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Overview of the Alternative Community Service

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Restitution Program for Women Offenders

NOV 3 1980

Presented by Lurline Baker Kent, Project Director

ACQUISITIONS
Introduction:

The Alternative Community Service Restitution program was developed at a grass roots level out of a need to provide more services and Alternatives to the Courts and Corrections for female offenders within the Arrowhead Region.

The Director of Arrowhead Regional Corrections organized a Task Force of women to examine any possible Alternatives to assist the Courts, Probation and the system in general in providing services to the female offender, and to develop an alternative mechanism to incarceration and probation, for a system who provided straight probation or probation and incarceration.

Lurline Baker Kent is Project Director of Alternative Community Service Project for Women - Arrowhead Regional Corrections. Members of the Commissioner of the Department of Corrections Advisory Board for Women Offenders and Arrowhead Regional Task Force for Women in Corrections.

This paper is written for the Alternative Community Service Restitution project supported by the Law Enforcement Assistance Administration - U.S. Department of Justice grant number 79-ED-AX-0053 points of view or opinions stated in this paper are those of the author and do not necessarily represent the position of the funding agency. All data collected was gathered by project staff which is presented monthly to L.E.A.A.

Task Force members were selected from varied backgrounds, examples are; a State Representative, a County Commissioner, a Judge, a Board of Education member, Social Services, Probation Officers, Chemically Dependant Counselors, Arrowhead Regional

FOURTH SYMPOSIUM ON RESTITUTION
AND COMMUNITY SERVICE SENTENCING

Minneapolis, Minnesota
September 24-26, 1980

Corrections Board, Representatives of the Womens Coalition and Victims of Sexual Assault, Juvenile Worker, and the Director of a Womens' Boarding Home.

Using the talents of this task force and what little statistical information that was available, a grant was written to the Law Enforcement Assistance Administration (LEAA). The grant ranked number 2 in the Nation, because its thrust was Education and punishment, and it offered various alternatives to the Criminal Justice System for Female Offenders.

GEOGRAPHIC INFORMATION

The program is operated and implemented by Arrowhead Regional Corrections Act of 1973. Arrowhead Regional Corrections serves six (6) counties in Northeast Minnesota who formed together under the act to plan, Administor, and provide correctional services on a regional basis. The six (6) counties are comprised of approximately 16,596 square miles, and a population of about 333,000. The largest county has a population of 230,000 which includes the city of Duluth 100,000 population. Staffing for the project includes five (5) ½-time persons in the smaller counties, one (1) full-time person in the largest city of a 100,000 population and a Project Director.

During the projects life from July 1979 thru December 1980, the estimated operating cost is \$7,000 per month, \$5,939.42 of the \$7,000 is used for Personnel Staffing. The remainder is used for travel, Education evaluations, and direct cost such as Rent, etc.

PURPOSE

The purpose of the project is to provide an Alternative to the

usual sentence of a fine, probation, or incarceration for Adult Female Offenders in the Arrowhead Region. This has been accomplished by providing Community Service as an option for the Courts, Probation, and the Court Attorneys. The Community Service Restitution Project enables the female offender to repay her responsibility to the Community for her offense by performing work for a Nonprofit or Community Organization.

National Uniform Crime Reports (UCR) indicates that crimes committed by women have increased by 31.4% over the past 4 - 5 years, as opposed to an increase of only 19.9% by men. Further study shows that this increase is mainly in the area of property crimes. The pattern of men and women arrested in Minnesota is similar to National figures. For adults the ratio is one female to seven male offenders, ("The Future of Women Offenders in Minnesota Correctional Systems, July 1978"). This trend is consistent with the situation in the Arrowhead Region, where part one offenses committed by women have increased 33.5% since 1975. The increase in total crimes committed by women since 1975 is 7%. One of the major areas of increase is fraud, which went up 39%. The majority of the women arrested in the region commit property crimes such as theft, writing bad checks, and Welfare Fraud. Many of the women do not have the skills or education to be economically independent, and most have dependent children.

The average woman who enters the program is most commonly charged with a misdemeanor offense in County Court. Most Court

appearances by women involve criminal charges of bad checks, drunken driving, careless driving, disorderly conduct, petty theft, and shoplifting. A smaller number of women enter for gross misdemeanors or felony offenses such as theft, forgery, wrongfully obtaining assistance, drug and related charges.

Inequality existed in the region with regards to services available to male and female offenders. The Region provides a 1 year Correctional Center facility for adult males which offers a wide range of Educational, Vocational, Counseling and Social Services. Men on probation and male inmates in the St. Louis County Jail also have access to those services. Women offenders do not have access to the same services. Most female offenders received probation and since most probation officers have large caseloads, they cannot provide the individualized help that is sometimes needed by the female offender. The female would then get lost in the system and often recidivated.

In 1979, Arrowhead Regional Corrections contracted with Alternative Behaviors Associates (ABA) to complete a study of the current use of Restitution in the region (Alternative Behavior's Associate, Incorporated, an analysis of the functioning of Restitution programs in the district, county, and juvenile in three Minnesota Judicial Districts - 1977). The data collectors researched case records for county and district court to determine the uses of Restitution as an alternative sentence. Statistics were collected on cases where the disposition occurred between July 1, 1975 and June 30, 1976. Since there were no formal restitution programs, most dispositions included monetary restitution as opposed to

non-paid Community Service Restitution.

Data indicated that there were approximately 430 female cases in the four Criminal County Courts with sentencing disposition from July 1975 to June 1976. In seven of the cases, restitution was ordered with probation. In 32 cases, restitution was ordered without probation. The major offenses were property crimes since the study didn't include traffic offenses. Approximately 126 females received probation only. The researcher indicated, based on general knowledge about restitution, (including the fact that one out of four probation cases statewide has an order of financial restitution) 31 females on probation during the time of the study could have been ordered to pay financial restitution. It further stated that if an alternative sentence of Community Work Service was an option, almost all female cases would be referred to such a program.

Alternative Community Service Restitution program for Women is used to (1) Reduce or eliminate standard disposition by allowing females who are sentenced to pay monetary restitution as a condition of probation; clients may later enter the program as referrals from a Probation Officer if the defendant is not meeting her payments and a transfer is appropriate to Community Service Project, converting the outstanding financial obligations by using an established formula of \$5 per hour. This judgment is required to be amended by the Court. (2) To effect early release from jail or probation. (The defendant's jail time is reduced one day for each two hours of Community Service). A client can receive an early release from probation upon completion of Community Service Restitution contract.

(3) To prevent intrustiveness and reduce expenses of processing through pre-trial or diversion agreements between defendants and the referring sources. Once a client comes before the Judge, either the Judge will pass sentence and order informal probation or hold judgment until completion of Community Service Work.

No. of Clients Referred to project 281
No. of Clients Accepted into project 276
Pre-trial 12
Post Adjudication 261
Post Incarceration 3

TARGET POPULATION

The program services adult females 18 years or over who have committed Criminal Offenses including related Traffic Offenses. These women would normally receive fines, probation or jail sentences, and the women and the Courts are now willing to accept the Alternative Community Service sentence. The women accepted into the program are those whose offense and Social History do not show that they represent physical danger to the community, themselves or to the people that they may come in contact with at the work site. The project serves first and repeat offenders, voluntary participations at pre-trial and diversion levels to prevent intrustiveness into the system. In addition, the Court may exercise its best judgment as to who would or would not be appropriate.

No. of clients charged with felony 25
No. of clients who are First Offenders 213

No. of clients referred as an Alternative to incarceration or prosecution 139

Clients referred to the Alternative Community Service Restitution Project by a number of means: Diversion, Pre-trial, County Court, and by District Court.

(1) DIVERSION: The County Attorney's office may elect to recommend diversion and refer clients to the program. The County Attorney contacts the Restitution Coordinator or Project Director and discusses program possibilities. If the offender agrees to participate in the program, a contract is developed for payment of damages through related number of service hours, using the projects formula of \$5 per hour. If the contract is completed satisfactorily within the time frame established by the contract, the charge will be dropped. Participation at this level will not be an admission of guilt.

(2) COUNTY COURT REFERRALS: Once an offender pleads or is found guilty, a pre-sentence investigation is conducted, at which time the Probation Officer determines that the offender may or may not be included in the Restitution Program. The Restitution Coordinator works closely with the probation officer and assists in making recommendations. In some cases, a pre-sentence is not required, particularly first offenders. The Judge will refer the offender directly to the program and a contract is developed by the program and client. The County Clerk contacts the project and refers clients who have been fined and are unable to pay. In many cases this happens in lieu of jail.

Some clients are referred to the program who have the money to pay fines, but the Judge decides Community Service Restitution might be the best benefit to the client and community.

(3) DISTRICT COURT: A pre-sentence investigation is always completed, and the Judge can fine an offender, place them on probation, or incarcerate them in a state or local facility. The project intervenes at two points. Prior to the pre-sentence investigation encouraging the Probation Officers to recommend Community Service as an alternative to straight probation or Incarceration, and after the Court has determined sentence to require Community Service as part of the probation contract.

In District Court, most cases receive suspension of a jail sentence on condition of performing Community Service Restitution, rather than fines, as in County Court. The example might be 90 days in County Jail with the jail sentence suspended or portion suspended on condition of performing 100 hours or less. Where as in County Court, the pattern might be \$100 fine, 10 days in jail, with the fine and jail sentence suspended on the condition the Community Service Restitution is completed as contracted and/or ordered. Failure on the part of the offender to complete the Community Service Restitution as scheduled may be referred back to Court Services or the County Attorney's office for further action.

The Alternative Community Service Restitution Program is designed toward an individualized approach based on the offender, her needs, and the nature of the offense and disposition. Once a

client is accepted into the program, a contract is written based on the individual client's needs, skills, and the ordered hours. Every effort is made to place a client with an organization that will enhance the completion of Community Service Restitution sentence.

The underlying objective of the program is to expose female clients to alternative lifestyles, educational and vocational experiences, job options, chemically dependant services, and other resources as the client's needs require. Emphasis is on Community involvement through means of Community Service Restitution. Many of our referrals have continued their volunteer involvement after the assigned hours have been completed.

The supportive services are a major factor in the program for area female offenders. In all cases referred to the program, an assessment is made concerning the offenders, economic situation, educational level, vocational skills, chemical or drug dependency, and dependent children, etc. Part of the Community Service Restitution contract includes assistance in any of the above mentioned areas if the offender wishes.

The contract between the project and client covers both the Community Service commitment and commitment to other services desired by the offender. If the offender has interest and need for Career Development, a referral is made to the Cooperative Evaluation Facility for a complete assessment, which takes two to four weeks to complete depending on the individual. Participation in the

Supportive Services cannot be used or counted as part of the ordered Community Service Restitution.

It is the responsibility of the project to follow up the referrals to services including the Vocational assessment plan when used. After the offender has completed the Community Service portion of the contract, but not necessarily self-enhancement efforts involving other services, the project notifies the referring agent in writing.

Since the beginning of the project, July 1979 through August 1980, 136 women have received counseling, 15 received GED's and other educational support, 21 are involved in Vocational training and 39 in Value in Volunteer OJT.

Total Number of Community Service Hours Completed 8,505

Average Length of Service Ordered 63

Monetary Value of Workload Using \$5 per hour \$42,525

In summary, the Alternative Community Service Restitution project is committed to serving its clients and their needs, the Court and the community. To accomplish these goals and objectives, the female offender receives individual programming. The Courts are provided with Alternative Sentencing for women, the community received workers, and additional involvement by the client.

The program is open to any adult female whose offense and social history does not represent a danger to themselves or the community.

The clients that require supervision are seen at least once a week by the Restitution Coordinator, or upon request by either the client or the Restitution Coordinator, depending on need.

These visits might include Counseling Support Services and/or directions. Heavy emphasis is placed on Educational, Job Training, and other Supportive Service to those clients who show signs of needs. The clients hours in Supportive Services do not count as part of the ordered Community Service Restitution hours. All clients are expected to complete assigned hours or termination will occur. Termination may occur if a client is unable to be located, failure of the client to notify an agency or coordinators of lateness, willfully not responding to contracted agreements, a written statement from the referral source indicating a disability, direct termination because of a violation of sources, rules or regulations, two negative reports after a site monitoring indicates poor attitudes, drunkenness, laziness, etc., after one modification of a job site, and termination also may occur after a re-arrest or incarceration.

The project staff is continuing to develop a linkage between the community and female offenders.

FOOTNOTES

National Uniform Crime Reports UCR

The Future of Women Offenders in Minnesota Correctional
System, July 1978

Alternative Behavioral Associates, Inc. ABA

"An Analysis of the Functioning of Restitution Programs
in the District, County, and Juvenile Courts in Three
Minnesota Judicial Districts" - 1977