all segments of the community. Initially, even the pre-sentence work was done by volunteers. So successful and widely publicized was the Royal Oak project that a number of other courts in various parts of the country developed similar operations.

In 1965 the National Board of Christian Social Concerns of the Methodist Church awarded a modest sum to "Project Misdemeanant" designed specifically to encourage other communities to institute probation services using volunteers.¹ That same year the National Institutes of Mental Health made a grant for the purpose of evaluating Royal Oak's volunteer-based probation department.

By 1966 no large core-city court had attempted such a program and many expressed doubt of the feasibility of using a volunteer system for a massive caseload, with the complicated social problems of the large city. But, in that year the Denver County Court, an 11-judge lower court, with criminal jurisdiction over all misdemeanor and ordinance violation cases, occurring within the City and

1. Project Misdemeanant will offer assistance to any court wishing to institute a volunteer system. Inquiries should be addressed to Project Misdemeanant, Municipal Court, Royal Oak, Michigan.

WILLIAM H. BURNETT is presiding judge of the Denver County Court and director of that court's demonstration probation project, which founded the court diagnostic clinic and provides for the training and use of volunteer probation counselors.



County of Denver, applied for and received a grant from the United States Justice Department to demonstrate the procedures for maximum use of pre-sentence and probation services for misdemeanor offenders, including the wide-spread use of volunteer counselors. This project has clearly demonstrated that the value of the volunteer system is in no way limited by the size of the city.

It should be noted that the volunteer movement has by no means been limited to adult misdemeanor courts but rather has been paralleled by a similar movement in juvenile courts starting about the same time. An outstanding example is the Boulder, Colorado, Juvenile Court which is the recipient of a major grant from the Office of Juvenile Delinquency. This court, with a successful volunteer program for several years, has tended to become the "clearing house" court for the volunteer movement, and its monthly "Volunteer Courts' Newsletter" has become the major communications vehicle whereby volunteer courts share information with each other.²

The courts mentioned, and many others too numerous to list in detail, have all contributed to the resurgence of court volunteerism which has become a reality during the 1960's. As of now, there are perhaps 150 courts across the nation with some types of volunteer programs and the list is growing all the time.

Volunteerism, of course, is an old American custom with perhaps 50 million volunteers in various activities ranging from the Red Cross to the Boy Scouts. Indeed, it has been everywhere *but* in the courts and it is perhaps strange that the judiciary neglected tapping this resource for so long.

Notwithstanding the fact that volunteerism is such an American tradition, other countries

have actually led the way in the use of volunteer probation counselors. In several countries in Europe and Asia, the probation system relies heavily upon volunteers, with volunteers far outnumbering professionals. Thus, it may be seen that volunteerism in the courts is neither new nor unique, but rather rediscovered. It can, however, be said that modern volunteerism is different because the volunteer now works in partnership with the professional; it perhaps is more systematic and more sophisticated because it seeks the best from both worlds, the professional and the volunteer.

CRITICISMS OF VOLUNTARY PROGRAMS

Any court desiring to go into the volunteer field is likely to receive critical questions and, understandably, some of the skepticism will likely come from the professional probation establishment. However, well documented demonstration projects seem to disprove most fears.

Some will say—aren't you likely to get the nuts, crackpots and generally unstable persons as volunteers? The answer is no! While some screening is necessary, experience in Denver and other cities is that it is the leading citizens, the most stable citizens, and frequently the most inspiring citizens, who volunteer. These citizens frequently bring to the job great skills which otherwise could not be purchased.

Next, some will doubt that a great enough number of citizens can be recruited to have a major impact. This, of course, has now been disproven as literally thousands of citizens have already participated. Moreover, it seems that the more you have the more you get since volunteers tend to interest their friends and acquaintances.

The charge will be made that the volunteers will not stick with the job, but our Denver experience shows otherwise. Denver University

2. The "Volunteer Courts' Newsletter" is available to interested courts. Inquiries should be addressed to Juvenile Division, Hall of Justice, Boulder, Colorado 80302.

Graduate School of Social Work (the agency in charge of our training program) has conducted surveys demonstrating conclusively that the overwhelming majority of volunteers are spending well more than the hour per week pledged. In our program the volunteer period is one year with no pressure to reenlist. Yet, 90 per cent of those completing their first assignment express a desire to continue for another year.

Some professional probation officers may look askance at the volunteers as a threat to their jobs or professional standing. The reaction is understandable but unfounded. The volunteers supplement but do not replace the professional. They telescope his effectiveness by giving him additional heads, arms and legs to do the job. The professional is hardly put out of business for, in addition to his other duties, he must recruit, train, supervise, service and inspire the volunteers. What *has* happened is that his job has changed; it has taken on a new dimension. The probation officer of the future will be trained in this area and he will likely be employed with a view toward his skills in community organization, as well as his capacity for effective casework.

ADVANTAGES OF THE VOLUNTEERS

The volunteer has a number of distinct advantages over the professional. He is more likely to be thought of as a friend; less likely to be thought of as a cop. The mere fact that he is unpaid gives him an advantage with the probationer for his interest cannot be passed off as just doing his job. With only a single case he is more likely to have the necessary contacts for a job when it is needed; more likely to have time to offer the moral support and guidance when it is needed and more likely to be able to respond to a crisis when the response is needed.

But, the court also benefits from this part-

nership with the citizenry. Just as the court's fact-finding function is better understood by the public because of jury service, so its corrective function will be better understood and appreciated because of the volunteer probation counselor service. This alone would justify the program because poll after poll demonstrates this to be the major area of misunderstanding, criticism and dissatisfaction with the courts. In Denver, as thousands of citizens participate in the correction process over the years, it seems bound to modify and mould public opinion. Moreover, the effort is not alone on the public; for, as we work with the citizens, we in the courts feel the necessity of improvement and of constant re-examination of our existing procedures. After all, we are being watched by a lot of people very closely.

While there are no clear-cut rights and wrongs in this area, our Denver experience to date would cause me to make the following suggestions to any court initiating a volunteer program:

1. A good pre-sentence investigation is invaluable and, perhaps more than any other single ingredient, will determine the success of the program. Incidentally, we have long since proven that good pre-sentence reports need not take from ten days to six weeks as is common in most courts. Our court diagnostic clinic regularly furnishes reports to judges the day following referral and our procedure calls for psychological and sociological testing, psychiatric evaluation, where indicated, case history work-up, and a corrective recommendation based upon a multi-discipline staff conference. The diagnostic evaluation not only aids the judge in sentencing but will be of special assistance to the volunteer counselor in working with the case.

2. It is wise to train volunteers, but the training course need not be unduly long. The Denver course devised by professors of Den-

ver University Graduate School of Social Work, and completed in three evenings, includes: (a) orientation of the program, (b) a lecture on character disorders of the type most likely to be encountered in the probationer, (c) a lecture on principles of counseling, (d) instruction in community resources to be used for such needs as education, employment, job training, or treatment for mental health, alcoholism and drug addiction, (e) a presentation of experiences by an active volunteer counselor, (f) role playing of likely situations to be encountered, and (g) films, *The Revolving Door* and *The Price of a Life*.³ The training course, in addition to preparing the volunteer to assume a task, has the added "Gideon's Army" effect of eliminating those volunteers without sufficient resolve to complete the course. Those not completing the course are not used, as it is assumed unlikely that they would persevere in their assignment.

3. It is wise to start small and build regularly. This is an advantage of the monthly training class used in Denver. Each month a new group may be not only trained but ac-

3. Both of these films may be obtained from The American Foundation Institute of Correction, 1532 Philadelphia National Bank Building, Philadelphia, Pennsylvania 19107.

tually assigned when the training is fresh in memory and the zeal is at its highest. Orderly and regular growth are to be sought after.

4. We have followed the practice of actually administering an oath to all volunteers in a ceremonial occasion, in open court, to further impress upon them the solemnity of their duty. The volunteer thus becomes an officer of the court.

5. The volunteers must be serviced. Regular but brief reports should be required. Assistance should be available and the volunteer should always know where and how he can get help.

Thus, it can be seen that through techniques such as the foregoing, a court system using many hundreds of volunteers, indeed thousands, is feasible without becoming unwieldy and this method of citizen involvement may well prove to be our decisive weapon against crime. It seems silly that we have for so long cowered before the crime problem in this country when we have the most able, stable, highly educated and dedicated middle-class citizenry that any civilization has ever produced. Moreover, our Christian and Jewish traditions impel us to take an interest in our fellowman. Perhaps it is time we use our greatest resource.

ILLUSTRATIVE CASE HISTORIES

With this very brief background and with the hope the reader will read the other booklet mentioned above which is included in this series, let us look at some actual cases in an adult misdemeanor court before volunteers were utilized and after they became involved. The difference in treatment and results is apparent.

Contrast these two cases of assault and battery, the first in 1958 before volunteers were used and the second in 1963 when the court was using volunteers.

Offense: "Assault and Battery" -- Case A

Complaint 12/2/58 *** Arraigned 12/3/58 *** Trial 2/13/59
 Pled "Guilty"
 Sentence: \$50.00 Fine + \$120.00 Court Costs + 30 Days in Jail
 Paid in Full: 7/22/60
 Bond: \$5,000 Cash or Surety
 Action: "Defendant did assault a woman with a dangerous weapon, to-wit: a flash-light, but without intending to commit the crime of murder and without intending to inflict great bodily harm less than the crime of murder"

Note: Total time spent by court personnel was a few minutes. With no idea of the problem, the court simply fined, assessed costs and jailed the defendant. Utilizing this procedure, there is about a 37% chance the defendant will be convicted of another crime within a year.

Offense: "Assault and Battery" -- Case B

Complaint Date: 12/16/63
 Personal Data: 17 year old - 6' - 160lbs. - Caucasian Male - Suburban
 Family Background: Parents married - 12 year old brother living at home.
 Marital History: Single
 Education: Highest Grade--12th -- Failures: 0 -- Grades: B
 Problems: None Volunteered -- I.Q.: Average
 Still in school at time of offense. Expresses desire to attend college.
 Military Record: None
 Employment Record: No Social Security Number -- Savings: \$200.00
 Debts: 0 -- Income: 0 -- Has worked seasonally for a store in suburban community in exchange for supplies.
 Habits: Religion: Catholic
 Police Record: Suburb - 1963 - Speeding - Fine \$20.00
 Offense: On 12/16/63 at 2:05 PM a teenage girl was on her way from school to her job. Defendant, her ex-boyfriend, followed her and then threatened her with a butcher knife. He continued his threat to "get her after work". The city police were called and two officers picked up the defendant. It was further brought to the attention of the court that the defendant had been writing obscene notes to the girl and perhaps poisoning her food at school. The defendant denies all of this except when presented

with concrete proof, then he will admit to only the part which is proven.

Evaluation: After observing the defendant, reading about his behavior, talking with his parents and other interested people, and going over the reports from a nearby mental hospital and the staff psychiatrists, "Mr. Robinson"* is of the opinion that the defendant may well be a schizophrenic. He remembers only what he wants to of his actions while playing the character of the uncooperative, hateful, vengeance seeking ex-lover while the rest of the time being an average teenager with above average grades and plans. This opinion is completely contradicted by the nearby mental hospital, but they have seen him only at his best. Mr. Robinson feels he may well be proven wrong but nevertheless holds this opinion.

Recommendation: Mr. Robinson suggests probation with outside psychiatric help. If the Probation Department sees this problem continuing or magnifying, Mr. Robinson suggests that the possibilities of "in-patient" help be further explored.

Volunteer Psychiatrist's Report: Defendant had been quite upset when ordered by the father of the teenage girl not to see her any further. After the complaint was filed, the court also placed this restriction upon the defendant.

Between the first and second conferences, the defendant was apprehended writing another letter to the girl. Although he denied writing it, it was found by the police to have been written on his typewriter. This was the first time that any of the obscene notes could be actually traced to the boy. At this point, the boy was sent to the nearby mental hospital and put under 24-hour observation. He was released the next day. The hospital psychiatrist felt that the boy was not dangerous or psychotic but that he definitely needed help. During the next week, several unusual things occurred to the girl's family. They received pizzas they had not ordered, the Fire Department was sent to their home one evening, etc.

An interview was held with the boy's father. He is a 41 year old steady worker who is quite interested in his family. He appears to be a very passive individual and one gains the impression that he has completely lost control over his son. The father tends to admit this. The mother is quick-tempered and says many things she later regrets. There is considerable friction between the boy and his mother. Both parents state the boy has no respect for his mother and that at times he tends to threaten her.

*Mr. Robinson is a volunteer pre-sentence investigator.

The parents said the boy has always found it very difficult to relate to people and has always been quick-tempered and easily angered. They were quite concerned over the fact that the boy appeared to enjoy hurting people. Often he would torment others verbally and showed exceedingly poor judgment and was unable to control his behavior. The parents state the boys has always wanted to be accepted. However, his inappropriate remarks and behavior often led people to exclude him. At times the parents feel the boy does not trust or respect anyone. They state that the boy feels everyone is against him and this situation with his girl friend has only reinforced the fact he cannot trust others.

The parents repeatedly said the boy has to win and that he finds it difficult to lose in any activity. Each activity is an important contest between him and others and he must always win and master the situation. The parents state that he does not show remorse like other youngsters do.

There are certain behavior patterns which do not fit into this picture of a cold-calculating, isolated individual. As an example, the parents state the boy is one of the few boys in his class who attends religious retreats. The parents have noticed that his behavior is much worse and he appears much more sullen and resentful following communion on Sunday.

Second Interview with the Defendant: In going over the entire situation, the boy said the girl's father had interfered in their relationship. He recognized why the father became concerned. However, he felt it was not entirely the father's fault since the girl had been "stringing him along". He denied sending many of the notes to the girl. However, he admitted writing the one letter for which he was apprehended. He also denied threatening to poison the girl and had given his father the name of a boy whom he felt might have been responsible for this. The boy feels he has been unjustly accused for many actions that are not his and verbally recognized that it would be best to terminate all types of relationships with this girl.

The boy's conversations were rational and coherent. His associations were easy to follow. There is no evidence of intellectual disorganization. His affect was appropriate and there was no evidence whatsoever of a thought disorder. His approach was quite guarded. One felt he was apparently playing the role of an individual who has given as much as was required of him. At times, one gained the impression that his thinking was quite suspicious; however, he covered this quite well. Although

the boy denied being directly involved in many of the disturbing behaviors, the impression gained was that he might have master-minded many of these things and influenced some of his friends to actually do and carry out these actions. Although lacking direct evidence, he is entirely capable of being the master behind the disturbing behavior.

The boy is certainly not psychotic. He does show many paranoid features. He is easily obsessed with the idea of being "the sucker" and becomes greatly involved in retribution or revenge. In many respects the boy's relationships are quite superficial. One can easily see that the boy invested a great deal of emotion in this girl and was, perhaps for the first time, opening himself to people. The termination of this relationship and the immense hurt involved probably reinforces the boy's belief that people cannot be trusted. As long as the boy can manipulate the world to his own image, things go fairly well; however, once he is confronted and denied that which he desires, he reacts by becoming very aggressive and hostile. The history suggests the boy is apparently very insecure. The sadistic pleasure that the boy seems to secure from tormenting others is a reflection of this insecurity. In a distorted way, it gives him a feeling of power over people and it is in this distorted sense of power that the disturbing and somewhat frightening area lies.

As stated previously, this boy is neither legally nor clinically psychotic. It would be extremely difficult to commit this boy even though many areas of disturbance are recognized. The boy is in need of help; however, I seriously doubt whether he will accept this help on a voluntary basis. The case is most perplexing in terms of trying to find an adequate solution. In view of the limits placed upon the court and upon us in being able to do anything constructive, I feel the girl should be protected. Perhaps the direction should not be in terms of trying to see how we can help the boy but rather in terms of making sure that the girl is given the most protection possible.

Volunteer Psychiatrist's Recommendations: 1) Probation with strict limits set. The boy should be given a clear, simple, and distinct awareness of what the consequences will be if his indirect harassment of the girl or her parents continues. The boy should be made aware of the fact we feel he is responsible for these harassments.

2) Recommendation He obtain private psychiatric help. I sincerely doubt that the boy will cooperate in this; however, I feel it is worth the effort. 3) The full weight of the court be exercised if he breaks his probation.

Further Developments of Thinking of the Court: All personnel acquainted with this case feel that the defendant should be placed on the strictest probationary terms possible which will include weekly psychotherapy meetings under the guidance of a volunteer psychiatrist, weekly individual meetings with the same volunteer psychiatrist and weekly meetings with a staff counselor. Psychological tests will also be administered at the earliest convenience.

Further Developments in the Case: In February the defendant admitted he was responsible for writing the obscene and threatening notes to the girl and he was responsible for the throwing of three homemade bombs on the girl's lawn.

With the staff psychiatrist's report of test data and a private psychologist's report the following week, there is now a possibility of commitment for "in-patient" treatment for the defendant. There is a felony charge (Circuit Court) out against the defendant on the grounds of arson due to the homemade bombs, but the detectives, complainant and court are willing to waive this charge if guarantees of his commitment are given. Commitment with a felony charge pending is impossible.

The defendant was committed to a nearby mental hospital for sixty days and is currently there undergoing further study.

Note: Total court time expended was well over 100 hours. After he was released from the sixty days in-patient treatment, the man returned to the court probation program. With the help of the court's volunteer psychiatrist, both in group and individual counseling, and with the assistance of a caring but very firm one-to-one volunteer, the defendant completed his probation period successfully. To the best of our knowledge, he has been involved in no further crime. Under this system of careful investigation and treatment, only 7% committed another offense while on probation. This is about five times more successful than the alternative procedure used in 1958-1959.

Note the very different way two cases of simple larceny were handled by the court, the first without volunteers in 1958 and the second with volunteers in 1963.

Offense: "Simple Larceny" -- Case A

Complaint 1/27/58 *** Arraigned 1/27/58 *** Trial 1/31/58
Pled "Guilty" -- Changed to "Not Guilty"
Bond: \$100.00 Personal
Verdict: Guilty
Sentence: \$50.00 Fine + \$15.00 Court Costs or 10 days in jail
Case Closed: 2/28/58
Action: "Defendant did steal, take, and carry away food
stuffs of value of \$10.00 from restaurant"

Offense: "Simple Larceny" -- Case B

Complaint Date: 6/6/63
Personal Data: 22 years old - 5'6" - 153 Lbs. - Caucasian Male
Canadian Citizen
Bond: \$25.00 Personal
Pled: "Guilty"
Family Background: Parents married - Moved to the U.S. two
years earlier - Father is a construction laborer - Has
two sisters (younger) still living with parents - De-
fendant left home at age 20 when parents moved to U.S. -
Defendant remained in Canada until very recently.
Marital History: Single
Education: Highest Grade--9th in Canada -- Failures: 0 --
Grades: C - Problems: Poor Health -- I.Q.: Average --
Why Left: Sickness - Expressed desire for more school-
ing. Wanted to attend a trade school in Detroit in the
near future.
Employment Record: Has a U.S. Social Security Number --
Savings: 0 -- Debts: 0 -- Income: \$65.00 monthly (Dis-
ability Pension from Canada) -- Worked for two years in
a Canadian restaurant for \$1.25 per hour. Reason Quit:
The restaurant went out of business -- Then defendant
came to the U.S.
Habits: Religion: Baptist -- No current affiliation --
Health Problems: Had polio at the age of seven months -
Uses crutches
Police Record: Suburb - 1963 - Speeding - Fine \$30.00
Offense: On 5/28/63 at about 11:15 PM the defendant was
seen by a guard in a parking lot stealing gasoline
from the parked cars. The juvenile companion was
turned over to the police for processing by the Juv-
enile Department.
Evaluation: The fact the defendant has been accepted into a
Detroit trade school with the help of one of the State
Social Agencies speaks well for him. He does have a
current speeding ticket which he will pay. Mr. Robinson*
feels that the man is basically good, but that he does
need guidance.

*Volunteer Pre-Sentence Investigator

Recommendation: "Mr. Robinson" suggests no fine
or jail term be given, but he feels this man
would benefit greatly from guidance.
Special Conditions of the Court: The defendant is
hereby directed to report to the Chief Probation
Officer (C.P.O.), as directed by him.
Further he will report to a one-to-one volun-
teer, as directed by the C.P.O. and further the
defendant will report to such other personnel
of the Probation Department as may be directed.
Failure to abide by the terms of this probation
order will result in an alternate sentence of
not more than 90 days in the county jail.

Further Developments: Defendant started attending
the trade school in the city and seemed very en-
thusiastic about the program when discussing it
during his probation meeting. Later the Canadian
Government threatened to discontinue the defend-
ant's pension since he was residing in another
country and attending school in that country.
The Probation Department was able to secure the
continuance of the defendant's disability pension.
The defendant is still attending the trade school,
continues to report for his probation meetings
and is now discussing his plans for taking out
citizenship papers for the U.S.

Note: The assistance the volunteer was able to give
the defendant which resulted in the continuation
of his disability pension was a key event in this
case. The defendant successfully completed proba-
tion and had no further contact with the court
thereafter.

Another example is the action of the court without volunteers in 1958 and with
volunteers in 1963 in a case involving immoral acts with children.

Offense: "Accosting Child for Immoral Purposes" -- Case A

Complaint 7/11/58 *** Arraigned 7/11/58 *** Trial 7/11/58
Verdict: Found Guilty
Sentence: \$150.00 Fine + \$10.00 Court Costs + 30 Days in Jail
Fine Paid: 7/16/58

Action: "Man did accost a male child under 16 (age 12) with
intent to induce said child to commit an immoral act"

Note: With no idea of the problem, the defendant was
simply fined and jailed. Upon release, he will
continue to be a danger to society. In fact, with
the negative influence of a jail term, he will re-
turn to society worse than before. What happened
after he was released from jail? No one connected
with the court knows. He rapidly went through the
court process and was soon free again.

Offense: "Accosting Child for Immoral Purposes" -- Case B

Complaint Date: 9/28/63
 Personal Data: 44 years old -- 5'9" - 160 lbs. -- Caucasian Male
 Formerly lived in the city but now residing in suburbs.
 Family Background: Left home at 17 for job
 Marital History: Married and Divorced - Has two children -
 Son is in the Marines but the defendant does not know
 whereabouts of his teenage daughter.
 Education: Highest Grade: 8th -- Failures: 0 -- Grades: C
 Why Left: To work on farm in a rural area.
 Habits: Admitted use of alcohol - Had previously been
 admitted to V.A. Hospital for liver trouble.
 Police Record: Detroit - 1963 Assault & Battery
 Detroit - 1963 Drunk & Disorderly
 Offense:* On 9/28/63 at 10:15 AM at an elementary
 school, a ten year old girl was asked by the
 defendant to go into the woods and pick wild
 grapes with him. He also asked her to go into
 the woods and hunt for mushrooms. She became
 frightened and ran away. When arrested he
 stated he had put his arm around her and had
 placed his hand near her knee, but had done
 nothing more.
 History:* Defendant has been in the V.A. Hospital and
 is now an out-patient. In June, 1963, he
 threatened a couple who were friends with a
 hatchet. In July, 1963, he was arrested for
 walking down an alley in a nearby city in his
 shorts. Several years ago he attempted suicide
 by cutting his throat. Lately he has been
 sleeping in a park. He has an F.B.I. number and
 a state police number. He has a long record of
 non-support, non-payment of alimony, drunk driving,
 etc., according to the State Police report.
 Summary of Three Psychiatric Reports by Court Volunteer
 Psychiatrists: Defendant's existence in the past
 twenty years has been nomadic. He was married in
 1939 and divorced in 1952 following a stormy and
 bitter marriage. Prior to and since then his in-
 stability has been quite marked. His work record
 has been poor and he has shown little inclination
 to set roots. In past years he has lived alone,
 shifting rapidly from one place of residence to
 another. He has been arrested on many occasions
 for alcoholism, disturbing the peace, etc. Last
 year he was hospitalized for cirrhosis of the liver,
 a condition which in his case suggests a long his-
 tory of excessive alcoholism.
 The interview was marked with rapid and fluctuating
 mood swings. At times he was exuberant. However,

*This is the report of the volunteer pre-sentence investigator.

with appropriate stimulation he quickly be-
 came depressed, tearful or showed flashes of
 extreme anger. Each mood lasted for a few
 brief moments and quickly shifted. One per-
 ceives this kind of emotional instability in
 early cerebral dementia.

Although slowed and circumstantial, his intell-
 ectual functioning appeared intact. He was in
 contact with and aware of his surroundings and
 behavior. The signs of early deterioration are
 at the moment quite subtle, yet they are suff-
 icient to give concern. The reason for the
 concern is that at the moment he acts on impulse
 and shows poor ability to control himself. His
 past behavior demonstrates a history of in-
 stability and poor impulse and emotional control.
 The present early deterioration only serves to
 make a bad situation worse. This man is poten-
 tially dangerous and the present charge suggests
 the direction this danger may take.

Recommendations: All personnel concerned with this
 case feel that long-term residential hospitaliza-
 tion at a V.A. or state hospital is necessary.

Further Developments: Defendant was committed to a V.A.
 hospital "for life or cure".

Note: With the assistance of volunteer psychiatrists after
 a careful determination of the facts and background
 by a volunteer pre-sentence investigator, a danger-
 ous offender was institutionalized.

Indecent exposure is an act which may be a relatively harmless prank or an in-
 dication of serious problems. When volunteers provide the professional services
 needed, the court can ascertain what is involved and proceed properly. These
 two cases, the first without volunteer involvement and the second with volunteers,
 illustrates this point.

Offense: "Indecent Exposure" -- Case A

Complaint Date: 6/12/58 *** Arraigned: 6/12/58
 Pled: "Guilty"
 Sentence: \$100.00 Fine + \$35.00 Court Costs
 Case Closed: 6/28/58
 Action: "Defendant did then and there make an open
 or indecent exposure of his person in presence
 of minor female."
 Note: The defendant was arraigned and sentenced in one
 day. Probably the entire court action took only
 seconds.

Offense: "Indecent Exposure" -- Case B

Complaint Date: 10/19/62

Personal Data: 17 years old - 5'5" - 140 lbs. - Caucasian Male - Suburban

Bond: \$100.00 Cash

Pled: "Guilty"

Family Background: Father dead -- 22 year old roomer living in home.

Marital History: Single

Educational Background: Highest Grade--11th -- Failures--1 Year Grades--D & E -- I.Q. 86-111

Problems: Boy's school counselor was consulted. He reported "Academically this boy has less than a one point average. This will mean that he most likely will not graduate but will receive an attendance certificate. Various tests show his I.Q. at age 8 to be 111 (Otis) and at age 13 to be 88 and 86 (California). In December of 1960 one teacher noted on the record the boy had an inability to read and his coordination was not good. Summing up his personality, I should say he is immature to the extreme. He has been forced into the 'hard guy' role."

Military Record: None

Employment Record: Works in a suburban store for the minimum wage - Savings: \$200.00 - Debts: 0

Habits: Religion: Catholic -- Admits some use of drugs under doctor's care.

Police Record: None

Offense: The police officer saw defendant walking along a main road with his genitals exposed to the headlights of oncoming traffic. He was brought to the station and booked. Defendant said he had been reading a sexy book before he took the walk.

Evaluation: A court volunteer psychiatrist examined defendant and reported the examination revealed the defendant as an inhibited, anxious and insecure adolescent boy who suffered a sudden break-through of the sexual act on October 15. The immediate precipitating factors were physical exhaustion due to lack of sleep and the reading of a sexually exciting book. This particular behavior is not likely to repeat itself.

However, the examination revealed the defendant is suffering from psychological conflicts which are likely to interfere with his ability to make successful adaptation to life even outside of the sexual sphere. Due to this, I believe that any kind of punitive action would be a great disservice to the defendant. On the other hand, his lack of parental

guidance and a source of positive identification can be partially compensated for by providing one of the court's volunteers (one-to-one volunteers) to work with him. Perhaps this can be arranged through the volunteer clinic.*

Court Volunteer's Psychological Report: Defendant was examined in May, 1963 to provide an intellectual estimate and for a personality evaluation prior to psychotherapeutic treatment. He was given a WAIS, an MMPI, a Rorschack, a Thematic Apperception Test, the Rotter Sentence Completion Test and a Human Figure Drawing Test.

On the basis of the defendant's test results generally it is safe to say he is an extremely impulsive individual who must expend considerable energy to avoid fairly direct expression of his feelings. Principally he is an hysterical character, easily stimulated, dominated and highly suggestible whose principal defenses are massive repression and tendencies toward somatization. Defendant appears to brood excessively about what he has done, but his introspections provoke primitive guilt feelings which tend to add to the already heavy load of anxiety he carries and make continual break-through of impulses more, rather than less, likely. His intellectual efficiency is clearly undermined by his attempts to repress or "not think". His full scale I.Q. is 92.

The chief benefit the defendant may be able to derive from a therapeutic relationship at this time is an opportunity to examine his feelings and impulses rather than not thinking, failing to learn from experience and then brooding profitlessly about his guilt. It would not be helpful simply to reassure the defendant and act in a supportive fashion without combining this with some fairly persistent probing and uncovering.

Recommendation: Based upon these evaluations of the defendant, Mr. "Robinson" suggested the defendant be placed on probation and a one-to-one volunteer sponsor be chosen with special care.

Special Conditions of the Court: The defendant is hereby ordered to report to the Chief Probation Officer, as directed by him, and to a volunteer court psychologist, as directed by him, and to such other personnel of the Probation Department as may be directed. Defendant is to pay a fine of \$25.00, all as part of two years probation. Failure to abide by the terms of this probation order will

*Several of the court volunteer psychiatrists worked at a clinic and helped the court use the clinic in appropriate cases.

**Volunteer Pre-Sentence Investigator

result in an alternate sentence or not more than 90 days in the county jail.

Further Developments: Defendant is enrolled in the court's group psychotherapy program which meets weekly with a court volunteer psychiatrist as part of the probation program. By December, the defendant was beginning to express his feelings in the group sessions. The volunteer psychiatrist also did a great amount of individual counseling with this young man and with his mother. There seemed to be great mother domination with little masculine development on the part of this defendant. He has shown no further criminal conduct.

There is a very major difference in the way cases involving drunkenness are handled (without volunteers) and with volunteers (the second case).

Offense: "Drunk and Disorderly"

Complaint 6/19/59 *** Arraigned 6/22/59 *** Trial 6/22/59
Pled: "Guilty"

Sentence: \$35.00 Fine or 7 Days in Jail

Paid Fine: 6/22/59

Action: "6:40 PM on said date defendant was found in an intoxicated condition on a public highway (specifically noted)"

(In most states, drunkenness, in and of itself, is no longer an offense. 1980 note).

Offense: "Disorderly Person: Drunk"

Complaint Date: 1/25/62

Personal Data: 40 years old - 5'8" - 220 lbs. - Caucasian Male - Suburban

Pled: "Guilty"

Bond: \$25.00 Personal

Family Background: Parents still married and living in another state. Has one brother and two sisters -- none of whom are residing in the state. Age left home: 19 - Reason: Work

Marital History: Married at age 21 -- Has two teenage sons. Older son is ill and under the care of two doctors.

Education: Highest Grade - 12th -- Which he completed in the service - Failures: 0 - Grades: B+ I.Q. 119 - Reason left school: Could not afford to attend city high school. Did complete high school education while in the Air Force.

Military Record: Inducted into the Air Force in 1942. Served in the European and Pacific theaters. Honorably discharged in 1950. He received the highest

clearing that the Air Force gives.

Employment Record: Savings: 0 - Debts: \$2,500 - Income: Varied - Has worked last nine years as a sheet metal person. Court attempting to locate him a similar job.

Police Record: None

Habits: Religion: Volunteered Catholic & Lutheran.

States that drinking is not a problem and that he drinks very little.

Offense: This seems to have been an infrequent time when the defendant was "feeling his drinks". He and his wife began arguing about money and ended up fighting. She called the police and signed the complaint against him. They had been buying a home until working conditions became so poor they had to give it up. "Mr. Robinson"* feels the health of the fifteen year old son is a very important factor in this case. Perhaps the lack of money to pay his bills and give him better treatment is a cause of the family problems.

Recommendation: Mr. Robinson feels that a fine would only cause additional hardship on this family. AA may or may not be used, depending upon the court's decision. Mr. Robinson thinks a probation term is indicated. This man's biggest need is to find a job.

Further Information: After further investigation into this case, Mr. Robinson has discovered the defendant does have a drinking problem. Mr. Robinson feels the defendant may be in the first stages of alcoholism. After trying AA several years ago, the defendant has a deep seated resentment and hostility against AA. If punishment is needed, an AA sentence would be it; however, if rehabilitation is needed perhaps group therapy would be better.

Special Conditions of the Court: The defendant is hereby directed to report to the Chief Probation Officer, as directed by him, and further he will report to his volunteer (one-to-one) friend, as directed by him. The defendant will report to weekly meetings of AA until such time as his discharge is deemed desirable. He may then be assigned to group counseling. Failure to abide by the terms of this probation order will result in an alternate sentence of 90 days in the county jail.

Further Developments: Probation reports show the defendant rarely attended the meetings of AA at first but always had a ready excuse. When the court began to enforce his attendance, the personnel of the probation department discovered the defendant's wife is the person who so strongly objects to her husband's attending the meetings.

*Volunteer Pre-Sentence Investigator

Defendant finally reported that he had moved out of his home to see if his family problems would straighten out. The defendant feels his wife and mother-in-law seldom let him forget that he has a drinking problem and they do not hesitate to raise this subject in front of the teenage sons. The defendant was very willing to make support payments to his family through the court.

The court was successful in securing a job for the defendant. The defendant was fired from this job once when he lapsed into his drinking habits again but the court interceded for him when he returned to AA meetings regularly. The defendant still is employed in this job.

The defendant reported that after moving out of his home that he no longer felt so tense nor had such a driving desire to drink. He seemed very content. At last he could afford to send his older son to the hospital for the help he needed. The son was in the hospital for eight weeks suffering from a nervous breakdown. The defendant managed to pay the hospital bills.

The defendant was served with divorce papers which had been initiated by his wife. His divorce is now final. He continued to work steadily and also to attend AA meetings which are court sponsored right up to the time of his discharge from probation. He is even helping the court as a volunteer with some of its other cases where AA support is needed.

These case histories illustrate what adult misdemeanor courts can be and how they can function. They can either process the case rapidly with no idea of the problem which plagues the defendant and then compound the problem with punishment blindly assessed and executed, thus increasing the hostility and aggressiveness of many defendants or it can carefully assess the problem and deal with it in an intelligent, intense and individualized manner.

Thus, as has been illustrated, the court can do a careful pre-sentence investigation and then protect society by assisting the defendant in solving his or her problem.

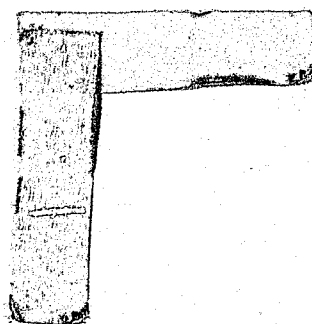
Generally speaking, these courts can only jail for ninety days. Thus, if a victim and all potential victims desire to be protected for ninety days only and not beyond that period of time, the court can protect individuals and society by and through the use of jail. However, if individuals and society are to be protected longer than ninety days, there must be an understanding of the problems and a solution to those problems.

If long term incarceration in a mental hospital is necessary the court must find this out and arrange for such treatment. If psychiatrist assistance is necessary, it must be arranged. If alcoholism is the problem, it must be diagnosed and treated. If the defendant has indecently exposed himself, the court must discover if the problem is serious or not and, if serious, must treat the case with careful and expert counseling.

The sole way courts who can only incarcerate for ninety days can protect the public is to change the attitudes and behavior of the defendant. This can only be done with sufficient people-power. Since there are very limited funds for these courts, this can only be done with volunteers.

Adult misdemeanor courts come in contact with about eighty to ninety percent of our future felons before they commit the serious crime which very seriously jeopardize the society in which we live. With volunteers, they can deal successfully with about ninety percent of these cases. Without volunteers they will be far less successful. The difference involves hundreds of thousands of apprehended offenders and future victims. It is worth working hard to achieve.

Our misdemeanor courts can be very effective if, and only if, we use volunteers.



END