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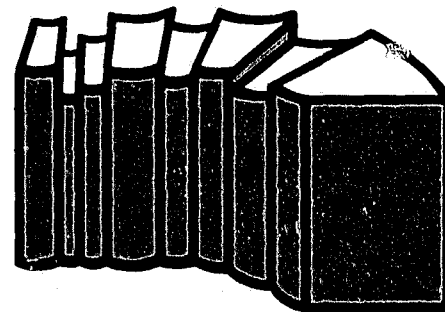
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# Community Work Service

## Dakota County District Court Demonstration Project Final Report and A Guide to Developing New Local Programs

### Introduction

The Dakota County Community Work Service Demonstration Project, funded by the Minnesota Department of Corrections between November 1981 and March 1982, proved to be a cost-effective alternative to incarceration and demonstrates the feasibility of using community work service sanctions with adult felons and gross misdemeanants. The demonstration program benefits include:

- An organized and practical alternative to standard sentences.
- A flexible sanction that can be tailored to special needs.
- Fulfillment of needed voluntary community service.
- An economic method of imposing tangible consequences for illegal behavior.

In Minnesota, the growth of restitution programs in general and community work service in particular has been significant during the last 7 years. A seminar held in Minneapolis encour-

aged the Minnesota Department of Corrections to develop a demonstration project in a district court jurisdiction that would be exclusively for felons and gross misdemeanor offenders.

The final report is based on a sample of referrals who were accepted into the program, not all of whom had completed their community work service. Information about the project was obtained from probation officers, judges, attorneys, police, and community agencies. Designed to assist local district court jurisdictions, the guide offers practical suggestions for developing an organized, local community work service program.

This summary presents the demonstration project's objectives and the results of strategies to fulfill these objectives, followed by guidelines for starting and operating a similar program.

### Demonstration program objectives/results

*Objective 1. A minimum of 50 gross misdemeanants or felons will partici-*

*pate in the community work service program, successfully completing their community work service sentence hours at a rate of 75 percent.*

Most of the 61 referrals who agreed to participate in the demonstration program were first-time offenders, and their completion rate was 64 percent. For repeat offenders (18 of the participants), the completion rate was 28 percent. Nonprofit agency placements had a higher percentage of completion than public agency placements, and participants who had shorter work sentences tended to complete their community work service at a slightly higher rate than those with longer work sentences. The majority completed service in about a month or less. Those who completed community work service tended to be better educated, were more likely to be employed, and were younger than those who did not. Residency in the county was an important factor in successful completion; only 31 percent of nonresidents completed.

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

The measure of justice in this objective was "perceived fairness." About half of the offenders gave their opinion of the fairness of the community work

Summarized from *Dakota County District Court Community Work Service Demonstration Project—Final Report, Guide, and Summary* by Alternative Behaviors Associates with permission of the Minnesota Department of Corrections, 1982.

The *Final Report, Guide, and Summary* are available at no charge from the Minnesota Department of Corrections, Community Services Division, 430 Metro Square Building, 7th and Robert Streets, St. Paul, MN 55101.

service option, labeling it as "more fair," "equally fair," or "less fair" than their specific original sentence. Most of these respondents felt the program was "more fair" or "equally fair," with none thinking it "less fair." When system officials and community representatives were polled, 13 of the 30 respondents remarked that community work service was "more fair" than traditional sentences, while 11 perceived it as "equally fair."

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

The program cost was \$32,926, excluding consultant time spent developing the demonstration and conducting the evaluations. The total number of participants in the entire program was 90 (different from the total of the sample used in this evaluation), which makes a cost of \$365.84 per client. A total of 3,716 community work service hours was completed by the 39 participants who completed their work service and the 13 who partially completed work service. Using the value of \$5.00 per hour, the total value of community work service was \$18,580, or an average contribution by each person in the program of \$357.31.

*Objective 4. The community work service sentence will be less costly than traditional sentences for the same offense.*

This objective appeared to be borne out. The total number of days "saved" from jail through community work service for the 18 clients who completed it was 697. Since the cost per day per client at the Dakota County Jail is \$35, the jail cost for the 18 participants who completed work service would have been \$14,637 had they served 60 percent (the usual percentage of sentence served) of their stayed jail time.

### **Program guide. How to start and operate a similar community work service project**

This practical guide includes background information on community work service. It discusses (1) preliminary planning, (2) philosophy and objectives, (3) basic options, (4) the

selection of eligible clients, (5) organizing resources to support community work service, (6) administering the program, (7) determining community work service sentences, (8) developing work service sites, and (9) developing procedures. The guide concludes with a consideration of the importance of community support and the need for approval and formal supports.

### **Preliminary planning**

A first planning step in considering the viability of a community work service program is to list relevant factors which may support the effort, as well as those which may block or impede it. These include all personalities who may be important to community planning as well as any community attitudes which are articulated by leaders or local media and are relevant to community work service.

### **Objectives**

Objectives should be clearly identified for two reasons; they guide the practical decisions in the program, and results can be measured against them. Objectives need to appeal to a great many people and organizations. The Dakota County Demonstration Project suggests that felony community work service program philosophy and objectives focus around punishment as well as the practical idea of increasing the sentencing options.

### **Basic options**

Basic options are to integrate felony work service programs with other work and restitution programs which may be operating in local jurisdictions. Many cooperative and joint program efforts are possible, but one general principle emerges from restitution program experience: financial restitution program procedures should be separate from community work service.

Several examples exist in Minnesota of work service programs being integrated or working cooperatively at the juvenile and adult levels. The option exists to use community work service as a form of diversion based on local justice system needs. Financial and work service programs should be separate in

function and procedure and work service programs at the juvenile and adult levels should be integrated.

### **Selection of eligible clients**

Planners need to develop guidelines for client selection, deciding whether the program is to be limited to property offenders, for example, or can be used for selected person offenders as well. The Dakota County Demonstration Project chose to keep intake criteria somewhat less restrictive in order to use community work service with a wide variety of offenders.

The project can serve a minimum of 50 convicted gross misdemeanor and felony offenders who receive sentences to community work service or work service to victims in lieu of short jail sentences, financial restitution, straight probation, or, in a few selected cases, prison sentences.

Some offenders should be excluded from community work service—among them are those who are chemically dependent, those with a history of mental illness, and those who continue to be a threat to the safety of the community.

When discussing and developing selection criteria, make alternatives to the usual sentence clear. If community work service is to be used as a voluntary alternative which the offender may choose, then failure to complete should result in the immediate imposition of the original sentence.

### **Organizing resources to support community work service**

Supporting new programs financially is difficult without giving up other activities, since additional money is required. Shifting existing resources is more easily accomplished. The most common approach to funding community work service programs is to hire a part-time or full-time coordinator who can manage a project caseload of about 150 clients per year. This approach is the most desirable but also the most expensive. Other possible funding methods are to plan a new position in the local corrections programs, ask county boards for new funds for court services, reassign a probation agent to community work

service, or seek funding from district courts (e.g., funds received from offender fines). Another approach is to staff a program by the use of volunteers.

### **Administration**

In administering this program make a distinction between policy and program authority. Policy matters include major decisions which will affect the purpose, outcomes, or relationships with other agencies, particularly when guidelines are needed because repeated activities or issues are anticipated. The person immediately responsible for program coordination should recommend such policies. Normally, program authority consists of day-to-day program decisions, and the person responsible for the program should have appropriate program authority.

### **Determining community work service sentences**

A system for determining hours of work service eliminates arbitrary determination while not necessarily removing flexibility. There are two major ways to systematize sentencing of work service hours. The most common method is to base the work service hours on the traditional or usual sentence had the offender not been assigned to participate in community work service. In other words, a method is determined in which dollar restitution, fines, and jail time are converted into work service hours. The formula method can be used in a strict sense, or as a flexible guideline to be used by the sentencing judge and the probation officer making recommendations. The disadvantage of using the formula method as a guideline is that the scale tends to be unrealistic at the upper limit.

### **Developing work sites**

Public and private nonprofit organizations will be work site sources. When developing work sites, take care to assure that the programs are beneficial to the community and the offenders. Possible work sites include: youth services such as YMCA; local and county governments; senior citizens' centers and nursing homes; social services, public and private; civic groups and projects; and religious organizations.

### **Program procedures**

After an office is established and the process for developing work sites is well under way, the program is ready for intake. The selection procedure has three decisionmaking points: the probation referral; the community work service coordinator's review of the case; and the judge's decision.

Prior to sentencing, the probation staff should conduct a presentence investigation to see if the client meets project criteria. The probation officer recommends alternative sentencing based on this investigation, and the judge decides whether the offender should have the alternate sentence option. The offender and a work service coordinator negotiate and sign a contract stipulating the terms of the alternate sentence: the number of hours to be served; where and when the offender will perform the work; the date of completion; and the consequences of failure to complete work service satisfactorily. The coordinator is responsible for monitoring and supervising clients as they do community work service; site supervisors are responsible for supervision.

When the contracted work service has been completed satisfactorily, the offender may be released from probation. If the offender fails to complete the work service satisfactorily, the offender is returned to the court for further disposition. Program involvement then terminates.

### **Community support**

To develop community support, public awareness of a program is necessary. The different sources of public information are local newspapers, television news, program brochures, and speaking engagements. A program's success depends upon how the people affected by it are informed about its operation and progress.

### **Approval, formal supports**

Depending on the local jurisdiction, programs may require formal approval by one or more committees or boards; some may only need administrative approval. Formal letters of support attached to the proposal, and indicating support in terms of the need for the

program and helpfulness to the community and the criminal justice system, may facilitate approval. A person knowledgeable about the program should be present when it is considered by a board or committee.

### **Recommendations for improving the program for replication**

The community work service program functions as a viable sanction for felony and gross misdemeanor offenders. The following recommendations for improvement of the felon work service program in Dakota County appear at the end of the report and may be applicable in other communities.

- Use caution in accepting noncounty residents into the program since transportation problems make these offenders a poor risk for completing work service.

- The completion rate of offenders eligible for the program can be improved by acquiring more commitment from potential participants. Some suggestions are:

- The agent should understand the level of commitment of the offender before recommending the community work service at the time of sentencing.

- Ensure that each sentencing judge questions the offender about his commitment to do the community work service if the option is to be used by the judge.

- Develop a procedure where the offender can be placed on work service and sign the work service agreement on the same day as sentencing.

- There is a tendency to perceive community work service as an ideal sentence for welfare fraud cases. While it is sometimes helpful, it is not a high success client category for work service (5 of 12 completed). Amounts of restitution to be paid may not be as significant as other factors, such as clients' attitudes toward work itself or the court process.

- The option of releasing offenders from jail early upon agreement to do community work service should be used.

**Sources on this topic:**

Alternative Community Services  
101 Fleet Street  
Rockville, MD 20850  
(301) 279-1232

[Responds to specific inquiries; provides program brochures; sends out annual reports.]

Justice Fellowship  
Liz Leahy, Coordinator,  
Information Center  
P.O. Box 17181  
Washington, DC 20041  
(703) 759-9400

[Provides printed information on alternatives to incarceration—send self-addressed, stamped envelope.]

National Criminal Justice Reference Service  
Box 6000  
Rockville, MD 20850  
(301) 251-5500  
(800) 851-3420

[Distributes selected documents related to topic; performs custom searches of data base; subject specialists make referrals; has reading room.]

**Further readings:**

*Community Service Restitution Policies and Procedures Manual.* NCJ 78235. By the Community Service Restitution Program, Brookline, Massachusetts. Sponsored by the Brookline Chamber of Commerce, the Law Enforcement Assistance Administration, Northeastern University's College of Criminal Justice, and the Gardiner Howland Shaw Foundation. 1981. 65 p. Availability: NCJRS microfiche (free).

*Community Service Orders—Implications of the British Experience for the American Justice System.* NCJ 74155. By J. Harding, National Office for Social Responsibility, Arlington, Virginia. Sponsored by LEAA—Office of Juvenile Justice and Delinquency Prevention. 1980. 58 p. Availability: NCJRS microfiche (free).

*Directions for Community Corrections in the 1990's.* NCJ 95472. By V. O'Leary and T. Clear. Sponsored by the National Institute of Corrections. 1984. 33 p. Availability: NCJRS microfiche (free).

*Probation Under Fiscal Constraint.* NCJ 94425. By E. K. Nelson, L. Segal, and N. Harlow, University of Southern California. Sponsored by the National Institute of Justice. 1984. 101 p. Availability: NCJRS sales document: \$7.00.

*The Power of Public Support: A Handbook for Corrections.* By the California Probation, Parole, and Correctional Association, Availability: California Probation, Parole, and Correctional Association, 1722 J Street, Suite 18, Sacramento, CA 95814 (free). (916) 442-4721.

*Virginia Community Diversion/Incentive Act—Regulations.* NCJ 81095. By the Virginia Department of Corrections, Richmond, Virginia. 1980. 38 p. Availability: NCJRS microfiche (free).

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