

COMMUNITY SERVICE PROGRAM
JUVENILE DIVISION
MCLEAN COUNTY COURT SERVICES

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More and more today, citizens are wanting to deal with the problems in their communities themselves. Instead of asking someone else to handle the problem, or simply ignoring it because it doesn't seem to directly affect them, there is a growing desire to become involved.

The Juvenile Division of McLean County Court Services is presently operating a community service work program for youths on a county-wide basis. The program involves youthful offenders in non-paid community service work in the city where they live.

The idea behind this type of program is to make youths more accountable for their actions by adding community service work as a tangible consequence to their probation order and to enable the community to become directly involved. The citizens employed by governmental and private non-profit organizations will have the most direct interaction with these youths and the community as a whole forms the foundation of support for such a program.

What does this mean for the communities of McLean County? It means that the citizens of the various communities are being asked to give some of their time to work with the youths for which they verbally express concern. This program should not be viewed negatively as an extra burden on the citizens of the County, nor as doing someone else's work, rather as a vessel that will make it possible for all of us to work together against the growth of juvenile crime. Having a youthful offender remain in the town he or she lives and work for that community, brings the juvenile justice system and its functions clearly into the public eye, and gives the public a chance to participate.

The Community Service Program is not a sure cure for the problem of juvenile delinquency, rather it is a new idea, a new concept for dealing with young people involved with the law. Finally, along with increasing the visibility of the justice system, this program gives us all, working together, a chance to help these youths change and become useful citizens in their communities.

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CSP Coordinator

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Community service originated in England in 1970. The program was developed in an attempt to counter the rising prison populations and to explore new forms of non-custodial penalties. In general, it was proposed that courts should be given the power to order offenders to perform public service work in their spare time for the community in which they live. The probation and after-care services were directed to assume the responsibility of handling and administering the arrangements.

Community service is a new concept that is becoming widely used by the Juvenile Court in the U.S. and Canada. The program in McLean County was developed to reduce costs and to provide a means for dealing with youthful offenders in their communities. Adding tangible consequences to probation is a major function of community service. Under the Illinois Juvenile Court Act, community service can be ordered as a condition of probation or court supervision. Also, under the Act, the work must be performed for a governmental or private non-profit organization within the municipality or township of their residence.

PURPOSE

The purpose of the Community Service Program is twofold. First, this program provides a viable dispositional alternative for the Juvenile Court to use as a condition of probation or court supervision. It is stated in the Illinois Juvenile Court Act as follows(705-3, 1978):

- (2) The court may as a condition of probation or of conditional discharge require that the minor:
 - (n) perform some reasonable public service work such as, but not limited to, the picking up of litter in public parks or along public highways or the maintenance of public facilities, provided that no minor be assigned to work outside the municipality or township of their residence.

Secondly, the CS program can be an alternative to placement in a child-care facility outside of their home community or township. Through CS youths remain at home and perform the work for their community which places more responsibility on them to adhere to their conditions of probation rather than on their parents or guardian. Probation without CS asks a youth only to be law-abiding without any consequences for them to deal with daily.

Youths who have been involved with the juvenile justice system a number of times and are already on probation can be assigned CS by the court at a further dispositional hearing. This aspect is addressed in the Court Act, section 705-3, 1978:

- (6) After a hearing, the court may modify or enlarge the conditions of probation or of conditional discharge. If the court finds that the minor has violated a condition at any time prior to the expiration or termination of the period of probation or conditional discharge, it may continue him on the existing disposition with or without modifying or enlarging the conditions, or may revoke probation or conditional discharge and impose any other disposition available under Section 705-2(3) at the time of the initial disposition.

For youths that have had previous court contact it is very important to carefully screen these youths before placing them in the CS program. Community service is not for all youths on probation and it is important that a youth is not "set up to fail" by placing them in the program. The youths are screened by the assigned Court Officer and after referral to CS, by the CSP Coordinator.

PROGRAM COORDINATOR

The CS Coordinator is a Juvenile Court Officer and has the responsibility of directing all aspects of the program. The coordinator also provides the necessary liason between the court, Juvenile Court Services, and the participating agencies. The other responsibilities of the program coordinator are as follows:

- a. Establish working relationships with municipal, township, and county agencies to participate and supervise youths in the CS program.
- b. Establish procedures for the CS program concerning:
 - interview youth and explain program
 - supervise youths in program
 - make progress reports on youths via field visits to work sites

- maintain collection of data for evaluation
 - complete summary reports for the court and JCS upon completion or termination of a youths involvement in the program.
- c. At the request of a JCO and upon order of the Court, place a youth in a CS position within the municipality of their residence.
 - d. Interview youths and their parents/guardians, explain the program, and make the work assignment. At the end of involvement in the program, meet with the youth and refer them back to their regular court officer.
 - e. Supervise all youths in CS positions through field visits, written reports, and by keeping a written record of interaction with the youth, (blue sheets).
 - f. Maintain program evaluation statistics and present the results when requested by the Juvenile Court or the County Board.

The person employed as the CSP Coordinator must meet the following requirements. A four year college degree in the social sciences, preferably a degree in Criminal Justice Sciences. Clerical skills for keeping records, writing, and typing formal reports. The ability to communicate effectively with people, and a knowledge of municipal and county organizations to enable the establishment of agency contacts for the CS program. And, in accordance with state requirements, the person must be a resident of the county.

PROGRAM OPERATION

The Community Service program has six principle phases of operation: 1. continually establishing work sites with governmental and non-profit organizations; 2. referral of youths by court officers; 3. orient and place youths in CS positions; 4. supervision- performed by CSP Coordinator and

and agency personnel; 5. terminating youths' involvement in the program and filing summary reports with the Court Services Office; and 6. program evaluation.

Establishing Agency Contacts in the Community

Before a Community Service program can be utilized by the Juvenile Court and Court Services, community and county agencies must be contacted before youths can be placed through the CSP Office for court ordered work. A sample of the Community Service - Agency Information sheet can be found in the appendix, letter A. This covers the main areas of agreeing to participate in the program, agree to provide "maintenance" supervision, and discontinuing participation in the CS program. The program coordinator may remove a youth from the program at any time and the agency is notified immediately.

Referral

The CS program relies on the Juvenile Court and Court Officers to utilize the program as a major addition to probation, and for some youths on probation as an alternative to placement in a child-care facility. When considering CS as a dispositional alternative, the juvenile court officer determines a youth's potential for successfully completing a CSP assignment based on the information obtained through personal contacts for the Social History Investigation. The referral is made to the CSP Office six days prior to the youth's court hearing. Once the referral and the recommendation have been made, the judge may then order community service as a condition of probation. At the dispositional hearing the judge orders the number of hours and the time period for completion based on the recommendation of the court officer.

Prior to a youth's appearance in court, the court officer notifies the CS Coordinator of their intentions to recommend CS as a condition of probation. This is done by filling out the CS Referral form, see appendix, letter B, and delivering it to the coordinator within the specified time. Notifying the coordinator in advance allows time to contact a participating agency and further investigate the youth's suitability for the CS program. The court officer is then able to report to the court that a placement is or is not available in the youth's community at the time of the hearing, thus allowing the judge to make an informed decision regarding the disposition. After the dispositional hearing, the youth is directed to make an appointment with the CSP Coordinator to receive their CS assignment.

Community Service - Informal Probation Agreement

First offenders can participate in the CS program through the voluntary Informal Probation Agreement used by the Intake Officer of Court Services. This agreement is made between the Intake Officer, the youth, and the youth's parents/guardians for a period of ninety days. In doing this, the youth and his parents agree to co-operate with the assigned court officer by attending any programs or activities determined to be in the best interests of the youth. The parents also agree to have their child attend activities and programs conducted by the Juvenile Division of Court Services, such as community service work. The Informal Probation Agreement, of which CS can be a part, is a voluntary agreement in lieu of formal court proceedings. A sample form of this agreement can be found in the appendix, letters C and D.

Initial Contact - CS Assignment

When community service is ordered, the youth and his or her parents are directed to meet with the program coordinator. Ideally, this initial conference takes place the same day as the dispositional hearing. Several purposes are served by this first meeting. First, it gives the coordinator an opportunity to get an idea of the family situation, home life, and school situation. Secondly, the CS program is thoroughly explained so that the responsibilities placed on the youth as a result of the community service order are clear. This includes specifying again the number of hours ordered and the time allotted to complete them, (this information is first specified in the probation conditions at the dispositional hearing). The preceding information is then recorded on the CS Assignment sheet, see appendix, letter E. Contacting an agency prior to the court hearing enables placing a youth without further negotiation, in a CS position. Thirdly, when it is possible, contact the agency the youth will be working for by phone during the initial conference to let them know who the youth is, and when he will arrive to begin work. Finally, make arrangements to take the youth to the work site the first time. This is done only if locating the agency is a problem, or if the shortness of time does not allow a change in schedules to be made to get the youth to work.

All agencies participating in the CS program are aware that these young people have been ordered to perform community service by the Court. However, a youth's background and involvement with the law, except their being on probation, is not disclosed to the agency as mandated by State Law.

Program Participants

The general characteristics of the youths that are likely to participate in the CS program are as follows. The age group for these participants ranges from 10 to 16 years. Some may be younger in particular case, but the 10 to 16 year old group tends to be most commonly referred from the Intake Officer for further action. "Further action" involves either the filing of a MINS or delinquency petition by the State's Attorney for formal court action, or an informal probation agreement between the youth and the parents, and the Intake Officer.

Youths are not necessarily screened only on the basis of their law violations. In some cases, due to the nature of the offense, it is necessary to screen on the basis of the offense only, but the youths' attitudes, cooperation with the system, past activities, and the attitudes and support of the parents are considerations given youths referred to the program. However, youths that have been involved in property crimes are probably more suitable candidates for the program.

Screening of the program participants is very important to insure the smooth operation of the program, and therefore, is a regular function. Youths that are not suitable for the program are screened out before they appear for their dispositional hearing. Participants in CS as part of the Informal Probation Agreement are only those youths involved in minor offenses for the first or second time.

Youths work at their assigned agencies approximately 3 to 7 hours per week. The actual days and times are arranged between the agency and the youth. The average CS assignment is 30 to 100 hours over a period of one to four months.

Supervision

A youth works at their assigned agency until the assignment is completed or terminated. Terminating involvement in the program is usually a result of problems leading to a violation of probation conditions. In some instances, a youth may work at more than one agency due to the number of hours assigned and the agency's ability to accommodate the youth for the amount of time required to complete them.

The Field Report, appendix letter F, is used to keep a record of the number of hours completed as the youth works at their assigned agency. If a youth fails to report to work, has a high rate of absenteeism, performs poorly, or fails to assume the responsibility placed on them, the CS coordinator has the options of working with the youth or removing them from the program. In the case that a youth is removed from the program, their case is referred back to their Court Officer and the State's Attorney. The CS program has the authority of the Court to enforce a youth's cooperation. Contempt of Court proceedings may follow a violation of probation conditions, which includes non-compliance with the CS program.

After successfully completing the assigned hours, both the youth and the agency contact the CS Coordinator. At this time, the agency supervisor fills out the Field Report and sends it to the CS Office. A final meeting with the youth and his parents is held, the CS work experience is discussed, and then they are directed to make an appointment with the assigned Court Officer. A summary report is sent to the Court Officer and a copy is placed in the youth's CS file, sample summary report in appendix, letter G. The following are the operational guidelines for supervision.

- a. When notified that a youth has been ordered to participate in the CS program, a file is made and placed in the active file.
- b. A CS Assignment Sheet is filled out at the time of the initial conference and an on-going record of contacts maintained until the end of the assignment.
- c. If possible, notify the agency by phone at the time of the initial conference and give the youth the name of the person to report to, the agency address, and phone.
- d. Arrangements are made with the agency if any special conditions are needed by the youth.
- e. Visit youths at their work sites bi-weekly, if possible, and fill out progress report, see appendix, letter H.

The following are conditions of CS for program participants:

1. Accept placement in a non-paid capacity with the intention of following through in a dependable and punctual manner.
2. Report promptly to the assigned agency on the days and times specified by the agency supervisor.
3. In the case of illness, notify the agency at least four hours prior to the scheduled work arrival time.
4. Accept the supervision and guidance of agency personnel.
5. Dress and behave appropriately for your particular assignment.
6. Satisfactorily complete all work assigned.
7. Discuss any problems or suggestions with your agency supervisor or the CSP Coordinator.

The following are general guidelines for agency supervisors:

1. Provide a clear description of the work requirements and responsibilities for the assigned job.

2. Maintain a record of the number of hours performed, and the youth's demeanor toward this work on the CS Field Report.
3. Contact the CS Office in regard to any problems that cannot be handled at the work site.
4. Supervise the youth's work. Assist him or her in such a way as to enable them to satisfactorily complete their work assignment.
5. Upon completion or termination of a youth's involvement at the agency, fill out the Field Report questions and send it to the CS Office.

Program Evaluation

Evaluation is an important component of every program in the Criminal Justice field today. A well conceived, successful program evaluation is an ongoing process that begins in the planning stages of the program. The design by which the efficiency of the program in McLean County is assessed includes: 1. specifying the purpose and objectives; 2. selecting the variables to be monitored for statistics, see appendix, letter I; 3. provide the presentation, interpretation, and dissemination of the evaluation results. The data collected for this program basically includes descriptive statistics on the CSP participants, the number of participants, and a list of the participating agencies including the value of the work done for each.

Evaluation of the program at regular intervals provides a means of incorporating changes and reporting the aspects of the program that are of public interest. These facts are also important to the County Board for the purposes of support and long range funding. Short, summarized statistical reports are available to the Court and Court Services on request.

In-program evaluation also enables growth and change to evolve in certain areas as needed. Input from participating agencies and results of compiling statistics provide two basic sources of information for changes in program operation.

ISSUES IN COMMUNITY SERVICE

1. Liability

During the first month of operation, the CS program was questioned by several agencies about the extent of liability for program participants on the part of the agencies. The Illinois Juvenile Court Act contains an exemption clause for agencies participating in community service programs. Section 705-3 states:

- (10) Neither the State, any unit of local government, nor any official or employee thereof acting in the course of his official duties shall be liable for any tortious acts of any minor placed on probation who is given any public service work as a condition of probation, except for the wilful misconduct or gross negligence on the part of such governmental unit, official, or employee.

Also, it was asked if a youth would be eligible for Workman's Compensation if he or she were injured while performing community service work. Once again, the Illinois Juvenile Court Act clearly addresses this issue. Section 705-3 states:

- (11) No minor assigned to a public service employment program shall be considered an employee for any purpose, nor shall the county board be obligated to provide any compensation to such minor.

Illinois Attorney General William Scott addressed the subject of Tort Liability in a letter to Thomas J. Difanis, State's Attorney for Champaign Count, Illinois, in reference to youths participating in a community service work program. A copy of this letter can be found in the appendix, letter J. Also, James I. Bliss of the Bliss Insurance Agency, insurance carrier for McLean County, has addressed the liability issue from the standpoint of the County, local governmental agencies, and program participants. A copy of this letter can be found in the appendix, letter K.

Staff

The staff for a community service program, to be able to handle the program on a county-wide basis, should include the following: a program coordinator that is officially a juvenile court officer; a student intern; a secretary; and possibly volunteers in various sections of the county to aid in supervision of program participants. An individual court officer can coordinate the program initially, but once the program has 30-40 participants around the County, additional help is necessary to adequately supervise and maintain contact with program participants. This is when student interns are most useful. Because of their training in Criminal Justice through a university, they can assist in establishing work sites, help with supervision, and conduct group sessions after a short period of training.

In McLean County, student interns are used on a regular basis to supplement the professional staff of Court Services. The CS program uses one intern during the regular school year, and one during the summer session.

The use of community volunteers around the County can supplement supervision duties. This is not a regular aspect of the program in McLean County, but it could be developed if the need or desire arises. Once again, this is an opportunity for direct community participation in dealing with youthful offenders.

PROGRAM COSTS

In the Criminal Justice field, costs are a major factor in the success of most programs. Insufficient funds often render a program unable to deliver the necessary services to make it effective. The cost of maintaining a youth in a child-care facility ranges from \$45-80 per day, and detention facilities may cost even more. During the first quarter of fiscal 1978-79, McLean County spent nearly one-third of the entire 145,000 budgeted. Of 45,503, 41,000 dollars was spent solely for housing youths in child-care facilities.

The Community Service Program was developed with the intentions of saving the County money, providing constructive activity for its court supervised youths, and making monies available to provide other services not presently available resulting from reduced spending for child-care placements. The costs, and benefits mentioned above, plus staff time involved with maintaining contacts with youths in child-care facilities are some of the main reasons for developing the CS program in McLean County.

The cost to McLean County for implementing the Community Service Program initially involved the hiring of an additional

Juvenile Court Officer. McLean County CETA provides office space and supplies in return for the addition of its Youth Employment and Training Program to the present duties of the CSP Coordinator.

The YETP program involves developing work sites and placing youths in these positions that fit the following criteria. First, the program is aimed at youths involved with the criminal justice system, probation, after-care services from DOC, etc., and/or unskilled and unemployed youth between the ages of 16 to 21 inclusive. Also, these youth must be out of school to be eligible. The Community Services Program Office is located in the Salvation Army Corp Community Center at 212 N. Roosevelt, near the Law & Justice Center in Bloomington, Illinois.

A final point concerning costs: The work done by CSP participants is not work that is taken away from a paid worker, but it is work which would not be done without the involvement of unpaid workers. The monetary value of the work performed by youths in the program is important for the County and participating agencies to consider when reviewing their fiscal budgets and the amount of money spent locally and by the County each year for the youths in McLean County.

FUNDING SOURCE

The Honorable Joseph H. Kelley requested the development and implementation of the CS program in McLean County and the hiring of an additional Juvenile Court Officer to coordinate the program. The McLean County Judicial Budget and Justice and

Public Safety Committees recommended, and the County Board approved the funding for the Coordinator's position and endorsed the program for use in the County.

CETA appropriated \$3400 to Court Services to fund its part of the CS program. The break-down of these funds is as follows:

STAFF COST.....	0
SUPPLIES.....	500
EQUIPMENT RENTAL.....	900
OFFICE RENT - SALVATION ARMY.....	1000
MILEAGE COMPENSATION.....	600
OTHER - POSTAGE/TELEPHONE.....	<u>400</u>
TOTAL.....	\$3400

Together, the Juvenile Division of Court Services and McLean County CETA have made possible the Community Service Program with an office in a separate building to serve the youths and citizens of McLean County.

POSSIBLE CS AGENCIES

- | | |
|---------------------------|----------------------------------|
| POLICE DEPARTMENTS | NURSING HOMES |
| PUBLIC SCHOOLS | COUNTY & TOWNSHIP HIGHWAY DEPTS. |
| PARKS & RECREATION DEPTS, | CITY ZOO |
| FIRE DEPARTMENTS | ANIMAL SHELTERS |
| PUBLIC LIBRARIES | PUBLIC AND STATE PARKS |
| DAY CARE CENTERS | PUBLIC GOLF COURSES |
| LOCAL HOSPITALS | HEADSTART PROGRAMS |

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The CS program allows youths on probation or court supervision to remain in their home communities.

Community Service can be an alternative to placing a youth in a child-care facility.

Youth are made more accountable for adhering to their probation orders, made more accountable for their law violating actions, given the opportunity to learn how to get along with others in the community in a law-abiding manner, and a chance to gain some self-worth from seeing how the work they do benefits others.

Valuable community service work is provided for County and local governmental agencies.

The public has the opportunity to become more aware of, and directly involved in dealing with the youthful offenders in their community.

Reduced costs, a constructive means of dealing with youthful offenders in the community, community involvement, and enabling youths to see how their constructive efforts can benefit others are just some of the benefits of a CS program. And later, with experience and community support, the CS program could grow into one that serves both youths and adults.

SALVATION ARMY CORP

YWCA - YMCA

CITY HALL

LAW & JUSTICE CENTERS

PUBLIC WATER WORKS DEPTS

PUBLIC SERVICE DEPTS.

LOCAL CHURCHES

CIVIL DEFENSE DEPTS.

The above are municipal and county agencies that could be utilized for, and benefit from a Community Service work program. There may be other agencies in particular communities or townships that are not listed above that could be participants in this type or program.

In the Illinois Juvenile Court Act, "public service work" is not specifically defined. Only the restrictions for such work are stated: 1. the work serve the public; 2. the work be reasonable. Therefore, the scope of community service can include non-profit organizations that serve the community, also. When assigned CS work, youths are not required to work for an agency/organization whose religious nature or affiliations violate their personal beliefs.

SUMMARY

Community Service is a valuable tool for the Juvenile Court and Court Service to better serve and help youths who have violated the law. The benefits of this type of program are summarized below.

Community Service adds tangible consequences to probation by requiring youths to work for no pay in their spare time as a condition of their probation order.

REVIEW OF THE LITERATURE

Brown, Bailey, "Community Service as a Condition of Probation."
Federal Probation Quarterly, 41(4) 1977.

The purpose of this article is to point out the advantages of using community service as a condition of probation. The advantages are as follows:

1. the probationer being required to do work without pay for a good cause should have some therapeutic effect since this would make him atone for his misdeed in a concrete and constructive way
2. The involved public and charitable agencies would receive the valuable services from the probationers which they very much need.
3. working without pay would make probation more acceptable to the public in that the public would be more likely to feel that justice had been done
4. regular work for a designated agency that is in close contact with the probation office would give a probation officer an additional handle on the probationer
5. Some persons could be placed on probation who would not, in the absence of the program, have been probated and, to such extent, the costs and other disadvantages of incarceration are avoided.

The author further described the program through a working example of an existing program and the duties of the individuals involved in operating that program. The article was concluded by statements expressing the favorable public acceptance of this type of program and the recommendation of this program to all court throughout the U.S.

Bergman, Howard Standish. "Community Service in England: An Alternative to Custodial Sentence." Federal Probation Quarterly, 39(1): 43-46, 1975.

The author's purpose for this article is to discuss Community Service as an alternative to the traditional mode of punishment--incarceration, which has proven itself over the years to be rather unsuccessful and costly. As a result of these dissatisfactions and problems of the custodial mode, the concept of Community Service developed out of an investigation of alternatives to imprisonment by the Home Secretary's Advisory Council on the Penal System in June 1970.

Community Service offers an alternative to short custodial sentences, and at least at the onset, was not designed to be as substitute for such crimes as robbery, organized crime, or manslaughter. The court may decide to waive imprisonment and offer any offender an alternative sentence of a specified number of hours of unpaid community service work.

Essentially, Community Service orders should meet four conditions. First, the task should be meaningful to the individual and beneficial to the community. Second, it should aid the individual in his/her personal adjustment and development, i.e., growing self awareness, self worth, and possibly the acquisition of new skills. Third, the task should provide the individual with the opportunity of continuing the task even after the order itself has expired. Fourth, hopefully the individual will realize and become more aware of the needs of others.

The philosophy that underlies the whole scheme is one that is practical, rehabilitative, and functional. The practical

aspects of the program are quite obvious, in that the expenses of incarcerating an individual are saved and the offender pays his/her debt to society by doing something valuable and positive. Community Service seems to satisfy the rehabilitative aspect more so than do fines, probation, or custodial sentences as there is a real reparation for the wrongs that have been done. Resocialization and a better dialogue with the community and the offender are particular benefits of a CS program. The functional aspect focuses on the fact that crime does not take place apart from the society; the community must, out of necessity, share the problems of the offender. In other words, crime and resocialization may somehow be viewed as a reciprocal phenomenon in terms of community service. It provides society with a social education by dealing first hand with an offender and by helping him/her to become a functional member of society.

Problems with a program of this sort are not to be overlooked. The most obvious is that individuals are unable to respond properly and recidivate within a matter of weeks. Some community agencies may be afraid to have offenders as volunteers. Further, one cannot predict success at this point with any degree of certainty, as the practicality of non-custodial sentences must be further tested.

In conclusion, there has been a tremendous need in the field of Criminal Justice to demonstrate that new measures and programs are workable. Now that community service orders have become functional and fairly well accepted, the future for this type of program appears to be most optimistic and encouraging. This device, probably more than any other, provides a way by which the offender and the community may become reciprocally involved

and reconciled. This is, after all, one of the ideals of the rehabilitative process.

Kaufman, Clementine L. "Community Service Volunteers: A British Approach to Delinquency Prevention." *Federal Probation Quarterly*, 37(4): 35-41, 1973.

The author's purpose for this article is to discuss the use of volunteers in England and the use of delinquents in the capacity of a volunteer under a Community Service Order. Community service is offered as an alternative to probation. Some volunteer projects for delinquents include helping the blind, the aged, and the under-privileged. The volunteer program also attempted to utilize institutionalized delinquent youth in a holiday program for deprived youngsters. The helpers, and in some cases, the leaders were these institutionalized youths. The effect on the delinquent youths, who for the first time had the opportunity of helping others in need rather than being on the receiving end, was profound indeed.

In conclusion, the main goal of community service is concerned with exploring new patterns of service, to expand the role of the volunteer in society, and to discover what contribution the young offender can make to their community. It is important to remember that most delinquent youths have never truly succeeded at anything, and have a low self-image. They come from deprived homes, with few personal relationships of the lasting variety. The common denominator in their lives is their institutional experience, and the fact that they have never been on the giving end at any personal level. Most youngsters have never been told that they have something very special

to offer someone else, someone less fortunate than themselves. It is to this challenge these young people seem to be responding.

Lewis, Maureen. "Progress Report #1: Community Service Order Project." The Elizabeth Fry Society - Peel-Halton Branch. November 1, 1978.

The purpose of this report is to present the results of the Community Service Order Project of the Peel-Halton area in Canada during its first year of operation. The program has a participant age group of 16 to 35 yrs., with the majority (80%), in the 17-28 yr. age group. With the exception of one, all of those in the program ranged from mischief to assaulting a police officer.

The reasons for a disposition of CSO varied a great deal. In many cases the disposition was what the judge felt to be the best for the community, and in the best interests of the individual regardless, within reason, of the offense. However, there were a great number of cases where the only alternative would have appeared to be incarceration. In these cases, CSO was used and the offenders adjusted quite well in the program.

The overall support of the CSO recipients has been agreeable. Some need much more support than others. Probation Officers have been most cooperative by making CSO obligations clear to clients, and by making follow-up reports when a client is not operating in a satisfactory manner.

The community response to the program has been very good. This was shown by the readiness of agencies, organizations, etc. to accept CSO clients, and the favorable response from the media.

The project is definitely meeting a need for sentencing alternatives as well as supplying a valuable resource of volunteer aid to the community. Ninety percent of the clients in the program have been successful up to this point. Some of the clients have been exemplary and have exceeded the expectations of the placements. The coordinator believes that the program has been a positive influence for the participants and the agencies they worked for.

Newton, Anne. "Alternatives to Imprisonment: Day Fines, Community Service Orders, and Restitution." *Crime & Delinquency Literature*, 8 (1): 109-125, 1976.

This article has three sections, as noted in the title, but for the purposes of this abstract, only the section on Community Service Orders will be reviewed. The purpose of this article is to discuss new alternatives to custodial sentences, that being in this case, Community Service Orders.

The British Criminal Justice Act of 1972, aimed at halting or slowing the continuing increase in the prison population, reflects a growing trend in several European countries toward more social rather than merely penal treatment of offenders. Social treatment would involve, in this case, greater diversity and flexibility of sentences, and more reciprocal involvement of the offender and the community. The Act provides for a number of noncustodial sanctions, among them an entirely new one; community service. Community service has been ordered for offenses ranging from traffic offenses to Arson and Robbery. Community service offers a constructive, inexpensive alternative to short prison sentences, emphasizing punishment fitting the crime. Community Service provides an opportunity for

constructive activity in the form of personal service to the community and the possibility of an attitude change by the offender.

Under this program, the community service order is a sentence in its own right and is not a part of a probation order. The offenders involved range from 17-28 years of age, and they can be sentenced to work from 40 to 240 hours of service work. Three requirements are attached to this program: (1,) the offender must give his consent to the order; (2,) suitable work arrangements must exist; and (3) a probation officer must supply the Court with a social profile-type report. In this program, community service orders are administered by the probation and aftercare services.

Once it is determined that a Community Service Order is an appropriate sentence, the Court specifies the number of hours to be performed. The offender is then referred to the Community Service coordinator in the probation department. After a conference with the offender, available agencies are contacted and a community service task is selected for the offender. Usually the offender must work with community volunteers, rather than on his own, and is seen by these workers as simply another volunteer.

By June 1974, a total of 1,172 Community Service Orders had been issued-74% upon the recommendation of probation officers. The program has a 75% success rate for completion of assignments. Most all of the probation officers asked were favorable of Community Service Orders.

The Community Service concept has been applied with some

success in the United States. In October 1966, the Alameda County (California) Court decided to let minor offenders serve their time as volunteers for community organizations. Offenders can be referred by the Court to the Alameda County Volunteer Bureau, which finds organizations where their skills can be used. Now used by eight municipal courts and the Alameda Superior Court, the program is applied to offenders convicted of serious traffic offenses, possession of marijuana, petty theft, and malicious mischief. Since inception of the program, over 3,000 offenders have contributed approximately 100,000 hours of service to 300 nonprofit health and welfare agencies in activities ranging from clerical work to tutoring. In addition to aiding the community, the program exposes offenders to a variety of new situations and skills.

Community Arbitration Project, Anne Arundel County, Maryland.
National Institute of Law Enforcement and Criminal Justice-
Exemplary Projects, August 1978.

In 1973, the Juvenile Intake Office of Anne Arundel County, Maryland, faced heavy backlogs of relatively minor cases that impaired its ability to deal with youngsters in more serious trouble with the law. Delays in resolving cases were frequent. A child accused of a first or second misdemeanor offense typically waited four to six weeks before official action was taken on their case. By that time, the incident was no longer fresh in the youngster's mind, making it difficult to reinforce the concept of accepting responsibility for the consequences of his actions.

The offender's parents and the victim were only marginally involved as the case proceeded. Many victims were never informed of the final disposition of the case. As a result, both parents and victims felt powerless and ineffective.

Most important, the cases dispositions were often unsatisfactory. Because of caseload pressures, many offenses received only cursory attention. Other cases were referred to the Court for formal adjudication - a process that may involve alienation of the youngster and result in unnecessary stigma. Public dissatisfaction with the County's juvenile justice system was increasing.

In 1975, the County devised an alternative to the system. The Community Arbitration Project was designed to alleviate the burden on the Juvenile Court while still impressing on the young offender the consequences of their behavior.

Under the program, juvenile misdemeanants are issued a citation which records the offense, and schedules a hearing to arbitrate the cases seven days later. The subject's parents and the victim receive copies of the citation, and are asked to appear at the hearing. The right to counsel is made clear to the youth and his/her parents.

Although the hearing is informal, it is held in a courtroom setting to enhance the child's understanding of the meaning and importance of the procedure. The Juvenile Intake Commissioner - an attorney with experience in juvenile cases - serves as arbitrator. The Commissioner hears the complaint and reviews the police report. If the child admits committing the offense and consents to arbitration, the Commissioner makes

an informal adjustment, ordering the child to perform a specified number of hours of community service work and/or restitution, counseling, or an educational program. The case is left "open" for a period of ninety days, and a report is filed by the youth's agency supervisor. If the offense is serious, if the youth denies his involvement, or if his/her parents so request, the case may be forwarded to the State's Attorney's Office for formal adjudication.

In two years, 4,233 youths have gone through the program. Nearly half of their cases were adjudicated informally; only 8% were referred to the State's Attorney. In addition, a comparison was made of the recidivism rates of a sample of youths in the program and a sample of traditionally processed juveniles. As illustrated in the table below, the results are impressive. Differences in recidivism were particularly significant for property offenders.

Community Arbitration Project has been fully funded by the State of Maryland's Juvenile Services Administration since April 1977,

RECIDIVISM OF C.A.P. CLIENTS AND CONTROL GROUP

	%recidivist	# of rearrests per client	# of cases
traditional processing	14.3	.659	342
C.A.P.	9.8	.415	482

A P P E N D I X

- S A M P L E F O R M S -

KENNETH W. SIMONS
Director of Court Services
Eleventh Judicial Circuit
RICHARD HOFFARTH
Coordinator
Community Services Program



212 NORTH ROOSEVELT STREET
BLOOMINGTON, ILLINOIS 61701
Phone: (309) 829-9476

McLEAN COUNTY,

BLOOMINGTON, ILLINOIS 61701

Community Service - Agency Information

As a participating agency in the Community Service Program, the following information is important for both parties to understand and agree on:

1. Permit youths involved in the Community Service Program of McLean County Court Services to perform non-mechanical work such as, but not limited to, the picking up of litter in public parks or along public roadways or the maintenance of public facilities within the municipality or township of their residence.
2. Accept the duties of "maintenance" supervision at the agency when the youth is present for work with overall supervision maintained by the CSP Coordinator.
3. It is understood that: no person assigned to the Community Service Program shall be considered an employee for any purpose. Neither the State, any unit of local government, nor any official or employee thereof acting in the course of his official duties shall be liable for any tortious acts of any minor placed on probation who is given any public service work as a condition of probation, except for wilful misconduct or gross negligence on the part of such governmental unit, official, or employee.
4. Notify the CSP Office at least two (2) weeks in advance if you wish to discontinue participation in the Community Service program.
5. Agree to any special conditions so that the best interests of the youth are served. Understand that a youth may be withdrawn from the CS Program at any time during participation and that you will be immediately notified of such action.

CS REFERRAL FORM

ADULT

JUVENILE - MINS

INFORMAL

DELINQUENT

DATE _____

NAME _____ AGE _____ DOB _____

ADDRESS _____ PHONE _____

PARENT/GUARDIAN _____ ADDRESS _____

OFFENSE _____

REFERRING OFFICER _____ CASE NO. _____

PRIOR POLICE CONTACT(S): _____ COURT DATE _____

PRIOR COURT CONTACT(S):

SUMMARY OF SOCIAL HISTORY INVESTIGATION/ PSI RECOMMENDATION:

JUVENILE COURT SERVICES
McLEAN COUNTY

INFORMAL PROBATION

Date _____

90 DAY SUPERVISION AGREEMENT

As the parent(s) and/or legal guardian of _____
(Minor)

(I) (We) hereby consent to the McLean County Juvenile Court Services Office to place our child on a 90 day supervision period. In doing this, we as parents also agree to co-operate with the assigned Officer of the Court to work through the present difficulty by attending any programs of counseling, testing or participating in other activities determined to be in the best interest of our child and the family unit. Also we will allow our child to attend activities and programs conducted by the McLean County Juvenile Court Services Office if the assigned Court Officer feels it would be in all of our interests.

Parent(s) _____

I, _____, agree to work through my present difficulties for a 90 day period by co-operating with the assigned Court Officer who will attempt to assist me in satisfying my needs. This may include attending activities and programs conducted at the McLean County Juvenile Court Services Office if the Court Officer and I feel it is in my best interests.

Minor _____

(Witness)

CS REFERRAL FORM

ADULT

JUV. - MINS

INFORMAL

DELIN.

DATE _____

NAME _____

ADDRESS _____

PHONE _____

PARENT/GUARDIAN _____

ADDRESS _____

REFERRING OFFICER _____

CASE # _____

PRIOR POLICE CONTACT(S):

PRIOR COURT CONTACT(S):

SUMMARY OF SOCIAL HISTORY INVESTIGATION/ PSI RECOMMENDATION:

COMMUNITY SERVICE PROGRAM

Community service involves reasonable work such as, but not limited to, general cleaning and maintenance of public facilities that does not require the use of machinery. All work will be performed within the municipality or township of the youth's residence. Community service is performed as a part of the voluntary Informal Probation agreement in lieu of formal court proceedings.

LOCATION OF WORK SITE:

PERSON TO REPORT TO:

NUMBER OF HOURS TO BE WORKED: _____ PER DAY

TIME PERIOD FOR COMPLETION OF HOURS:

PARENT(S) _____

MINOR _____

WITNESS _____

COMMUNITY SERVICE ASSIGNMENT SHEET

DATE _____

NAME _____ AGE _____ DOB _____

ADDRESS _____ PHONE _____

PARENT/GUARDIAN _____ ADDRESS _____

CS ASSIGNMENT LOCATION _____

SUPERVISOR _____ PHONE _____

CONDITIONS OF CS ASSIGNMENT:

TOTAL # OF HRS ASSIGNED _____

LENGTH OF CS ASSIGNMENT, FROM _____ TO _____

SPECIFIC DAYS AND TIMES TO BE ARRANGED WITH AGENCY SUPERVISOR AT WORK SITE.

IN CASE OF EMERGENCY, PLEASE NOTIFY:

NAME _____ PHONE _____

REMARKS:

SIGNATURE OF CS COORDINATOR

SIGNATURE OF YOUTH

MEMO

TO: JUVENILE COURT OFFICERS
FROM: CSE OFFICE
RE: CSE SUMMARY REPORT

The CS Summary Report is a report to a youth's JCO summarizing their involvement in the CS program. Attached to this memo is a sample of a summary report using fictitious names and dates. Please review this sample, and if you have any questions or additions, call or see me in person and we will discuss your ideas.

Two other areas that would be covered in a summary report involve termination of a youth's participation in the CSE program. They are as follows:

Supervisor's name, work address, phone, and reasons for termination of youth's involvement. Also, other persons names, etc. who would be possible witnesses (at the request of the S.A.)

Whether more than one CSE placement was used to complete the assigned # of hours and why.

CS SUMMARY REPORT

John J. Howard

February 9, 1980

CSE Position: Bloomington Police Department

One hundred CSE hours ordered

Order effective: December 7, 1979

Mandatory Completion Date: February 7, 1979

On December 7, 1979, in the Court of the Honorable Joseph Kelley, John J. Howard was adjudicated a ward of the Court and placed on probation for a period of one year for the Offense of Burglary.

As a condition of probation, John J. Howard was ordered to perform one hundred (100) hours of community service work. The work order became effective on December 7, 1979 and all work was to be completed on or before February 7, 1980. Supervision of the youth was performed by the CSE Coordinator and the Bloomington Police Department.

On December 10, 1979, John J. Howard was directed by the CSE Office to report to Sgt. Marvin Thomas at the Juvenile Division of the Bloomington Police Department to begin his work. The following are the results of the CSE assignment:

1. Work was begun on December 12, 1979 and all work completed on January 28, 1980.
2. WORK PERFORMANCE

It was reported by Sgt. Marvin Thomas that John took upon himself to report on time on each scheduled day of work. He was absent two scheduled days due to sickness, however, this work was made up. John efficiently completed all of his assigned work and developed a good working relationship with his co-workers.

3. ATTITUDES

John's attitude toward the CSE program and his assignment noticeably improved after the first three weeks of his involvement in the program. During the first three weeks John held a generally hostile attitude toward his work and Sergeant Thomas. It was noted that after John got to know some of the officers and was able to see how his extra work aided the Police Department, his attitudes began to improve.

In summary, John J. Howard successfully completed his CSE assignment and has developed a better attitude toward the Police Department because of his involvement in CSE work at that location. It is this reporting officer's recommendation that John J. Howard be discharged from the CSE program and continue normal supervision by his Juvenile Court Officer.

Respectfully submitted,

Rick Hoffarth

Rick Hoffarth
Community Service Employment Coordinator

COMMUNITY SERVICE PROGRESS REPORT

DATE _____

NAME _____

CS WORK SITE _____

OF HOURS WORKED TO DATE _____

SUPERVISOR'S COMMENTS:

PROBLEM AREAS:

YOUTH'S COMMENTS:

PROBLEM AREAS:

COORDINATOR'S COMMENTS:

LIABILITY
INFORMATION

KENNETH W. SIMONS
Director of Court Services
Eleventh Judicial Circuit
RICHARD HOFFARTH
Coordinator
Community Services Program



212 NORTH ROOSEVELT STREET
BLOOMINGTON, ILLINOIS 61701
Phone: (309) 829-9478

McLEAN COUNTY,

BLOOMINGTON, ILLINOIS 61701

January 2, 1980

William J. Scott
Attorney General
State of Illinois
Springfield, IL 62706

Dear Mr. Scott,

The Juvenile Division of McLean County Court Services implemented a Community Service Employment program on December 1, 1979. This program coordinates youths in the type of public service work referred to in section 5-3 of the Juvenile Court Act (Ill. Rev. Stat. 1978, ch. 37, par. 705-3). This section allows courts to make public service work a condition of a juvenile's probation.

The question asking whether the governmental entity for which a juvenile is performing public service work is liable for injuries to such juvenile which occur while he is performing public service as a condition of probation has arisen and it would greatly enhance our program if you would address this topic for us in reference to the law. The City of Bloomington is hesitant about using this program because of the liability question. Please address the Workman's Compensation Act in reference to public service work, also.

Thank you for your time and cooperation. Your opinion and translation of the law will be most helpful to us and the CSE program.

Sincerely,

Kenneth W. Simons,
Director
McLean County Court Services



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD
62706

January 4, 1980

Kenneth W. Simons, Director
McLean County Court Services
212 North Roosevelt Street
Bloomington, Illinois 61701

Dear Mr. Simons:

In response to your request of January 2, 1980, relating to the liability of a governmental entity for which a juvenile is performing public service work as a condition of probation, I am enclosing herewith a copy of opinion No. S-1339, issued March 15, 1978. I believe the enclosed opinion responds to the questions which you have posed.

I suggest you contact the State's Attorney of McLean County should you need further assistance on this matter.

Very truly yours,

Shawn W. Denney
SHAWN W. DENNEY
Assistant Attorney General
Opinions Division

SWD:dbn

Enclosure



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

March 15, 1978

FILE NO. S-1339

TORT LIABILITY:
Liability of a Governmental
Entity to a Juvenile Performing
Public Service Work As a Condition
of Probation

Honorable Thomas J. Difanis
State's Attorney
Champaign County
Court House
Urbana, Illinois 61501

Dear Mr. Difanis:

I have your letter relating to Public Act 80-711 which amends section 5-9 of the Juvenile Court Act (Ill. Rev. Stat. 1975, ch. 37, par. 705-3) to permit courts to make public service work a condition of a juvenile's probation. You ask whether the governmental entity for which a juvenile is performing public service work is liable for injuries to such juvenile which occur while he is performing public

Honorable Thomas J. Difanis - 2.

service work as a condition of probation.

Section 5-3 of the Juvenile Court Act, as amended by Public Act 80-711, provides in pertinent part as follows:

" * * *

(2) The court may as a condition of probation or of conditional discharge require that the minor:

* * *

(n) perform some reasonable public service work such as but not limited to the picking up of litter in public parks or along public highways or the maintenance of public facilities, provided that no minor required to perform such public service work shall be assigned to work outside the municipality or township of his residence:

* * *

(10) Neither the State, any unit of local government, nor any official or employee thereof acting in the course of his official duties shall be liable for any tortious acts of any minor placed on probation who is given any public service work as a condition of probation, except for wilful misconduct or gross negligence on the part of such governmental unit, official, or employee.

(11) No minor assigned to a public service employment program shall be considered an employee for any purpose, nor shall the county board be obligated to provide any compensation to such minor."

It is clear from the above language that neither the government entity receiving the services of a juvenile under

Honorable Thomas J. Difanis - 3.

the Act nor any officer or employee of such entity is liable for the tortious acts of such juvenile. It is equally clear that a juvenile engaged in public service work under the provisions of the Act is not to be considered an employee for any purpose and thus, would not be eligible for coverage under the Workmen's Compensation Act. (Ill. Rev. Stat. 1975, ch. 48, par. 138.1 et seq., as amended.) There is, however, no language in the statute relieving a governmental entity from liability to juveniles injured while performing public service work as a condition of probation should the juvenile have grounds for an action sounding in tort against the entity.

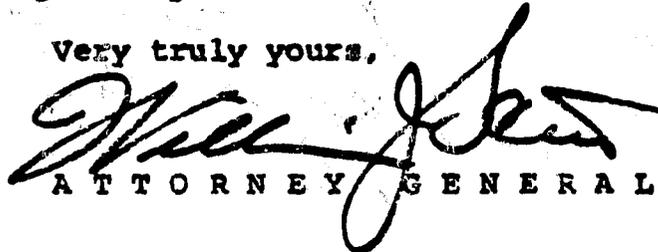
The General Assembly has vested the Court of Claims with exclusive jurisdiction to handle cases sounding in tort against the State (Ill. Rev. Stat. 1975, ch. 127, par. 801; Ill. Rev. Stat. 1976 Supp., ch. 37, par. 439.8(d)), and enacted the Local Governmental and Governmental Employees Tort Immunity Act (Ill. Rev. Stat. 1975, ch. 85, par. 1-101 et seq.) to define the liability of a local public entity. Therefore, an injured juvenile would have to proceed under, and his rights would be subject to the limitations of "AN ACT to create the Court of Claims, etc." (Ill. Rev. Stat. 1975,

Honorable Thomas J. Difanis - 4.

ch. 37, par. 439.1 et seq.) and the Local Governmental and Governmental Employees Tort Immunity Act.

It is therefore my opinion that, if a juvenile performing public service work as a condition of probation is injured as a result of some act or omission of the pertinent governmental entity, its officers or employees, and such entity would have been liable to any individual as a result of such act or omission, the entity would be liable to the juvenile to the extent and in the manner permitted by "AN ACT to create the Court of Claims, etc.", or the Local Governmental and Governmental Employees Tort Immunity Act, whichever is applicable. There is no statutory authority for, or any public policy supporting the proposition that a juvenile performing public service work as a condition of probation should not be compensated for injuries resulting from the negligent acts or omissions of the entity benefiting from his labor, just because he is not to be considered an employee of such entity, especially when any other individual could be compensated if injured by the same act or omission.

Very truly yours,


A T T O R N E Y G E N E R A L

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(2) Any order of disposition other than commit-
ment to the Department of Corrections may
provide for protective supervision under Section 5-4¹⁰
and may include an order of protection under Sec-
tion 5-5.¹¹

(3) Unless the order of disposition expressly so
provides, it does not operate to close proceedings
on the pending petition, but is subject to modifica-
tion until final closing and discharge of the pro-
ceedings under Section 5-11.¹²

Amended by P.A. 78-992, § 11, eff. Oct. 1, 1974;
P.A. 78-1297, § 58, eff. March 4, 1975; P.A. 79-
603, § 1, eff. Aug. 27, 1975.

- ¹ Chapter 37, § 702-2.
- ² Chapter 37, § 705-7.
- ³ Chapter 91½, § 120.1 et seq.
- ⁴ Chapter 23, § 5005.
- ⁵ Chapter 37, § 705-10.
- ⁶ Chapter 37, § 702-3.
- ⁷ Chapter 37, § 702-4.
- ⁸ Chapter 37, § 704-8.
- ⁹ Chapter 37, § 702-5.
- ¹⁰ Chapter 37, § 705-4.
- ¹¹ Chapter 37, § 705-5.
- ¹² Chapter 37, § 705-11.

705-3. § 5-3. Probation.) (1) The period
of probation or conditional discharge shall not ex-
ceed 5 years or until the minor has attained the
age of 21 years, whichever is less. The juvenile
court may terminate probation or conditional dis-
charge and discharge the minor at any time if war-
ranted by the conduct of the minor and the ends
of justice.

(2) The court may as a condition of probation
or of conditional discharge require that the minor:

(a) not violate any criminal statute of any jur-
isdiction;

(b) make a report to and appear in person be-
fore any person or agency as directed by the court;

(c) work or pursue a course of study or voca-
tional training;

(d) undergo medical or psychiatric treatment,
or treatment for drug addiction or alcoholism;

(e) attend or reside in a facility established for
the instruction or residence of persons on proba-
tion;

(f) support his dependents, if any;

(g) refrain from possessing a firearm or other
dangerous weapon, or an automobile;

(h) permit the probation officer to visit him at
his home or elsewhere;

(i) reside with his parents or in a foster home;

(j) attend school;

(k) attend a non-residential program for youth;

(m) contribute to his own support at home or
in a foster home;

(n) perform some reasonable public service
work such as but not limited to the picking up of
litter in public parks or along public highways or
the maintenance of public facilities, provided that
no minor required to perform such public service
work shall be assigned to work outside the municip-
ality or township of his residence; or

(o) comply with other conditions as may be or-
dered by the court.

A minor on probation or conditional discharge
shall be given a certificate setting forth the condi-
tions upon which he is being released.

(3) If a petition is filed charging a violation of
a condition of probation or of conditional dis-
charge, the court shall:

(a) order the minor to appear; or

(b) order the minor's detention where the court
finds that detention is a matter of immediate and
urgent necessity for the protection of the minor or
of the person or property of another or that the
minor is likely to flee the jurisdiction of the
court; and

(c) notify the persons named in the petition un-
der Section 4-1.²

(4) The court shall conduct a hearing of the al-
leged violation of probation or of conditional dis-
charge. The minor shall not be held in detention
longer than 15 days pending the determination of
the alleged violation.

(5) At the hearing, the State shall have the
burden of going forward with the evidence and
proving the violation by a preponderance of the evi-
dence. Such evidence shall be presented in court
with the right of confrontation, cross-examination
and representation by counsel.

(6) After a hearing, the court may modify or
enlarge the conditions of probation or of condition-
al discharge. If the court finds that the minor has
violated a condition at any time prior to the expi-
ration or termination of the period of probation or
conditional discharge, it may continue him on the
existing disposition, with or without modifying or
enlarging the conditions, or may revoke probation
or conditional discharge and impose any other dis-
position that was available under Section 5-2³ at
the time of the initial disposition.

(7) The conditions of probation and of condi-
tional discharge may be reduced or enlarged by the
court on motion of the probation officer or on its
own motion or at the request of the minor after
notice and hearing under this Section.

(8) Disposition after revocation of probation or
of conditional discharge shall be under Section 5-
1.⁴

(9) Rules or orders of court must specify the
term and conditions of supervision ordered under
this Act. When the court finds that the best in-
terests of the minor and the public will be served
thereby, the court may modify or terminate the or-
der of supervision.

(10) Neither the State, any unit of local gov-
ernment, nor any official or employee thereof act-
ing in the course of his official duties shall be lia-
ble for any tortious acts of any minor placed on
probation who is given any public service work as
a condition of probation, except for wilful miscon-
duct or gross negligence on the part of such gov-
ernmental unit, official, or employee.

(11) No minor assigned to a public service em-
ployment program shall be considered an employee
for any purpose, nor shall the county board be ob-
ligated to provide any compensation to such minor.
Amended by P.A. 79-1360, § 22, eff. Oct. 1, 1976;
P.A. 80-711, § 1, eff. Oct. 1, 1977.

¹ No (1) in enrolled bill.

² Chapter 37, § 704-1.

³ Chapter 37, § 705-2.

⁴ Chapter 37, § 705-1.

705-4. § 5-4. Protective Supervision.) If
the order of disposition releases the minor to the
custody of his parents, guardian or legal custodian,
or continues him in such custody, the court may
place the person having custody of the minor, ex-
cept for representatives of private or public agen-
cies or governmental departments, under super-

7A.

To: Honorable Mayor and City Council
From: Ray H. Hodges, Assistant City Manager
Subject: Request to participate in Community Service Employment Program.

On December 1, 1979, there was established a Community Service Employment Program through the Juvenile Division of McLean County Court Services, for the purpose of providing an alternative to youths involved in law-violations. This alternative is basically an opportunity for the youths to perform work within their municipality as a Community Service instead of incarceration or placement in a child-care facility.

I have reviewed this program, discussed some of the details with the Community Service Coordinator for McLean County, and believe that the program has some merits. I have also presented this matter to the City Development Committee, at which time, various concerns were raised which have been satisfactorily clarified to me by Rick Hoffarth, the CSE Coordinator. The average length of time, a youth would be participating under this program would be approximately 10 hours per week (1 to 2 hours per day) for about two months. All of the youths that would be participating in this program would potentially work at the City Hall Building, or any of the departments, would be from the City of Bloomington. The youths could be assigned to either the Police Department, Parks and Recreation Department, Building Safety Department, or possibly the City Garage. Since this program is for juveniles, 16 years of age and under, we should recognize this to be a special program in which the participants are not considered employees of the City of Bloomington and that they will merely be performing a limited non-mechanical public service under a Court Order. There is no compensation involved from the City of Bloomington and they are monitored by the Court and the Community Service Employment Coordinator. For some youths, an opportunity of this type will serve as a deterrent for first time offenders and for others it may be a last chance to rehabilitate ones self before faced with a situation of incarceration.

In discussing this matter with the Community Service Employment Coordinator, I have indicated that if the City of Bloomington desires to participate in this program, I would recommend that our participation be limited to three individuals maximum at any one time assigned to the City of Bloomington. Part of the justification for this is because the program is somewhat unique for our operation and I would want to assure reasonable supervision and available work for the individuals.

I have discussed this matter with our legal counsel, in addition to reviewing the Community Service Employment Agency contract, in order to determine that it is in order. This program as outlined should not place any significant burden on the City of Bloomington, should not have any adverse impact upon our overall operation, and has significant potential merits in the rehabilitation of youths within our community who may be involved in offenses of law.

32

Circuit Court of Illinois

Eleventh Judicial Circuit

McLean County

CHAMBERS OF
JOSEPH H. KELLEY
LAW & JUSTICE CENTER
BLOOMINGTON, IL. 61701
(309) 827-5311
EXT. 316

COUNTIES
FORD
LIVINGSTON
LOGAN
MCLEAN
WOODFORD

CLERK JUDGES
LIAM T. CAISLEY
THOMAS E. CAMPBELL
THOMAS H. DEARBORN
CHARLES E. GLENNON
WILLIAM H. HARROD III
WILLIAM T. MCCULLOUGH
ANDREW E. OLIVER
WILLIAM M. ROBERTS
WYNE C. TOWNLEY, JR.
ASSOCIATE CIRCUIT JUDGES
WILLIAM D. DECARDY
WILLIAM D. JOHNSON
JOSEPH H. KELLEY
JAMES A. KNECHT
WYRELL H. RENO
BERT L. THORNTON

January 14, 1980

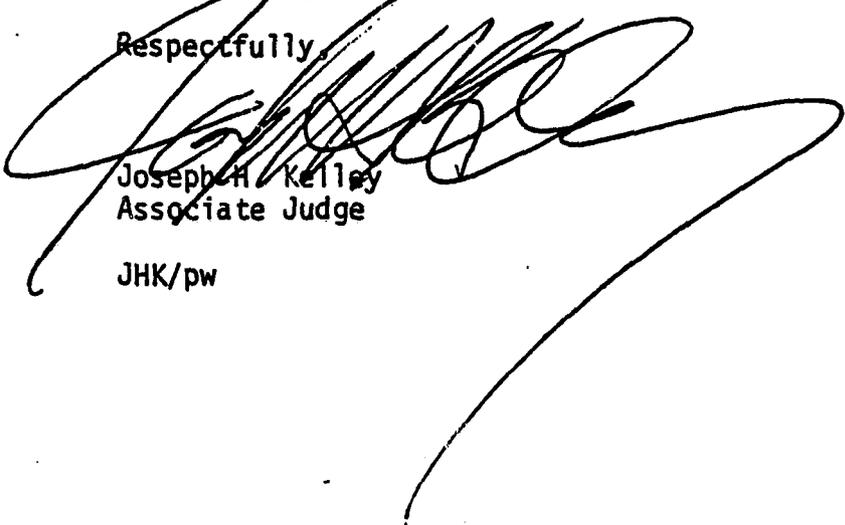
Members of City Council
Bloomington City Hall
109 E. Olive Street
Bloomington, Illinois 61701

Council Members:

Some members have expressed concerns in regards to potential liability of the City of Bloomington for youths participating in the Public Service Employment Program. The statute permitting the Court to order employment as a condition of probation exempts any governmental entity from tortious acts committed by the juvenile while so employed. In addition, a youth is not considered an employee of the governmental entity during the period of time he is ordered to perform work as a condition of probation. Although it is impossible to prevent the filing of a lawsuit, it appears that any governmental entity participating in the program will receive a great deal of statutory protection. It would appear that the prospects of a successful lawsuit are limited to those areas where the negligence of the entity or its employees causes or contributes to the injury of a minor.

It is my opinion that the program's benefits of encouraging responsible behavior and rehabilitation of youths far exceed the remote liability to which a governmental entity may be exposed.

Respectfully,

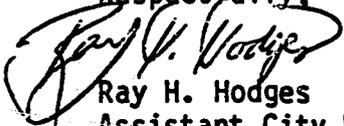


Joseph H. Kelley
Associate Judge

JHK/pw

We would have the ability to cancel the participation of any youth involved in this program who is unable to adequately work within our organization, and we have the ability to terminate our participation in the entire program by simply giving a two week notice if we find that the program does not adequately meet our expectations. At this time, I recommend that the City Council grant approval for participation in the Community Service Employment Program and authorize the Personnel Director to sign the Community Service Employment Contract.

Respectfully,



Ray H. Hodges
Assistant City Manager

Motion:

~~That the City Council grant approval for participation in the Community Service Employment Program and the Personnel Director authorized to sign the Community Service Employment Contract.~~

Made by: Quinn Seconded by: Smart

	Aye	Nay	Other		Aye	Nay
Councilwoman Jones				Councilman Parker		
Councilman Smart				Mayor Buchanan		
Councilman Pierce						

COMMENTS: _____

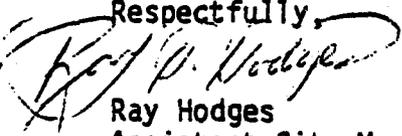
7B.

To: Honorable Mayor and City Council
 From: Ray Hodges, Assistant City Manager
 Subject: Community Service Employment Program - Juvenile Probation Work

As reported at the December 26, 1979 Council Meeting, a program has been established entitled Community Service Employment Program, through the Juvenile Division of McLean County Service, for the purpose of providing an alternative to youths involved in law violations. This alternative is basically an opportunity for the youths to perform work within their municipality as a community service instead of incarceration or placement in a child care facility.

At the December 26th Council Meeting, the Council expressed an appreciation for the concept of a program and of rehabilitation through a productive manner for community use; however, there was a sincere concern regarding the degree of liability the City will be placing itself in with such a program. Consistent with the direction given by the Council, the Staff has researched this matter further. We have met with Wally Berg, our property and liability agent, and Paige Proctor, our workmen's compensation agent and have been reasonably assured that first of all any youth participating under this program would not be considered an employee of the City for workmen compensation purposes; and secondly, if by chance someone was able to legally argue that the City is liable for any act of a youth participating in the program, our liability insurance would cover us. The Corporation Counsel has carefully reviewed this matter and has concluded in a full report that the exposure of the City by participating in the Community Service Employment Program is minimal and "considerations of legal liability should not dissuade the Council from approving the contract to participate in the program." Therefore, based on the assurance that there is minimal exposure of liability in participating in a program and the fact that the program appears to be well designed, well coordinated, and a significant opportunity for rehabilitation, I recommend that the City Council grant approval for participation in the Community Service Employment Program and authorize the Personnel Director to sign the Community Service Employment Contract.

Respectfully,



Ray Hodges
 Assistant City Manager

That the City Council grant approval for the participation in the Community Service Employment Program and the Personnel Director be authorized to sign the Community Service Employment Contract.
 Made by: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay
Councilwoman Jones				Councilman Parker		
Councilman Smart				Mayor Buchanan		
Councilman Pierce						

COMMENTS: _____

January 7, 1980

TO: Honorable Mayor and City Council and City Manager

FROM: David L. Stanczak, Corporation Counsel

SUBJECT: Community Service Employment Program - Juvenile Probation Work

At the last City Council Meeting the question of the City of Bloomington's participation in Community Service Employment Work with the Juvenile Probation Office of McLean County was laid over for analysis of potential liability which might accrue from the City's participation in such a program. Essentially the questions boiled down to liability of the City of Bloomington in one of two cases: a situation in which a juvenile was injured while performing community service work for the City; and also the situation where the juvenile injures someone else while working in the program.

The question of City liability in the event that a juvenile doing public service work for the City injures someone else in the course of his work is dealt with in Section 705-3 of the Juvenile Court Act. Subparagraph (10) provides as follows:

Neither the state, any unit of local government, nor any official or employee thereof acting in the course of his official duties shall be liable for any tortuous acts of any minor placed on probation who is given any public service work as a condition of probation, except for willful misconduct or gross negligence on the part of such governmental unit, official, or employee.

There has not been to my knowledge any situation in which an employee of the City of Bloomington has been found guilty of willful misconduct or gross negligence. All suits against the City that I am aware of which resulted in any judgments have been based on simple negligence. Were a juvenile probationer working in this program to injure someone, a showing that he or a supervisor was negligent would be insufficient to place any liability upon the City. Provisions of the Juvenile Court Act just cited, therefore, provides significant protection for the City.

In addition to the provision of the Juvenile Court Act just quoted, we have consulted with Wally Berg concerning our liability coverage under such a situation. Mr. Berg indicated that the City's liability insurance policy does not distinguish between simple negligence, gross negligence or willful misconduct. The insurance contract is very

Honorable Mayor and City Council and City Manager
Re: Community Service Employment Program -
Juvenile Probation Work

January 7, 1980

Page 2

straightforward and says that if there is any liability (for whatever reason) the insurance carrier will defend and cover the City. On the basis of this information and my analysis of the Juvenile Court Act, I conclude that the exposure to the City arising out of the possibility that juvenile probationer might injure someone else in the course of his duties is minimal.

I reach a similar conclusion with respect to any injuries the juvenile might sustain while on the job. As indicated above, our liability carrier would defend and cover the City should the juvenile probationer sue for any injuries sustained in the course of his work. The only other possibility of liability arising out of injury to the juvenile probationer is a workmen's compensation claim. That matter was dealt with by the General Assembly in part of the Juvenile Court Act. In subparagraph (11) of Section 705-3 of the Juvenile Court Act the employment status of the juveniles is dealt with as follows:

No minor assigned to a public service employment program shall be considered an employee for any purpose, nor shall the County Board be obligated to provide any compensation to such minor.

Since juvenile probationers are not to be considered employees for any purpose, they would, therefore, not be covered by the workmen's compensation law. This statutory policy is consistent with case law in the most analagous situation I could find, namely injuries to prisoners while performing work for the state in whose penitentiaries they are confined. The case law is uniform throughout the United States that such prisoners do not become employees of the public body for which they are doing the work and they are, therefore, not covered by any unemployment compensation law.

The foregoing information leads me to a conclusion that the exposure to the City resulting from participation in the Community Service Employment Program is minimal and considerations of legal liability should not dissuade the Council from approving the contract to participate in the program.

Respectfully submitted,


David L. Stanczak
Corporation Counsel

DLS/nk

January 17, 1980



GOVERNMENTAL INTERINSURANCE EXCHANGE

Mr. Rick Hoffarth
Coordinator, Community Service Employment of McLean County
212 North Roosevelt
Bloomington, Illinois 61701

Dear Mr. Hoffarth:

This is in response to our discussion of January 11, 1980 relating to the risk management aspects of activities of the County and other local governments or other agencies pursuant to the provisions of Illinois Revised Statutes Chapter 37, Section 705-3. We discussed the status of the County and its officials and employees, of the individual youths which are involved in the public service work program under the Juvenile Court Act, and third party participants (such as other local governments) in that program.

As is made clear by the above captioned section, neither the State nor any unit of local government nor any official or employee of the State or the local governments is liable for any act of any minor while performing public service work under Section 705-3. (Illinois Revised Statutes Chapter 37, Section 705-3 [10]) But the act also makes clear that the minor assigned to the program is not considered to be an employee of the County. Thus, the minor constitutes an independent third party from a legal standpoint. As a result, the County is not required to provide Worker's Compensation coverage for the minor; however, the County and participating local governments might well be alleged to be liable for injuries to the minors during the course of their activities in public service work. Additionally, the Statute confers no immunity from liability on the minors for their acts pursuant to public service work program.

As to the County itself and its officials and employees, the County's insurance program, which also covers its employees and officials, is generally applicable to the likely kinds of potential causes of action for damages which might be brought by the minor participant if that minor is injured. Most such cases would probably be brought on the basis of a standard bodily injury claim, although cases could arise based upon negligent failure to properly supervise or even on the basis of some federal civil rights concept.

As to the individual minor participant, the County's policy provides no insurance protection for the minor participants, either on the basis of liability or worker's compensation. It is noted, however, that most such participants would be effectively "judgment-proof".

As to the local governments and other agencies, other than the County itself, who may be participants in this program, primarily by providing specific work for the minor participants, the County's insurance program does not provide coverage for those local governments or agencies or their officials or employees. However, if those entities have even the most basic of liability insurance coverages, to wit: standard bodily injury and

Mr. Rick Hoffarth
January 17, 1980

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property damage coverages (commonly called public liability or comprehensive general liability), most cases involving injuries to the participants would likely be covered. Of course, we could not render any specific opinion on any particular insurance program without full documentation of the program.

If you have any further questions or if I can be of any other assistance to you on this matter, please do not hesitate to give me a call.

Very truly yours,

GOVERNMENTAL INSURANCE MANAGERS, INC.



By: James I. Bliss
President

JIB/mas

11

CS INITIAL CONFERENCE QUESTIONNAIRE

1. DO YOU ATTEND SCHOOL? IF SO, WHERE _____

2. WHAT TIMES DO YOU ATTEND? _____

3. ARE YOU PRESENTLY EMPLOYED? IF SO, WHERE _____

WORK SCHEDULE: _____

4. HOW DO YOU GET TO AND FROM SCHOOL? _____

5. WHAT PARTICULAR WORK SKILLS DO YOU HAVE? _____

6. IF YOU HAD A CHOICE, WHAT KIND OF WORK WOULD YOU LIKE TO DO?

7. DO YOU HAVE ANY MANDATORY RESPONSIBILITIES AT HOME? IF YES,

EXPLAIN: _____

8. DO YOU HAVE ANY PHYSICAL AILMENTS? IF YES, SPECIFY: _____

9. WOULD YOUR PARENTS HELP YOU GET TO AND FROM YOUR WORK SITE? _____

10. WOULD YOU BE INTERESTED IN A JOB AT A PLACE LIKE YOUR CS
ASSIGNMENT AFTER YOU COMPLETE YOUR ASSIGNED HOURS? _____

END