

OPPORTUNITY OR DILEMMA:  
Court-Referred Community Service Workers

Compiled and Written by

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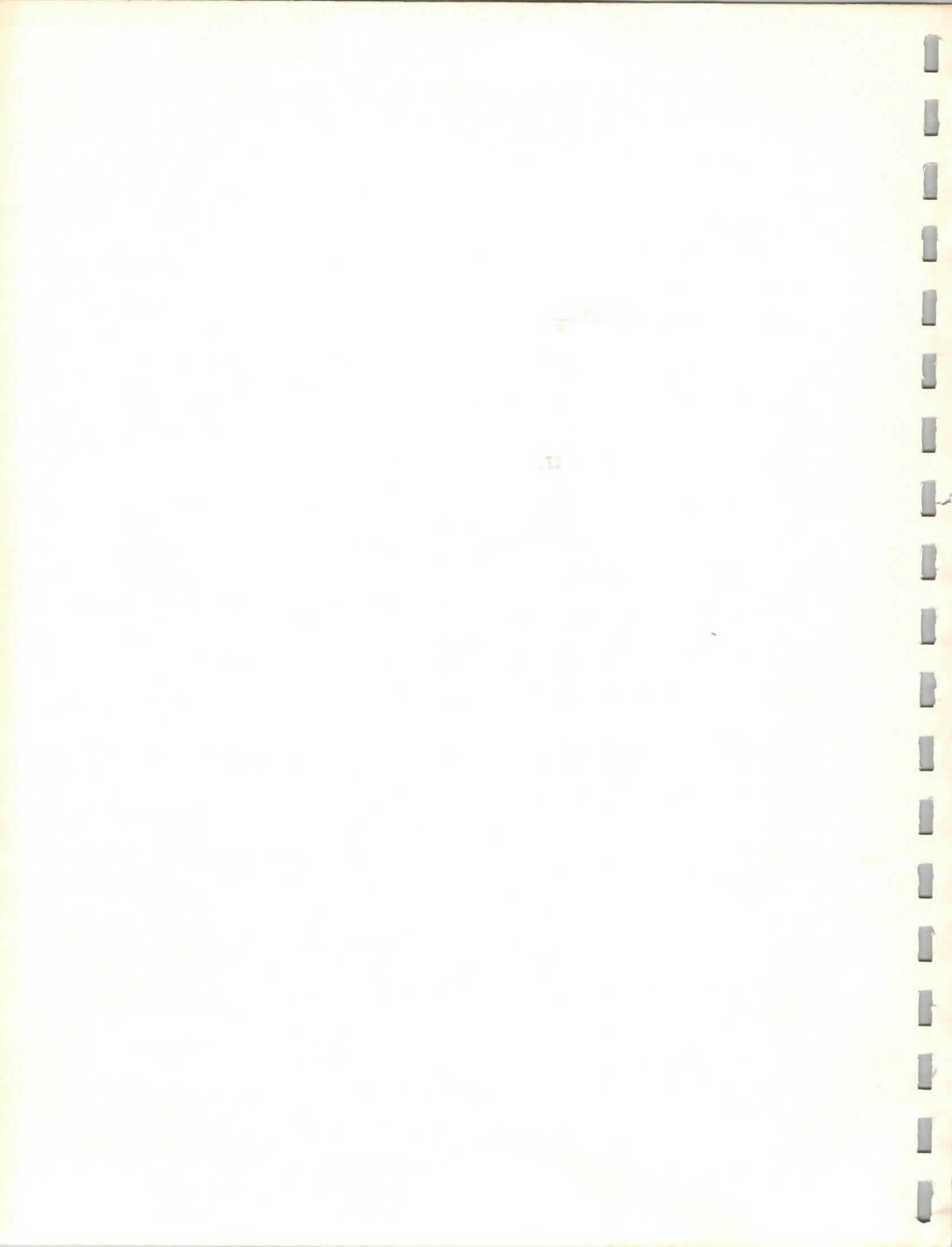
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## C O N T E N T S

Preface		
Summary of Research		
Acknowledgements		
	<u>Page</u>	
PART I: BACKGROUND INFORMATION		
The Concept: History & Definition .....	1	
The Information Gap: The Great Unknown .....	3	
The Great Debate: Are They or Aren't They?.....	15	
The Bottom Line: A Proactive Response.....	21	
PART II: PROGRAM MANAGEMENT CONSIDERATIONS		
Planning.....	25	
The Liability Issue.....	37	
Interviewing & Screening.....	44	
Accessibility to Criminal Record Data.....	52	
Job Assignments.....	55	
Supervision.....	60	
Staff Resistance/Support.....	63	
Recordkeeping.....	66	
A Word About Recognition.....	75	
PART III: THE VOLUNTEER CENTER PERSPECTIVE .....		76
Resources and Bibliography.....	97	



## P R E F A C E

The purpose of this guidebook is to explore the legal trend of court-ordered community service as it impacts on community agencies and their volunteer programs. The contents are based on research conducted by the Virginia Department of Volunteerism and include general factual information, specific how-to-do-it material, and key resources which may be of assistance.

Though there are still many unanswered questions and few simple solutions, it is hoped that the information contained herein will help volunteer program leaders and agency staff to be more effective as they make the decision to utilize court-referred workers.

## S U M M A R Y   O F   R E S E A R C H

While a fair amount of material has been written on the concept of community service as a sentencing option, virtually nothing has addressed the specific impact of this trend on the agencies and organizations at which these offenders are placed. In an effort to shed some light on this particular aspect of the subject, the Department of Volunteerism sent questionnaires and letters to programs around the country which had experience in utilizing court-referred "volunteers."

The response was substantial, indicating a high level of interest among leaders of volunteer programs. Information was received from a wide diversity of sources--small community agencies, large nationwide organizations, local and federal court programs, volunteer centers, groups involving both adults and juveniles--all representing different settings, structures and geographical areas. In addition, material was gathered from the American Bar Association, Offender Aid and Restoration (OAR), Virginia's Community Diversion Incentive (CDI) program, and from several other experts who have knowledge pertaining to this subject. Many of the corrections and criminal justice officials interviewed were intrigued by the interest in this particular perspective and agreed that more work is needed to explore the full dimensions of this alternative.

Much of the material included here is excerpted from the letters and questionnaires received by the Department of Volunteerism. It demonstrates that, with effort, the idea can work successfully and contributes significantly to the growing data about the effects of court-ordered community service.

\* \* \* \* \*

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PART I: Background Information



## The Concept: History and Definition

The idea of community service as a sentencing option began in Great Britain in the late 1960's as the British penal system was investigating ways to alleviate prison crowding. After an experimental program was introduced in six counties, application of the community service practice throughout the United Kingdom was authorized in 1975. This sentencing option has since grown to a point that on a given Saturday 800-850 offenders perform court-ordered community services in London alone. The tasks they perform typically include: answering the phones in a community center; constructing adventure playgrounds; planting trees; tutoring; reading to blind persons; and working on reclamation projects.

Expansion of this concept in the United States proceeded rather slowly at first. Only a few judges utilized community service as more than an occasional sentencing alternative and most of these sentences were imposed on middle or upper income offenders who had special skills (such as doctors or lawyers) that the judge believed could be put to use for the good of the community. More recently, however, more and more courts in this country have imposed such sentences on a broader basis. In 1984, for example, more than 15,000 New Jersey residents performed more than 1 million hours of community service, ranging from picking up litter to computer programming. Although no precise figures are available on the number of persons performing community service on a nationwide basis, officials agree that the popularity of these programs has increased sharply in recent years. This is due in part to general frustration with the idleness and violence within prison, the overcrowding of correctional institutions, and the desire to prove to the public that offenders do pay for their offenses.

"Whatever the reasons, experts say [it] is changing sentencing patterns throughout the criminal justice system. Locally and elsewhere, a greater proportion of first-time offenders are working off their sentences by stuffing envelopes for the American Cancer Society, caring for children in Head Start centers, becoming Big Brothers, sorting clothes for charities, and maintaining public roads and parks...It is a part of life unknown to the public. For the most part, few realize that some of the people shelving books at the public library or working at Special Olympics track meets are fulfilling obligations to a court."

--The Washington Post, November 6, 1983

While the trend has grown steadily, there is still great variation in how and when it is being applied. Some states, such as California, have a statewide community service system with fairly consistent guidelines and sentencing policies in place. Other states, such as North Carolina, have established sentences for specific offenses (e.g., Driving Under the Influence) and have created a statewide network to implement them.

Still other states, like Virginia, are acting on a much more random basis. Each judge and court district operate independently, utilizing the sentencing option in whatever way they see fit.

Because of the inconsistency of the situation in Virginia it is difficult to make generalizations which apply to all localities. However, the following provides some additional clarification about the nature and scope of court-ordered community service as it is usually used in this country:

- Community service programs operate under a variety of titles including *court referral, volunteer work, service restitution, or symbolic restitution programs*. Those individuals ordered to perform the community work are referred to variously as *offenders, volunteers, clients, court-referred workers, community service workers*, and other similar titles.
- By definition, a community service program (such as OAR or CDI) places offenders in unpaid positions with nonprofit or tax-supported (governmental) agencies to perform a specified number of hours of work or service within a given time limit.
- Community service is used at every stage of the criminal justice process. It may be used as part of *pre-trial diversion* in order to avoid formal prosecution of persons accused of crimes. It may appear as a condition of *deferred prosecution*, where charges will be dismissed if the order is successfully completed. It may also be imposed as an *alternative to, or as part of, any sentence* given upon conviction (i.e., probation, suspension of license, fine, incarceration, etc.).
- Potential benefits for the offender include: avoiding the hardships of incarceration or fines; relief from guilt about an offense and an opportunity to make amends; increased awareness of the needs of other people; new skills and work experience; avoiding stigmatizing and demeaning treatment often associated with other parts of the criminal justice system.
- Potential benefits for the justice system include: reduced populations in institutions; a less costly dispositional option that is intermediate in its severity; improved community relations.
- Potential benefits for society include: additional useful community service; the introduction of new persons to the volunteer network, ones who might otherwise never be inclined to involve themselves freely; reduced criminal justice costs; a decrease in public stereotypes about offenders; increased public involvement in and awareness of the criminal justice system.

In short, court-ordered community service is a mixed bag of complex dichotomies, appearing in diverse forms according to those who utilize it and participate in it.

## The Information Gap: The Great Unknown

The information gap surrounding this subject is clearly two-sided. On the one hand, there is a lack of knowledge by court personnel about volunteer programs. Many judges have seized the idea of community service sentencing as one viable solution for improving the effectiveness of our justice system. Yet they tend to see its implementation as fairly simple and do not fully appreciate the complexity of the job of managing such "volunteers." Many probation officers and others who make referrals to community agencies do not understand the role of volunteer program coordinators and the policies by which these agency programs operate.

Similarly, leaders of volunteer programs often possess little or no knowledge about the justice system that sends them the offender. Much of the terminology and jargon used by the courts is unfamiliar and confusing. In addition, social service staff and administrators may be unprepared for the bureaucratic processes and paperwork which confront them and thus feel powerless in the face of a judge's order.

The U.S. justice system is of course extremely complex and volumes of information cannot be summarized accurately in a few pages. But the following material offers a starting point in understanding the system in general and provides some clues as to how court-ordered volunteers are processed in Virginia.

\* \* \* \* \*

As a starting point, here are some basic court facts prepared by the Montgomery County Victim-Witness Assistance Project:

Question: Who are the people and what do they do?

Answer: The COMMONWEALTH ATTORNEY tries to prove beyond a reasonable doubt that the defendant committed the crime. The DEFENSE ATTORNEY represents the defendant's case to its best advantage. The BAILIFF makes sure there is order in and around the courtroom and calls witnesses to testify. The CLERK OF COURT keeps all documents and records. The JUDGE decides questions of law and what evidence should be admitted. The JURY is a group of community members who decide the facts in the case.

Question: What happens in each stage of a felony trial?

Answer: At the PRELIMINARY HEARING the Commonwealth Attorney presents enough evidence to the Judge of District Court to prove the defendant probably committed the felony. If the Judge finds probable cause, he sends the case to the Grand Jury for INDICTMENT. This jury of five non-lawyers meet four times a year to decide whether there is enough evidence for a trial. The Commonwealth Attorney can also take a felony case to this jury, if the defendant waives his or her right to a preliminary hearing or if the Judge has dismissed the case there. Some-

times the defense and Commonwealth Attorney will decide to forgo a trial and enter a PLEA AGREEMENT that upon the defendant's guilty plea to the Judge, the Commonwealth Attorney will recommend a particular sentence. The Judge does not have to agree to this sentence, however, and if not, the defendant may request a trial. Other times, the defendant may decide to plea not guilty and make the Commonwealth Attorney prove the case before a jury or the judge only. At this TRIAL, guilt must be proven beyond a reasonable doubt. In a JURY trial, the jury decides whether the evidence is sufficient and then sentences those defendants found guilty. The judge then reviews the sentence. In a TRIAL BEFORE THE JUDGE the judge decides guilt or innocence and may delay sentencing until the probation and parole officer can prepare a PRE-SENTENCE INVESTIGATION REPORT on the defendant's background. The defendant's lawyer can enter an APPEAL to the Virginia Court of Appeals to review the case regarding the evidence or the sentence. This Court does not retry the case. The lawyer can also request a HEARING IN FEDERAL COURT, if there is a question about the constitutionality of the conviction or sentence. At any time before the final conviction, if the defendant is locked up, s/he may request to be released by POSTING BAIL, money or title to real estate, to assure appearance at the next court proceeding.

Question: How can the trial end?

Answer: DISMISSAL means the defendant is found not guilty and cannot be tried again for that particular offense. If the defendant is CONVICTED, s/he may receive a SUSPENDED SENTENCE WITH PROBATION SUPERVISION, an order to report to a probation officer at scheduled times and live by rules the judge sets. As part of the probation, the offender may be ordered to pay RESTITUTION to the victim for damages caused while committing the crime and possibly perform COMMUNITY SERVICE WORK for the local government or a non-profit agency at no pay. The defendant may also receive a PRISON SENTENCE for more than a year or a JAIL SENTENCE here in the county for any time less than a year. In the case of a prison sentence, the person may be PAROLED, in other words released early and required to report to a parole officer, if s/he behaves well while incarcerated. The defendant will also be ordered to pay COURT COSTS to pay for the clerk's services, jurors, summonses, and possibly mileage for witnesses. Some of these costs also go to the STATE VICTIM COMPENSATION FUND to pay for harm done to victims of violent crimes.

\* \* \* \* \*

The following is a list of some of the misdemeanor and felony charges that often receive community service sentences:

SAMPLE FIRST OFFENDER CHARGES

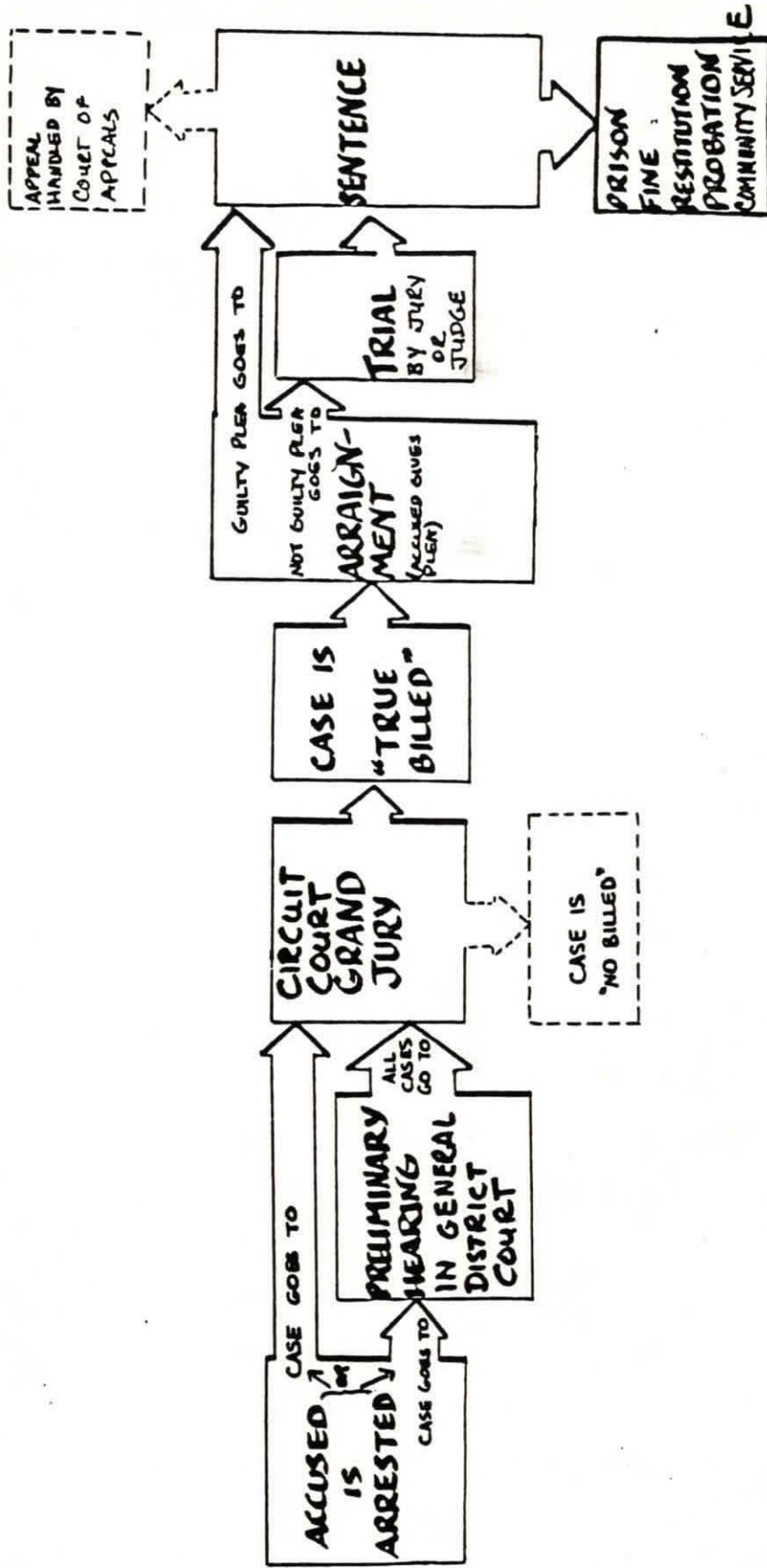
(Misdemeanors)

Retail Theft/Theft  
Disorderly Conduct/Battery  
Disorderly Conduct/Receiving  
Stolen Property  
Disorderly Conduct/Obstructing  
an Officer  
Battery to a Juvenile  
False Imprisonment/Battery  
Prostitution  
Lewd & Lascivious Behavior  
Criminal Damage to Property  
Criminal Damage/Theft  
Reckless Use of a Weapon/Carrying  
a Concealed Weapon  
Resisting/Obstructing/Fleeing  
an Officer  
Unlawful Use of a Telephone/  
Annoying Telephone Calls  
Receiving Stolen Property  
Fraudulent Use of a Credit Card/  
Issuing Worthless Checks  
Possession of Marijuana/Possession  
or Delivery of a Controlled  
Substance  
Party to a Crime/Theft  
Operating a Motor Vehicle Without  
Owner's Consent  
Entry Into a Locked Building  
Cruelty to Animals

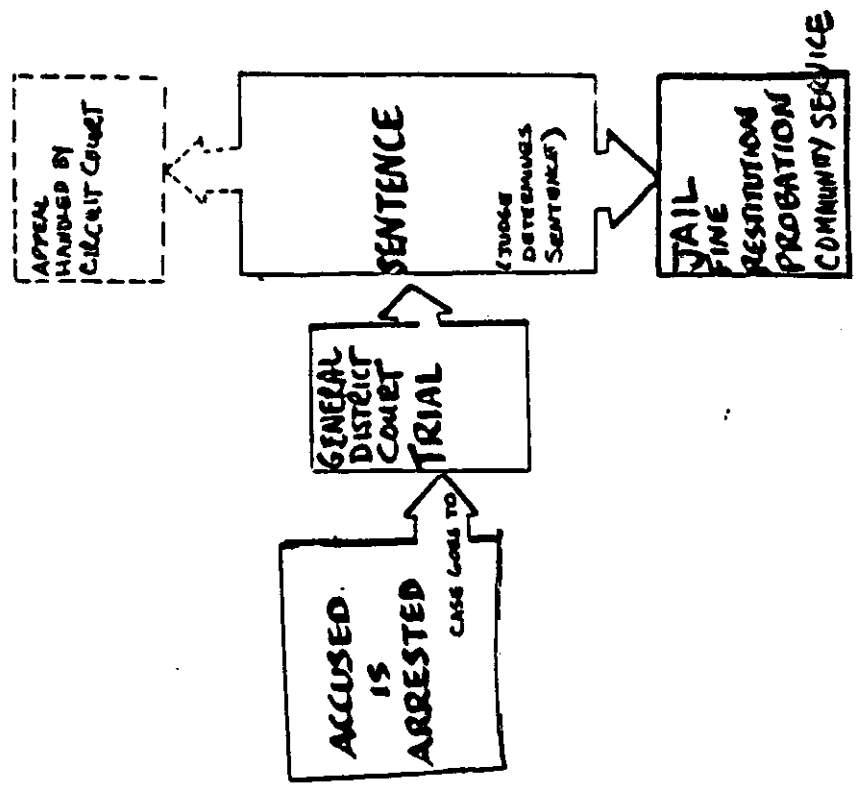
(Felonies)

Robbery  
Fraudently Obtaining Prescription  
Drugs  
Drug Prescription Forgery  
Forgery  
Second Degree Sexual Assault  
Bomb Scare

# GENERAL PROCESS OF AN ADULT FELONY CASE



# GENERAL PROCESS OF AN ADULT MISDEMEANOR CASE



POSSIBLE SOURCES OF COURT REFERRALS

IN VIRGINIA

Community Diversion Program (CDI): a state-funded program aimed at keeping offenders out of institutions. Community service is ordered as part of an intensely supervised rehabilitation program. Clients are selected non-violent felons who have had a jail or prison sentence suspended. (Some local programs also handle misdemeanor cases, with funding for this service provided by the local government.)

Offender Aid and Restoration (OAR): places adult non-violent first offenders. Judgement has been deferred, and charges can be dismissed upon successful completion of community service hours. Each offender is assigned to a counselor who serves as the liaison with community placement sites.

Juvenile Court: places misdemeanants who are under 18 years of age and have been ordered to perform community service, usually as part of probation. The P.O. or other court services staff usually act as the liaison with placement sites.

Adult Probation: places adult probationers who have community service as a condition of probation. The P.O. is usually the liaison with placement sites.

Volunteer Center/Voluntary Action Center: several Virginia VC's place court-referred volunteers, either because the above programs do not exist in their localities or because the offenders do not fit those program criteria. The VC may have a formal agreement with the courts, or make placements on an informal, occasional basis. The VC's role is usually one of initial screening and placement, while serving as a centralized communication point between courts and community agencies.

<u>Other Potential Sources:</u>	Federal Court	}	These are usually less structured referral sources, requiring more initiative and supervision on the part of the placement site.
	Traffic Court		
	Private Lawyers		
	Local sherrif programs		



## GLOSSARY OF LEGAL TERMS

### Acquittal:

A final judgment, by a judge or jury, that the district attorney has not proven the guilt of the criminal defendant, beyond a reasonable doubt. This is a "not guilty" verdict.

### Adjudicate:

To pass judgment on or to pronounce a judicial sentence.

### Bail:

The deposit, money, property bond or other security that is paid to the court by or on behalf of an arrested person to allow his release from jail prior to or after court proceedings begin.

### Calendar:

The list of cases set in the same court on the same date by the district attorney.

### Clerk of Superior Court:

The clerk is responsible for all record-keeping functions of both superior and district court and the collection of fines and assessed monies. He/she is an officer of the court elected by the voters of his county. The clerk is judge of probate - that is, he has exclusive original jurisdiction over matters relating to probate of wills and the administration of estates of decedents, minors, and incompetents.

### Continuance:

A delay of any court proceeding or change of trial date ordered by the presiding judge.

### Conviction:

A judgment that the court bases upon the verdict of the judge or jury that the person charged is guilty of committing a crime.

### Crime:

A wrongful act (or omission) that harms the public welfare. The violation of a law. Criminal charges are usually brought about in the name of the state.

Criminal Process:

The written document which begins a criminal proceeding and accuses one or more persons of committing one or more crimes. Includes a citation, order for arrest, criminal summons, and warrant for arrest.

Cross Examination:

The questioning of a witness by an attorney following direct examination by the attorney who first called the witness.

Defendant:

The accused: a person against whom a criminal charge is pending.

Deferred prosecution:

When the prosecution of a defendant for a criminal offense is delayed by the district attorney pursuant to a voluntary written agreement with the defendant, with the approval of the court, for the purpose of allowing the defendant to demonstrate his good conduct and thereby reduce or eliminate his criminal liability for the charge.

Direct Examination:

The questioning of a witness by the attorney who first called the witness to the witness stand.

Discovery:

The pretrial procedure in which the defense receives evidence in the possession of the district attorney, including witness statements, police reports, scientific examinations. This is to permit the defense attorney to prepare the defense. The State also has a very limited right of discovery.

Dismissal:

A decision by a judge or the district attorney to end the prosecution of a case without deciding the guilt or innocence of a defendant. A dismissal may be made at any time before and, sometimes, after verdict.

Disposition:

A sentence or treatment ordered for an offender by a court judge.

District Attorney:

An elected office created by the North Carolina Constitution. There is one district attorney for each of the state's 34 prosecutorial districts. The primary duty of the district attorney is to prosecute all criminal cases filed in the district and superior courts in his district. Other duties include preparing the criminal trial docket, advising law enforcement officers of the law and various other related duties.

District Court:

The district court has original jurisdiction in most misdemeanor cases. It also has authority in felony cases to conduct preliminary hearings to determine whether there is probable cause to bind the defendant over for trial in superior court.

District Court Judge:

Nominated and elected by the voters of their districts for four-year terms. Each of the judicial districts has a chief district court judge who is appointed by the Chief Justice of the Supreme Court. District court judges preside over the district court in the judicial district from which they are elected.

Divert:

To direct offenders away from the courts, training schools, and/or prison into community-based services whenever possible.

Evidence:

All information admitted at the trial of a criminal charge. Evidence includes testimony, documents, exhibits or anything presented to human senses.

Felony:

A serious crime; which may be punishable by imprisonment in a state penal institution, or a county facility, and/or fine or death. Usually a felony has an authorized punishment of more than 2 years.

Indictment:

A written document issued by the grand jury charging a person named therein with a criminal offense. Indictment is a prerequisite to trial in the superior court, except an appeal from a lower court, or when waived in writing by the defendant.

Juvenile:

A young person under 16 years of age..

Misdemeanor:

A crime for which the punishment cannot exceed two years confinement. A less serious crime than a felony.

Mistrial:

An erroneous, invalid trial, so declared by the presiding judge when the trial cannot continue due to an incurable error or omission of some fundamental aspect of due process or the inability of the jury to agree on a verdict.

Motion:

A formal request, oral or written, made by either side for the judge to hear and decide a disputed issue.

Non-Violent offense:

An unlawful offense with the general intent of gaining property which does not involve the use of threat or force against an individual.

Overruled:

A judge's ruling that an attorney's objection is improper.

Own recognizance:

The release of a criminal defendant upon his written promise to appear at future court proceedings without this promise being secured by money or property this is possible in all cases in which a defendant is entitled to post bail.

Prayer for Judgment:

A formal request seeking the court to impose its judgment.

Prayer for Judgement Continued:

An order by the court postponing the imposition of its judgment in this case. This is not normally considered a final conviction of a crime.

### Parole:

The conditional release from custody of a person convicted of a crime before the expiration of his sentence. The released person is usually supervised while at large in the community and must follow specific rules and regulations. If not, he/she must return to prison and serve the unexpired term.

### Plea:

The formal response of a defendant to the criminal charges filed against him.

### Plea Bargain:

An agreement between the district attorney and a defendant concerning a criminal charge. Examples of such agreements include, plea of guilty to a lesser offense, agreement to a specific sentence upon a guilty plea of the crime charged, and others.

### Probation:

1. Intensive: A sentence of the court which allows a convicted (prison-bound) offender to remain in the community under the strict supervision of an Intensive Probation Team which includes an Intensive Probation Officer and surveillance officer handling a case load of 25 clients. Conditions of supervision include face-to-face contacts (as many as 5 a week), curfews and curfew checks.
2. Supervised: A sentence of the court which allows a convicted offender to remain in the community under the supervision of a probation/parole officer. (In cases of deferred prosecution, the defendant may be placed on probation for up to 2 years without a conviction).
3. Unsupervised: A sentence of the court which allows an offender to remain in the community without formal supervision.

### Restitution:

A condition of probation whereby an offender agrees to make a money or service payment to the victim or community for his or her crime for the damage or loss caused by the defendant arising out of the offense or offenses committed by the defendant. Restitution is ordered by the sentencing judge if he deems it rehabilitative for the offender.

### Sentence:

A judicial decision that determines the punishment for one who is convicted of a crime. The judge may sentence a convicted criminal to prison, probation, parole, or to some kind of community service.

### Split Sentence:

The punishment ordered by the court whereby part of the order requires confinement and the balance probation. This is also known as special probation.

### Subpoena:

A mandatory legal notice requiring a person to appear in court to testify and/or bring documents or things.

### Suspended Sentence:

A sentence whose imposition or execution has been withheld by the court on certain terms or conditions.

### Sustained:

A judge's ruling that an attorney's objection is proper.

### Superior Court:

In criminal jurisdiction, the superior court has exclusive jurisdiction over all felonies and over misdemeanors appealed from a conviction in district court. Trials are by a jury of twelve.

### Superior Court Judge:

Nominated by the voters of their district and elected by the voters of the entire state for eight year terms. Judges are rotated and "ride circuit" from one district to another in their divisions. There are four divisions in the state. The rotation process occurs every six months, with each judge given the opportunity to hold court in his/her home district once every three years.

### Violent Offenses:

Refers to offenses that involve the use of a threat or force against a person. Examples include homicide, rape, assault, robbery etc.

### Youthful Offenders:

A convicted felon who is under the age of 21 is sentenced to a "youth center." A youth center is equipped to provide special educational, evaluational, and occupational programs. These programs give the youthful offender a better chance of rehabilitation. There are two types of youthful offenders. A regular youthful offender (RYO) receives a regular prison sentence, but is committed to a youth center rather than a regular prison. A committed youthful offender (CYO) receives a sentence for "not less than one day or more than five years." He will be released when he has successfully completed a rehabilitation program.

The Great Debate: Are They?...Or Aren't They?...

There are many conflicting opinions about how this legal practice fits into the current definitions of volunteering and how it changes the functions of agency staff and program managers. There are those who say: "YES, these people are volunteers--unpaid workers doing community service willingly...Our responsibility is to help them...It is a good way to benefit the agency, the community and the individual who owes society a debt...Their motives do not matter." There are others who will argue just as vehemently: "NO, they are not volunteers...How can they be uncoerced when they are given the choice between going to jail or helping the nursing home...I'm not trained to supervise criminals or enforce a judge's order."

The field of volunteer administration itself has been growing during the last decade and is still undergoing some self-definition. Add to this the evolving factor of court-ordered community service and it is no wonder that the answers are somewhat fuzzy! The ramifications of this type of government action have not yet been fully studied and there is little evaluative data on which to base future decisions. Among the issues still to be resolved are these:

- *Involuntary service:* Is participation in these programs truly voluntary? Or do these orders violate the 13th Amendment to the Constitution that prohibits involuntary servitude? Is the concept justified as one of many criminal sanctions, all of which limit the offender's freedom in some way?
- *Discrimination:* If this practice is applied unfairly, the danger exists that it will help perpetuate the inconsistencies of jail-for-the-poor and alternatives-for-the-rich. Is it fair to allow a well-paid person to pay the \$200 fine while requiring hours of unpaid service from a person who cannot easily pay the fine?
- *Disparity:* The same lack of consistency that has plagued the system's sentencing practices now seems to threaten community service as well. One offender may be offered the option while another is not; similar offenders can receive very different community service sentences for the same offense from the same judge. Are standards and uniform guidelines needed here as well?
- *Expansion of social control:* The tendency has been to use these alternatives as additions to, rather than replacements for, pre-existing sanctions. A kind of "more is better" philosophy is developing, resulting in escalated sentences for even minor offenses. Is the state becoming too controlling over these individuals? Will community service lose its value as a means of punishment for more serious offenses because it is overdone?

Discussion and debate are healthy and it is hoped that readers will continue to grapple with these concerns. The article on the following pages presents

a more detailed analysis of the debate that is going on, and may be useful as a catalyst for further discussion. Yet beneath all the controversy, the fact remains that these offenders are *nonpaid workers* and they do frequently become the responsibility of volunteer program coordinators or community agency staff. As a result, there are some very real issues that cannot be ignored or set aside--such as insurance coverage, accessibility to records, staff attitudes, etc. These are discussed in Part II.

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"In some instances community service is seen as a positive, rehabilitative tool used by the judicial system to give youthful or first offenders a second 'lenient' chance. In other stages of the criminal justice system, it is most frequently used as a punishment. Whichever philosophy applies, community service is a unique opportunity for the defendant to repay the community, and should be approached with flexibility, creativity, imagination, ingenuity, positiveness, and a high degree of accountability."

-- *Community Service Work Program Handbook*  
*Division of Victim and Justice Services,*  
*North Carolina Department of Crime Control*  
*and Public Safety*

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## Lingering Issues and Concerns

Community service orders are a promising sentencing alternative rapidly gaining in popularity and use. They offer benefits to offenders, human service agencies, the criminal justice system, and the general public. Although this report is intended to stimulate more community service programs, there are pitfalls to be avoided and unresolved issues to be considered. The issues below are among those that must be faced by people scrutinizing such programs or thinking about starting new ones.

### INVOLUNTARY SERVICE

Regardless of the label attached to the sentence, persons performing community service under court order are engaged in involuntary labor or service. Suspicion should be directed toward any form of uncompensated labor not voluntarily undertaken. A public television reporter concluding a commentary at a 1975 conference on community service sentences, posed the issue clearly when she said:

Personally, I don't like looking out there and knowing that all those black guys out there on the highways are cleaning up the highways because they're serving time. It is personally offensive to me. It looks like the racist society that I'm afraid we still live in. But more than that, when you're putting people in chore work, you are using people serving time to do work that people should be paid for doing.

Four lines of argument are most commonly put forward in response to the suggestion that community service orders may be undesirable because they constitute involuntary labor: that participation is voluntary; that the thirteenth amendment exempts convicted people from the prohibition against slavery; that the work assigned is valuable and often constitutes a meaningful experience for those performing it; and that forced labor is preferable to incarceration.

Staff of many community service programs report that offenders are given an option as to whether they will perform community service and that those who choose to do so have, therefore, "volunteered." Probation has long been regarded in the same light; offenders customarily agree to abide by the conditions of

probation when accepting it as their sentence. In both instances, the offender is faced with a choice between the option offered or a more severe one. The nature of this choice raises a question as to whether the consent can be regarded as voluntary in any meaningful sense. Is it reasonable to say, "This is voluntary, but you will go to jail if you don't do it"?

The thirteenth amendment to the Constitution prohibits involuntary servitude except as punishment for crimes for which persons have been duly convicted. Whether traffic violations, infractions, or other petty offenses would satisfy the framers' definition of "crimes" is an open question. More fundamentally, even if involuntary labor were legal, the question remains whether slavery in any form is a socially and morally desirable practice.

A third manner of responding to the involuntary service issue pertains to the value of the work performed and the reasons for assigning it. The view seems to be that if the work performed is of real value and is not assigned with a punitive or demeaning intent (and thus does not carry the flavor of "chore work" or of a "chain gang"), questions concerning the voluntariness of the work can be avoided.

However, community service orders are a form of punishment and most persons who must complete them will regard them as such. Usually offenders will "agree" to the sentence as a lesser evil compared to other options. The offender or someone else may benefit from the experience, but that does not change the essential nature of the penalty. The offender actually may enjoy the work required—even to the point of continuing it on a voluntary basis when the sentence has been completed—but that does not erase the initial coercion involved.

Fourth, some people who object to forced labor nonetheless regard a community service order as acceptable if it is required in place of a term of confinement. When community service work is the sole sanction, it clearly involves less coercion and control than confinement. As the commentator mentioned above said:

If you're putting some poor guy on a drunk driving charge out cleaning up a highway, the only thing that needs to be kept in mind, and clearly, is—Why are you doing that to him? Now, there may be all kinds of reasons. Up front, anybody should clean a highway rather than spend one split second in [a California jail].

Incarceration is such that almost any other penalty looks attractive by comparison. Where community service is imposed as an alternative to penalties other than incarceration (e.g., fines), however, this rationale may not apply.

The coercive nature of community service orders must be faced directly to insure that this sentence is placed in proper perspective on the continuum of criminal sanctions. All criminal sanctions involve impairment of an offender's freedom. Residence restrictions, curfews, supervision, community service, even money damages, diminish personal liberty and involve elements of control and manipulation. It is important to ask whether a particular penalty is acceptable and, if so, for offenses of what degree of severity it would be appropriate. The coercive and punitive aspects of community service orders should be considered carefully when answering these questions.

## DISCRIMINATION

As with most penalties, community service sentences can be applied unfairly if care is not taken. Community service sentences can be applied so that a disproportionate share of those performing the service are from poor and minority groups. Conversely, they may be used as an alternative for white, middle-income offenders and not offer significant benefits to the groups that experience the worst aspects of usual punishment practices.

In programs in which offenders are given a choice between paying a fine or performing community service, middle-income or well-to-do persons have the clear advantage of being able to pay a fine more easily than low-income persons. Would a well-paid person choose to perform 50 or more hours of community service or pay a \$200 fine? Is it fair to allow that person to pay the \$200 while exacting hours of unpaid service from a person who either cannot pay the \$200 or for whom payment is a hardship?

Especially when community service time is computed at a value equal to the minimum wage, a middle-income person is apt to value the time more highly than the money. A poorer person may see no real alternative to serving the required hours and may suffer other hardships as well, such as losing the opportunity to perform paid overtime work or incurring extra costs for

transportation or child care. Given the disproportionately high representation of minorities among the poor and unemployed, programs in which poor persons are overrepresented also are likely to have a disproportionately high share of minority participants.

It may seem that the same dangers would not apply in programs in which community service is used solely as an alternative to a jail or prison sentence instead of fines. However, racial and class biases also may surface in community service programs designed to offer an alternative to confinement. Judges may be more reluctant to jail people who look, talk, and otherwise appear to be like themselves than people who are poor, uneducated, and otherwise different from themselves.

Findings on the characteristics of restitution programs around the country reveal that restitution as a sentencing option usually is ordered for white, middle-class, first-time, property offenders.\* Community service already has developed a reputation in some areas as an option for people in business (e.g., nursing home operators who engage in Medicaid fraud, politicians, and other professionals) who have broken the law but still are not widely regarded as or treated like "real criminals." Jail continues to be reserved for the anonymous. Thus, a danger exists that a poorly conceived community service program will help perpetuate the dichotomies of jail for the poor/alternatives for the rich, and prison for "street crimes"/lesser penalties for "suite crimes."

## DISPARITY

Few jurisdictions have established standards or guidelines for sentencing. For the most part, judicial discretion is unguided by explicit objectives. Each time a criminal sanction is imposed, the sentencing judge must decide the purpose(s) to be served, the information to be taken into account, and the sentencing alternative to be selected. In addition to avoiding imposing community service sentences in a discriminatory manner, courts also must be wary of dispensing those sentences arbitrarily. There is little evidence that new options are being used as an opportunity to make sentencing practices more consistent or rational. Rather, the all-too-familiar signs of disparity are appearing with respect to community service sentences.

\**Sentencing to Community Service* highlights other equity issues, including the implications of imposing more severe sentences on offenders who refuse a community service order option; the implications of failure to place in community service all eligible offenders who desire the option; and the problems attendant to "working off" fines and to incarceration as a sanction for failure to complete community service orders.

In jurisdictions where individual judges use community service sentences without a statutory basis or other formal guidance, chances are especially great that no two judges will use the option alike. Some community service programs make recommendations for relating community service hours to fines or jail terms. Such formulas may represent a step in the right direction, but judges still must decide which offenders should be sentenced to this option. Few programs report on the characteristics of offenders who have been sentenced to community service, the number and length of sentences imposed, or similar information that would allow concerned judges to compare their own use of the sentence with the practices of other judges.

The lack of standards or guidelines means that similar offenders can receive very different community service sentences for the same offense from a given judge, from two judges in the same jurisdiction, or from judges in different jurisdictions. More fundamentally, one offender may be sentenced to community service and the other not. New alternatives are being ushered in with little guidance being made available to those who will use them.

A related issue is whether all forms of work or service should be credited on the same basis. Work assignments obviously vary in terms of whether they are monotonous or exciting, strenuous or relaxing, social or solitary, and in many other ways. Should an hour of physical labor be treated the same as an hour spent chatting with an elderly person? Should 40 hours of stuffing envelopes be considered equal to 40 hours spent developing a grant proposal? Most programs do consider an hour of work at one assignment equivalent to an hour at any other assignment. Allowing offenders to choose among several assignments helps alleviate the problem of lack of equity in what is required, but those without skills may have fewer options.

## EXPANSION OF SOCIAL CONTROL

The 1973 report on corrections issued by the National Advisory Commission on Criminal Justice Standards and Goals stressed the theme of minimizing the penetration of offenders into the criminal justice system. Advocating development of a broad range of sentencing options, the Commission stated that the least restrictive alternative that would satisfy the state's purposes should be chosen in each case. Special emphasis was given to reserving incarceration for situations in which no other alternative would serve.

As alternatives to confinement have been developed and implemented, however, there has been a disturbing

tendency to use them as additions to, rather than replacements for, pre-existing sanctions. This tendency results in an overall increase of state intervention in the lives of individuals who become enmeshed in the system. A related tendency involves applying new alternatives as penalties for relatively minor offenses with the effect that the alternatives may not seem to be appropriate penalties for more serious offenses. The problems of over-reach, "add-ons," and escalation all plague community service sentences.

Persons developing community service programs often invite the over-reach and add-on problems by starting out very cautiously. In order to develop community and judicial support, they advertise the program as a means of increasing the penalties for traffic offenders or misdemeanants, whose cases customarily have been dismissed or resulted in warnings, light fines, or probation. To prove the concept, work out the "bugs," and show the public that the program is "safe," some programs begin with minor offenders but then fail to take on felony offenders because of unexamined concern about public reaction or supervisory problems.

Many community service program directors later complain that the courts send them too many "gold-plated clients" or too many "piddly cases," and that therefore the programs are having little impact on prison and jail populations. In such cases the programs represent an expansion of control over persons who otherwise would have been subjected to less intervention. Community service sentences may be appropriate for lesser offenses in some cases. However, as long as prisons and jails are overcrowded, creating extra programs for minor offenders is difficult to justify.

Alternative sentences for minor offenses also contribute to the escalation problem. If petty offenders are sentenced to perform hundreds of hours of service, what should felons be required to do? Too often, such determinations seem to be made on the basis that if a little work is good, more is better. There is a danger of drowning the community service sentence as a reasonable option. In the absence of upper limits on hours of work that can be required, minor offenders are being sentenced to perform service hours that could require years to complete. If these sentences are viewed as a penalty commensurate with relatively minor crimes, will community service receive the consideration it deserves as a means of punishing more serious offenses?

The "more is better" philosophy also leads to another kind of add-on problem. Community service

sentencing can be sold on a variety of grounds—but efforts to make a program appealing should not be allowed to try to satisfy too many people or solve too many problems. This issue can be illustrated by a pretrial diversion program that involves not only community service requirements for its participants, but also victim restitution, group therapy, vocational and educational counseling, individual counseling, monitoring, and a variety of other components. Incorporating all of the theories, penalties, and services advocated in various quarters into one effort is a questionable undertaking.

From both a criminal justice perspective and a taxpayer perspective, community service programs should be able to justify their existence on the basis that they represent a less intrusive and less expensive course of action than more traditional sentences. To the extent that a community service program increases expenditures, it runs the risk of being viewed as a luxury. On the other hand, to the extent that a program helps redistribute and reduce costs, it is that much more likely to be institutionalized. Those programs established with a guiding purpose of reducing incarceration are most likely to reduce costs.

## The Bottom Line: A Proactive Response

How can we, the leaders of community groups, volunteer programs and government agencies best cope with this present-day phenomenon? There are three basic choices available to us:

- 1) We can choose not to become involved and ignore it;
- 2) We can cooperate in a passive way, initiating action only when we are forced to deal with a problem;
- 3) We can actively work toward the creation of guidelines and policies that will be mutually beneficial to everyone involved.

While the third choice is probably the most difficult to pursue, research suggests that court-ordered community service is most successful when community leaders respond with unified assertiveness.

In short, it is up to us to advocate for ourselves and our programs. In order to do this we must keep sharing information and learning from each other's experiences. We must help educate the judiciary and other court personnel about how our end of the process works--what happens to our volunteers when they participate in our programs, what types of sentences and time-frames are workable, what kind of communication we need, etc. At the same time we must educate ourselves about the system we are addressing, digging for answers in a professional manner without clinging to old stereotypes and myths about the criminal justice organization. Only by taking such a proactive stance can we impact future decisions and eliminate much of the confusion now facing us.

Ironically, such battles are not new to the field of volunteer administration. We have had to fight for other things--competitive salaries, professional status, adequate budgets, appropriate insurance, etc. What makes this issue any different? By opening channels of communication, seeking new definitions, and establishing workable guidelines and policies we can help to shape the notion of court-ordered community service into a valuable opportunity rather than a frustrating dilemma.

The following "Position Paper" is an example of how one group of volunteer program managers in Oregon responded proactively. It is a clear statement of philosophy, conveying strength of conviction based on a sound knowledge of what will make the idea of court-ordered community service work successfully. It serves as a useful model for other local groups who wish to establish a constructive relationship with court programs and personnel.

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## MULTNOMAH COUNTY

# VOLUNTEER PROGRAM MANAGERS ASSOCIATION

POSITION PAPER RE: COMMUNITY SERVICE/COURT REFERRED PLACEMENTS

### Introduction

The Multnomah County Volunteer Program Managers' Association (MCVPMA) is committed to providing opportunities for all citizens to volunteer in their community. Most volunteers come to our programs through a desire to be involved. These people may also wish to meet people, be useful or keep busy; but they have selected volunteerism as a way to meet their needs. Another category of volunteers have not volunteered at all. These people have been directed to "volunteer" for community service as restitution for anti-social behavior. Providing a positive experience for such volunteers can be a challenge so great that it detracts from the volunteer manager's primary program. MCVPMA takes the position that when a volunteer manager's efforts to accomodate a referring agency's needs actually diminish the primary program, the entire community suffers. This is an issue we wish to address.

### Issue

It is the philosophy of MCVPMA that volunteer placement should be positive for the volunteer, the program, and the public which the program serves. To successfully accomplish this goal, program managers must carefully screen potential volunteers, give serious consideration to their motivation, interest and abilities, and then place a volunteer in a position best suited for achievement in the interest of both the volunteer and the program. This is generally possible because the needs of the volunteers are usually compatible with the needs of the volunteer program.

The goals and objectives of the community's volunteer based agencies are not, however, always compatible with the goals and objectives of the judges or agencies who refer clients for community service placement. It is the intent of MCVPMA to identify our concerns, clarify our needs and affirm our desire for a successful cooperation between volunteer programs and community service referral agencies which will assure maximum benefits to the publics we serve.

In this statement we address five general areas of concern with the hope of building a more solid base of cooperation on which to build mutual success.

### Areas of Concern

#### 1. IMPACT OF COMMUNITY SERVICE REFERRALS ON VOLUNTEER PROGRAMS

Volunteer programs cost money. The offer of "free help" comes with inherent costs to the agency, including significant amounts of staff time, phone calls, and letters. Because of these costs, the volunteer program managers must decide the cost-benefits of accepting a referral. Accepting a volunteer for a short amount of time, for example 20 hours or less, causes an impact on the program which may not be worth the time involved. Volunteer based programs are not prepared to accept placements for which the costs are disproportionate or even penalizing.

MCVPMA Position Re:  
Court Referred and  
Community Service  
Placements

Page Two

Individual volunteer program managers may choose to negotiate agreements with referring agencies to deal with this question. Such agreements may define the types of placements available, the types of clients considered appropriate for referral or even a specific limited capacity of community service volunteers it can manage at one time.

## 2. UNREALISTIC EXPECTATIONS

Community Service volunteers are often under the impression that the volunteer agency a) is expecting them; b) will place them immediately; or c) has an obligation to place them. This is a three-strikes misunderstanding that immediately diminishes the possibilities for a successful experience. For a successful community service referral, MCVPMA recommends that the referring individual be familiar with the needs of the volunteer agency; that they contact the manager BEFORE making the referral; and that the referring individual be responsible for explaining to the client that the avenue of restitution through community service is an option in which the client has full responsibility for initiation and follow-through. It is essential that referring agencies and referred clients understand that the volunteer program and its priorities must be the volunteer manager's primary concern.

## 3. LACK OF COMMUNICATION

Lack of communication with the referring agency is a concern apart from the issue of resolving misunderstanding. If community service volunteerism is to work successfully, referring and accepting agencies must work as partners. Communication is vital to achieving a placement which suits the needs of all parties. The nature of the client's offense, former record, time available, and attitude are invaluable pieces of information for placement and cannot be easily obtained in the normal intake process. There is no question that court referred and community service placements are often unsuccessful; but MCVPMA believes that a much higher rate of success is possible through better communication between the referring agency and the accepting agency PRIOR to a placement.

## 4. THE INTERVIEW

Once the referring and accepting agencies have an appropriate volunteer community service placement opportunity, volunteers will be expected to participate in the accepting agency's normal intake process. This process will typically include an interview in which the volunteer and the supervisor will define the volunteer's work, schedule, and duties. The volunteer must be able to negotiate this process independently and otherwise fulfill the terms of placement. If counseling is needed to get the volunteer through the intake process, it is expected that this will be provided by the referring agency.

## 5. VOLUNTEER MOTIVATION

Referring agencies should carefully consider a client's strength of motivation when considering community service as an option. Volunteer programs are not equipped to work with poorly motivated volunteers. Before a volunteer is referred, counselors should be sure that the individual is willing, under the circumstances, to choose volunteerism as an alternative. Most organizations that utilize volunteers do not have the staff for one-on-one supervision and



MCVPMA Position Re:  
Court Referred and  
Community Service  
Placements

Page Three

certainly cannot provide counseling or parole officer duties. In many cases, volunteer program managers have no additional staff and are solely responsible for supervision of their volunteers.

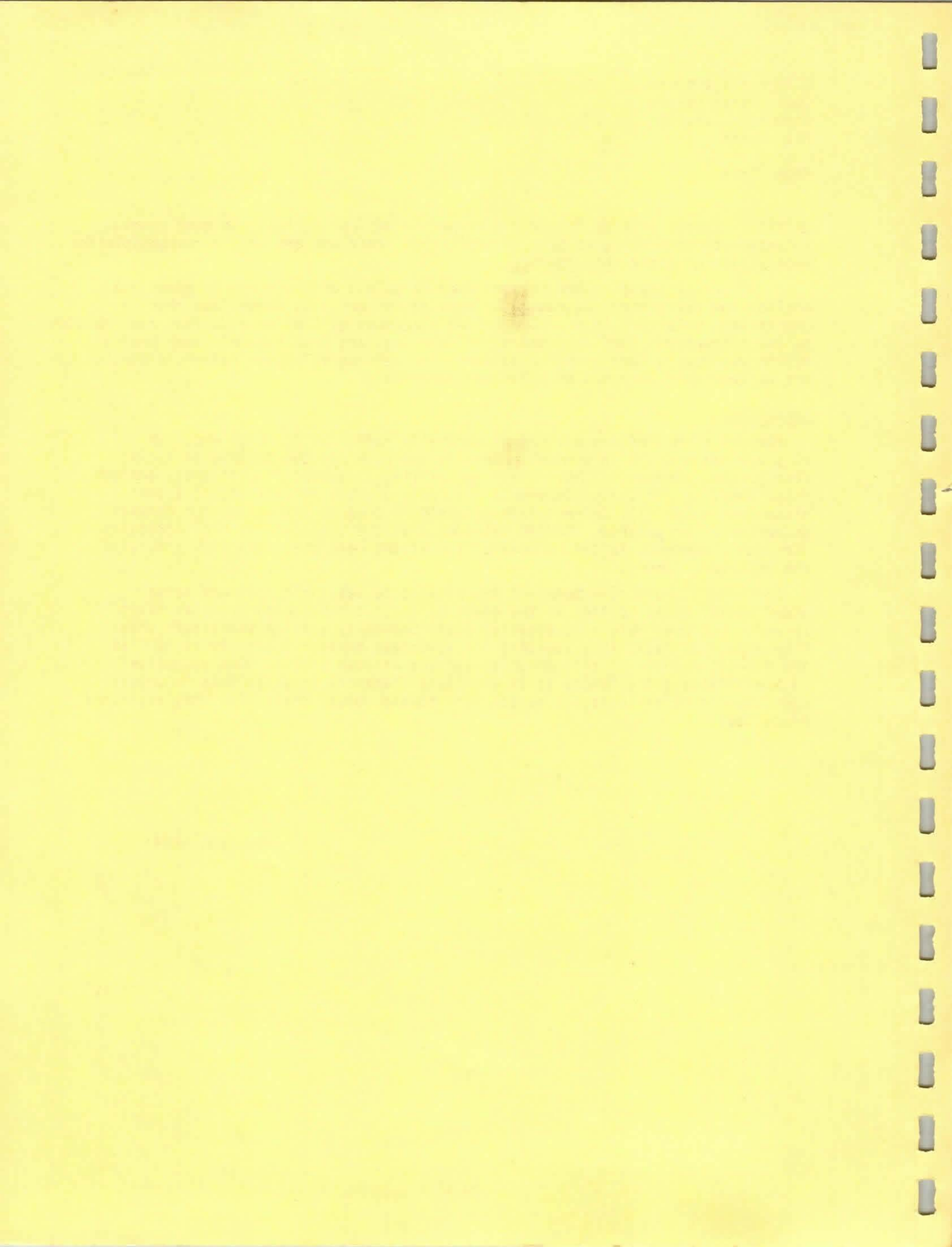
Volunteer agencies are not equipped to go out of their way to track and monitor the performance of community service workers. It is obvious that an unmotivated volunteer in an unsupervised placement will offer a dubious contribution to the community. Such volunteers, in fact, detract from the volunteer program. MCVPMA recommends that unmotivated community service volunteer referrals should not be knowingly directed to volunteer agencies.

#### Conclusion

Members of MCVPMA are willing to work with referring agencies who wish to place individuals in community service programs for the purpose of social restitution. Members of MCVPMA are not willing to accept significantly greater responsibility for these placements and certainly are not willing to accept placements which will detract from our primary program either through demands on personnel or program. MCVPMA believes that the burden of initial screening for such placements is the responsibility of the referring agency working with the volunteer agency.

In summary, volunteer managers are pleased to see their programs serve wider social goals as long as the goals of their own programs are also being served. But when referring agencies place community service volunteers whom they expect to fail, they sabotage the volunteer manager's efforts as well as the general purpose of the community service program itself. Our objective in identifying these issues is to provide a framework in which both volunteer agencies and referring agencies can work toward mutual goals with some assurance of success.

February, 1984



## PART II: Program Management Considerations

This section takes a critical look at several aspects of volunteer program management and examines unique problems, cautions, and preventive action which may apply when utilizing court-referred workers. The material is largely based on what has worked successfully for others and gives a variety of approaches from many different types of settings. It is recognized that neither every problem nor every solution suggested will be appropriate for every agency or organization. The reader must consider the particulars of his/her own situation--the involvement of board members, the control of administration, the degree of staff support or resistance, the type of work being done by volunteers, etc.--and determine what feels most comfortable.

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## PLANNING

As with any type of volunteer program, planning is a crucial process which, if done correctly can greatly enhance your chances of success. Here are some key steps to include when making an agency decision to utilize community service workers.

Assess your present program to decide exactly how or if court-ordered "volunteers" will fit in. Examine the types of jobs volunteers now do, potential new short-term assignments, the availability of staff supervision time, and the degree to which program hours of operation are flexible. These and other considerations will help you to determine a policy for the type of offender you think you can handle effectively. Many programs stipulate restrictions based on the types of clients they serve. For example:

- a hospital will not take offenders who have been involved with controlled substances or alcohol;
- Meals on Wheels will not take anyone with a record of driving offenses or who has a history of theft or burglary and might be likely to victimize clients;
- day care centers want no cases involving crimes against children.

In addition, you may be willing to consider a felony or parolee on a case-by-case basis. Remember, as with any volunteer, you always have the right of refusal. The most important thing is that you and your agency establish a comfortable and reasonable policy that will serve as a basis for future referrals and placements (recognizing, of course, that the "ideal offender" will be rare).

Ask questions of any potential referral source. Invite the staff to visit your agency so that they can better understand what the volunteers do. Make sure you understand what type of clients are handled by the source before you agree to be a placement site. The referral process will be more accurate and will waste less time for everyone if information can be shared early on.

Make your expectations clear. Create a "Memo of Agreement" that stipulates who will do what. (Some referral sources provide this type of contract, but it still may be helpful to create your own.) Include responsibilities of the referring agency or program, responsibilities of the offender, and responsibilities of your agency as placement site. It is also useful to indicate how many offenders you can handle at any given time. All of this helps to avoid confusion and misunderstanding and gives you confidence in the referral source with which you are working.

Think about "non-compliance." Officially, it is defined as: the participant's deliberate violation of any points set forth in the program agreement. But what does this mean when applied to your particular volunteer program? How do you want problems handled if they should arise? How many chances are you willing to give the offender before you call it "non-compliance"? Are you prepared to send an offender back to court before

he/she has successfully completed the assigned number of hours? If the offender "fails" at completing the hours ordered, will you feel that you have "failed" in your job? Again, these questions need to be discussed and incorporated into program policy *before* a problem arises and you are faced with feelings of guilt and frustration.

\* \* \*

Here are some specific questions for consideration as part of your planning to involve court-referred volunteers:

- 1) Can my agency use short-term people?
- 2) Does the referral source have firm written guidelines governing eligibility for participation? written regulations for clients?
- 3) Do these include having the client abide by agency rules and standards?
- 4) Does the referral source have a written agreement with all receiving agencies outlining responsibilities of all parties involved?
- 5) Must the client perform at a certain standard in order to receive credit for hours served?
- 6) Does the referral source pre-screen with agency needs in mind?
- 7) Does the referral source assist with problems?
- 8) Can the placement be terminated by the agency? on what grounds?

*(These questions were developed by Kay Taylor at the Durham County, NC Library after several years of experience working with court-ordered community service volunteers.)*

\* The following pages contain these sample materials which illustrate how various programs have created structured guidelines within which to operate:

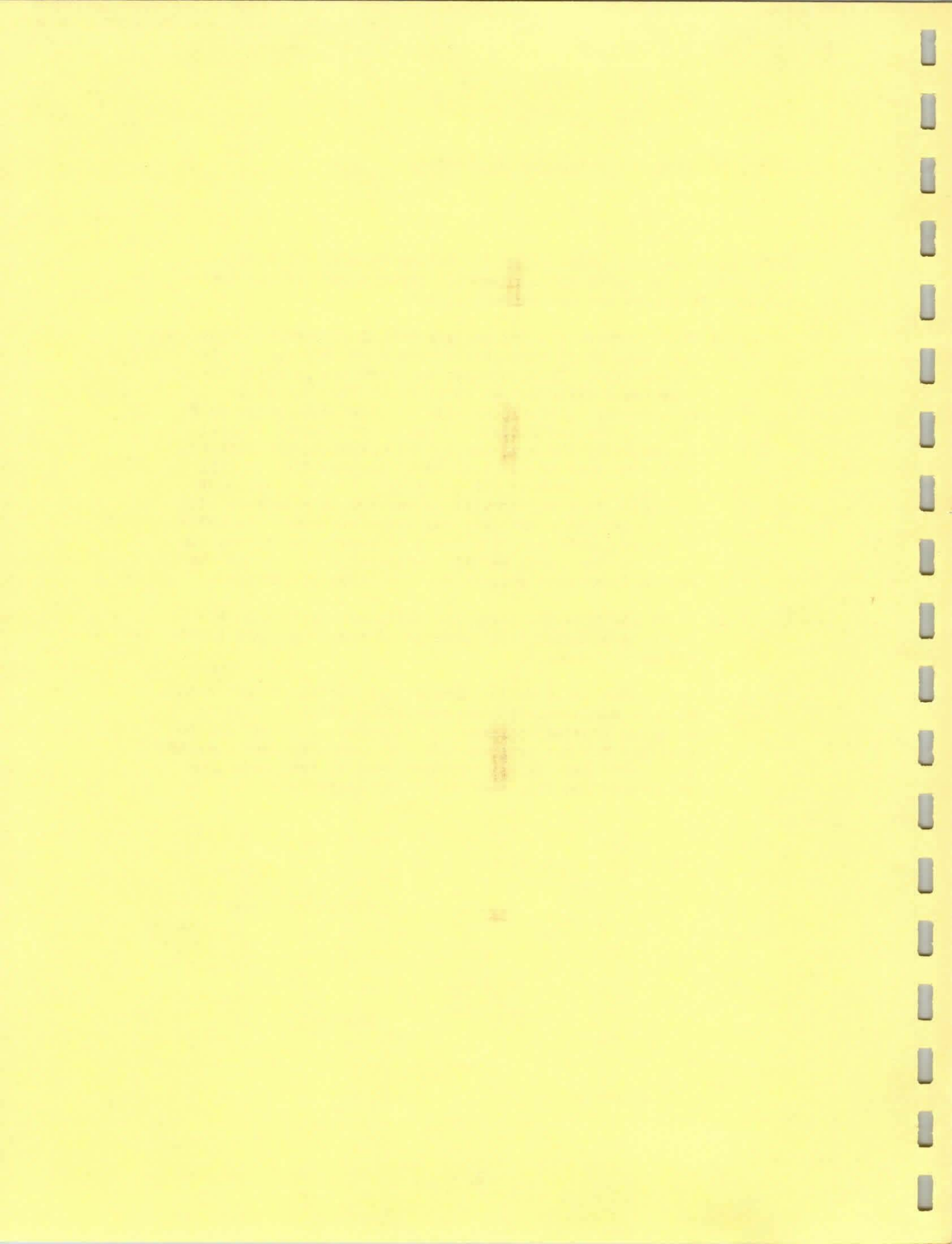
- A. A simple policy statement
- B. Comprehensive policies and procedures (plus cover letter)
- C. A "Memo of Agreement" from a county personnel department that acts as a broker between the referring and user agencies.
- D. A 3-part description of responsibilities from a federal probation department.

POLICY ON COMMUNITY PLACEMENT VOLUNTEERS:

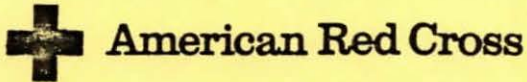
SEVTC will consider individuals for volunteer work who have been required by the courts to do community service work if the following specifications are met and understood:

- 1) These individuals are not guaranteed placement. They will have to go through the same screening process as anyone else. This includes an interview in which the individual fills out an application complete with references. (References will be checked.) After talking with the individual and their references, as well as reviewing the application the volunteer coordinator will determine if the individual is qualified to fill any of the volunteer job openings. If the individual qualifies then he/she will be invited to volunteer with the center and a schedule for orientation will be set up. If it is determined that the individual cannot meet our needs or vice versa we will contact him/her within one week and may make suggestions for other placements.
- 2) If at any time the volunteer fails to comply with the center's policies it is understood that immediate termination will result.
- 3) Only those individuals charged with "white collar" crimes will be accepted. Anyone committing offenses dealing with any type of violence, child abuse, or theft are not eligible for our program. (First time offenders charged with petty larceny may be considered if they have good references and they meet all other criteria.)

(PROPOSED 1-4-85)







Baltimore Regional Chapter  
2701 N. Charles Street  
Baltimore, Maryland 21218  
(301) 467-9905

October 24, 1983

To whom it may concern:

As a community agency which provides its programs through volunteer efforts, the Baltimore Regional Red Cross has frequently been asked to provide volunteer experiences for persons in a transitional stage between a mental health or criminal justice organization and independent community living. While Red Cross has no formal program designed to help such persons, we do accept those who can meet our requirements into our regular volunteer services. However, we have learned from our experiences that some very clear understandings and commitments are needed among the referring agency, our Office of Volunteer Personnel, and the prospective volunteer if we all are to benefit from this association.

Enclosed is a copy of "The Baltimore Regional Red Cross and the Transitional Volunteer", a policy developed by a committee of American Red Cross volunteers, staff and representatives of mental health and judicial systems. It has also been approved by the chapter Board of Directors. This policy clearly outlines the procedures to follow when referring clients or patients and also the guidelines Red Cross will use when determining the acceptability of the referral. We are also enclosing a listing of volunteer opportunities to assist in your consideration of the policy and in making subsequent referrals.

If, after studying the enclosed material, you wish to continue referring patients/clients to Red Cross, please sign the "Organization's Statement of Agreement", make a copy for your files, and return the original to our office by December 31, 1983. We will not accept referrals without a signed agreement on file from the referring community agency.

If you have any questions regarding this information, please call me, Mary Jane Lavin, Director of the Office of Volunteer Personnel, at 467-9905, extension 259. It is our hope that the procedures which we have developed will promote a mutually satisfying collaboration.

Sincerely,

A handwritten signature in cursive script that reads "Mary Jane Lavin".

Mary Jane Lavin  
Director  
Office of Volunteer Personnel



A founding member of United Way

THE BALTIMORE REGIONAL RED CROSS  
AND THE TRANSITIONAL VOLUNTEER

POLICY:

The Red Cross is established to relieve and prevent human suffering by promoting self-reliance. In keeping with these goals, the Red Cross cooperates with other community groups in their response to individuals who have infringed upon the rights of others or who may need help in adjusting to physical or emotional differences. Although the Red Cross has no formal program designed to help such persons develop their abilities to fill a constructive and rewarding role in society, it can, under its established volunteer procedures and regulations, and as part of programs operated by various community agencies, accept such individuals into its volunteer program as transitional volunteers. Like all Red Cross volunteers, they will be expected to provide useful community service and support Red Cross goals. If these requirements are not met, Red Cross has the right to dismiss the volunteer. In relation to "alternate sentencing" programs, the Red Cross will not accept as a community volunteer anyone convicted of a felony.

PROCEDURES:

- A. The referring community agency will:
1. Use description of job opportunities, provided by Red Cross, as guidelines, when making initial determination of which individuals to refer to Red Cross;
  2. Make contact, in writing, with the Director, Office of Volunteer Personnel, or her representative before referring prospective volunteers to Red Cross;
  3. Refer only individuals who have a commitment of 20 hours or more of volunteer service, in order to justify the time spent on training, placement and supervision;
  4. Assure that someone from the agency is designated as a contact

- person with whom the Director, Office of Volunteer Personnel, or her representative may discuss progress and/or problems;
5. Be willing to support dismissal of volunteer referee at any time the Red Cross considers circumstances warrant such action.
- B. The Office of Volunteer Personnel, Baltimore Regional Chapter, will:
1. Provide referring community agencies with descriptions of available volunteer positions to assist in screening prospective volunteer referees;
  2. Grant all individuals referred by an established community agency a preliminary interview to determine feasibility of conditional acceptance into the Red Cross volunteer program. Red Cross will reserve the right to turn down those individuals whom it considers lack adequate motivation, abilities or socialization skills to perform functions required of a Red Cross volunteer and/or for whom it cannot provide appropriate supervision;
  3. Respect the privacy of the volunteer's personal situation, sharing on a "need to know" basis only that information about the individual which might be necessary to the physical and emotional well-being of the volunteer and/or supervisor, and to effective job performance, such as medication and possible side effects, and only after a written release is secured;
  4. Attempt to place volunteers in positions suited to their skills, interest, and availability, remaining open to the possibility to transfer if individual situations warrant such considerations;
  5. Provide a pleasant working environment, appropriate training and supervision, opportunities for advancement where indicated, and recognition for services rendered;
  6. Maintain open communication channels with volunteer, supervisor, and representative of the referring agency to assure that all

issues requiring attention are addressed in a timely manner;

7. Assure the same minimal insurance coverage for personal injuries occurring while performing duties designated by work supervisor, as is provided for all volunteers.

C. The volunteer will:

1. Accept responsibility for having appropriate person from referring agency contact the Office of Volunteer Personnel, Red Cross, prior to the initial interview;
2. Understand that initial acceptance as a volunteer is on a conditional basis, with Red Cross reserving the right to terminate the volunteer assignment if all requirements are not met;
3. Agree to wear required Red Cross identification, observe fundamental rules of hygiene and dress, be prompt and reliable, notify supervisor of valid absences in advance, work within guidelines outlined at initial interview and stated in job description; be willing to accept supervision and participate in all required Red Cross orientation and training sessions;
4. Sign an agreement for the release of information on a "need to know" basis which might be necessary to the physical and emotional well-being of the volunteer and/or supervisor and to effective job performance, such as medications and possible side effects, and only after a written release is secured;
5. Understand the right and responsibility to discuss problems in connection with volunteer work with immediate supervisor, the Director, Office of Volunteer Personnel, or appropriate contact at the referring agency;
6. Sign an agreement with the Baltimore Regional Chapter, American Red Cross to accept the above requirements.

C

STANISLAUS COUNTY COURT REFERRAL PROGRAM

MEMORANDUM OF AGREEMENT

GOALS OF THIS AGREEMENT

1. The Court Referral Program will serve agencies and volunteers more effectively through improved communication and consultation.
2. Agency will approve and support its volunteer program, with the understanding that volunteers shall enhance, not supplant, paid staff.
3. Agency will recognize the importance of volunteer's contribution to the program, with the consideration for the skills and interests of the individual.

I JOB DESCRIPTION

1. The Agency will provide the Court Referral Program with an outline containing the tasks the volunteer will perform.
2. The Agency will not displace a paid worker, nor put any volunteer into a job for which funding is available.

II SCREENING AND SELECTION

1. Initial screening by the Court Referral Program will determine whether the volunteer meets job description criteria. The Court Referral Program will provide the Agency with pertinent information concerning the volunteer.
2. Each prospective volunteer will be interviewed by the Agency for placement. The final decision as to the placement of the volunteer will be made by the Agency to which the offender was referred.
3. The Agency will be responsible for communicating the outcome of initial Agency interview to the Court Referral Program. Should the Agency be unable to place the volunteer, the Agency will return the offender to the Court Referral Program.

III SUPERVISION

1. The Agency will have a supervisor delegated to coordinate the volunteer's activities when working.
2. Task assignments will be assigned by the Supervisor, taking into consideration the volunteer's skills and interests.

3. The Court Referral Program will be available to Agency for consultation in designing or improving volunteer programs, and in regard to particular problems with clients.

#### IV VOLUNTEER'S PERFORMANCE

1. The volunteer assigned to work is expected to conform to proper rules established by the Agency they are working with.
2. The volunteer's work performance shall be similar to the performance standards established for other workers at the Agency.

#### V CONSIDERATION AND RECOGNITION

1. All staff will understand their Agency's commitment to the Court Referral Program.
2. The Agency will make the volunteer welcome, and provide them with recognition and incentive of their work.
3. The volunteer will be notified of job openings, and the Agency will recognize volunteer training and performance valid qualifications for hiring.

#### VI SPECIAL INTERESTS AND CONCERN

1. It is recommended that the Agency should provide, in some form, liability or Workmans Compensation Insurance for the volunteer, when working for their Agency.

#### VII SPECIAL PROVISIONS

1. This agreement is entered into by the agency and the Court Referral Program for an indefinite period of time and shall continue until either party desires to discontinue the use of each others services.

The undersigned representatives accept the provisions of the Memorandum of Agreement.

STANISLAUS COUNTY  
COURT REFERRAL PROGRAM

BY \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

1100 "H" STREET  
MODESTO, CA 95354

(209) 571-6528

\_\_\_\_\_ AGENCY

BY \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_ PHONE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
PROBATION OFFICE

WILLIAM S. PILCHER  
CHIEF PROBATION OFFICER

U. S. COURT HOUSE  
219 S. DEARBORN STREET  
CHICAGO 60604  
312-435-5700

POLICY STATEMENT

COMMUNITY SERVICE PROGRAM  
U. S. Probation Office

This statement sets forth the general responsibilities and rights of agencies participating in the Community Service Program of the U. S. Probation Office, Chicago, Illinois.

This cooperative arrangement is based on the needs of many non-profit agencies for various services from members of the communities which they serve. Many judges of of this court believe that unpaid community service can be a positive and rehabilitative experience for selected offenders. It also serves to at least partially repay society for its losses.

=====

AGENCY RESPONSIBILITIES:

- 1) interview prospective volunteers referred for possible placement;
- 2) develop an assignment and schedule of service for the court-referred volunteer which is based on agency needs, the interests, skills and training of the volunteer and the specific terms of the court order;
- 3) assimilate the court-referred volunteer into the on-going volunteer program or other agency functions while maintaining the confidentiality of the volunteer's status on probation;
- 4) accurately and fairly monitor the hours of service and quality of service provided by the volunteer; and
- 5) provide the U. S. Probation Office with a Monthly Agency Report using the form provided for that purpose.

AGENCY RIGHTS:

- 1) the right to have referred for consideration potential volunteers who will be productive, reliable and trustworthy, who have no background of prior convictions, mental instability, assaultiveness or sexual deviance, and who are not drug or alcohol dependent;
- 2) the right to be advised if any of the sensitive background factors listed in 1)(above) pose a reasonably foreseeable risk to the agency;
- 3) the option to decline to accept, for any reason, the services of a potential volunteer referred for placement;
- 4) the option to terminate, the placement of a court-referred volunteer.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
PROBATION OFFICE

WILLIAM S. PILCHER  
CHIEF PROBATION OFFICER

U. S. COURT HOUSE  
219 S. DEARBORN STREET  
CHICAGO 60604  
312-435-5700

AGENCY RESPONSIBILITIES

COMMUNITY SERVICE PROGRAM  
U. S. Probation Office

Our office has an effective, professional relationship with the many important community agencies that participate in the Community Service Program of this court. We believe that the cooperation which we receive is at least partly a result of the cooperation which we provide in the process of placement and supervision. We strive to keep open the channels of communication among all parties in this process and the results are in the interest of all concerned. With this in mind, there are a number of requests which we have of agencies which participate in this program.

Once the court-referred volunteer has initiated contact with your agency, it is suggested that a personal interview be arranged to obtain an understanding of the person's present life situation and to assess the person's interests, skills and personal attributes which may be of value to your agency. The interviewer should feel free to discuss the circumstances which resulted in the person being placed on probation and how the person feels about being on probation with a community service condition.

If the volunteer is considered suitable for placement, a specific assignment and weekly schedule can be developed during the initial interview. The agency representative should contact the community service specialist by phone to acknowledge that a placement has been made. An assignment agreement will be signed by the volunteer and forwarded to your agency representative.

It is hoped that the court-referred volunteer can be integrated into your agency's activities and functions in the same manner as any other volunteer. This would include orientation or specialized training appropriate to the assignment. A review of agency expectations, rules and regulations is also suggested.

It is requested that the privacy of the court-referred volunteer be respected insofar as is possible. Hopefully, only one or two persons at your agency will be aware of the circumstances of this particular volunteer. It might be appropriate during the initial interview to discuss with the court-referred volunteer your agency's policy in this regard and your agency's wishes concerning self-disclosure by the volunteer.

The effective monitoring of a person performing community service requires a monthly evaluation by your agency representative. A form provided for this purpose will document the number of hours served each month, will provide a running total of hours served and will allow feedback concerning the quality of service performed. The mail-in procedure is designed to be completed quickly and easily.

We would appreciate your permission to include your agency among those which serve as references for our Community Service Program.



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
PROBATION OFFICE

WILLIAM S. PILCHER  
CHIEF PROBATION OFFICER

U. S. COURT HOUSE  
219 S. DEARBORN STREET  
CHICAGO 60604  
312.435.5700

VOLUNTEER RESPONSIBILITIES

COMMUNITY SERVICE PROGRAM  
U. S. Probation Office

Your service to an agency as a condition of probation is an important part of your supervision by this Court. Your proper completion of service will be appreciated by the agency and it can have personal rewards for yourself. On the other hand, your failure to complete the service acceptably can result in termination of your assignment and additional legal problems, specifically, a hearing before the judge by whom you were sentenced and a possible revocation of your probation leading to a term in confinement. It is hoped that you will approach your community service with a positive attitude and will view it as a compassionate alternative imposed because of your personal circumstances.

Once you are referred to an agency by the community service specialist, it will be your responsibility to establish telephone contact promptly with the agency representative to whom you have been referred and to arrange a personal interview. During the interview your interests and abilities will be discussed as they apply to that particular agency's needs. You will also be questioned about your present employment, family situation and other responsibilities which you have. The interviewer may discuss the problems which led to your conviction and to the sentence of probation. Please respond to all questions openly and truthfully. Depending on the agency's needs and other factors, your specific assignment and schedule of service may be developed during the initial interview.

The agency to which you will be referred has been screened and will treat your situation professionally, respectfully and confidentially. You may wish to discuss with the agency representative the agency's policies concerning confidentiality of your status on probation and, likewise, their wishes about your possible disclosure to others that you are serving their agency to fulfill a condition of probation.

Once your assignment begins, it will be most important for you to carry out your duties as directed and with a positive, respectful attitude. You will be expected to meet all of the standards of reliability, courtesy and productivity expected of other volunteers and employees at the agency. The track record which you establish may benefit you at a later date as you may wish to use the agency as a reference.

It will be your responsibility to explain and document any and all absences to the satisfaction of both the agency and the community service specialist. If you are absent you must call the agency and speak to the volunteer coordinator at or before your scheduled starting time. Otherwise your absence will be considered unexcused. If the volunteer coordinator is not immediately available, be sure to leave a message including your name and reason for your absence. Two unexcused absences will lead to your termination from the program and an unfavorable report to your probation officer.

We hope that your community service experience will be meaningful and rewarding for you. Please feel free to contact the community service specialist if you have any questions or problems.

## THE LIABILITY ISSUE

As much as we may wish to avoid it, planning for court-ordered volunteers must include questions concerning liability. This is one of the more cloudy issues related to community service sentencing, yet it is becoming increasingly important to volunteer leaders and community agencies. Because there have been few legal cases thus far to test specific circumstances, there are very few definitive do's and don'ts. In general, much of the same advice about risk management for volunteer programs applies in this case as well. However, it is clearly not safe to assume that because the offenders are listed as an official part of your volunteer program they will automatically be covered by your volunteer insurance or agency policy. Like it or not, court-referred workers do add another dimension of risk. It remains to be seen to what extent this requires additional or specialized insurance coverage.

As with "regular" volunteers, there are two types of liability protection which need to be considered. The first involves injury to the offender while he/she is performing community service. This is part of a broader philosophical issue which each agency or program must grapple with on its own: Is the agency obligated to help its workers if they are injured while on the job? Employees, of course, are covered by Worker's Compensation if they cannot work due to an injury on the job. But in most situations this type of medical coverage is not extended to volunteers except under a separate specially-designed policy. In the case of "regular" volunteers, it is often assumed that their own personal insurance will cover any injuries sustained while volunteering. But in the case of an indigent offender who has no private policy, what is the obligation of the agency he/she is serving?

If your agency decides that it does want to provide a medical expense policy for court-referred volunteers, such a policy is now available. (See description on following pages.) It was developed in response to the increasing demand for insurance tailored to the special circumstances of community service sentencing, and as a way of "testing the waters" for other types of insurance coverage.

The second type of liability protection to plan for involves the offender causing injury to another person or damaging property. (Keep in mind that such injury or damage can be accidental as well as intentional.) At the present time, there is no national insurance policy available which offers this type of protection for court-ordered volunteers. Insurance carriers that now provide this type of personal liability coverage for "regular" volunteer programs have been very reluctant to expand their policies to include offenders. As a result of recent legislation in Colorado, Travelers Insurance Company is providing a small personal liability policy for a community service program there. But this is the only known instance of such coverage.

Despite this current gap, the situation is not completely hopeless. Many legal experts agree that if there is a formalized agreement between the

referral source and the placement site, and if there is good documentation that the offenders are screened, trained and supervised, then this type of personal liability can probably be assumed by the agency's overall policy. Furthermore, data is now being collected on the new medical insurance policy for court-referred volunteers, and results so far indicate that injury rates and claim rates are extremely low. Insurance carriers are watching this initial program carefully, and chances are good that in another two years or so specialized personal liability protection will also be available.

In the meantime, here are some additional tips for addressing the risk management issue:

- Determine what, if any, coverage is provided by the referral source. In Virginia, both CDI and OAR have policies covering clients while doing community service, but other less-structured programs may not.
- Ask the insurance carrier who is handling your regular volunteer insurance and overall agency insurance if and how utilization of court-referred offenders will effect your coverage. While you may not get the answer you want to hear, do not avoid mentioning the subject. It is much better to bring it out in the open before you have to face an insurance claim in court. In addition, you will be taking another proactive step by helping increase the awareness that such "volunteer" workers are not a reality--the more we talk about the need for specialized liability protection, the faster it will become available.
- If your program is associated with a county or city that is a *self-insured pool*, the issue of liability may be somewhat simpler to resolve. In this type of situation, the city or county has created its own insurance policy rather than obtain coverage from an outside insurance company (usually because it costs less to do so). Thus, it may be easier to amend the policy to include community service workers in the defined population for that policy.
- Some volunteer programs have developed waivers which they ask the offender to sign before beginning placement with the agency. These are most effective when used in conjunction with an agreement of responsibilities, and may serve as a slight deterrent against future claims. But they in no way provide absolute protection and are no substitute for adequate insurance coverage. Talk to your insurance agent and your lawyer if you are contemplating using a waiver.

\* The following pages contain these sample materials:

- A. Information about the CPC Medical Insurance Plan
- B. An OAR Contract for Volunteer Community Service, including waiver
- C. A Release of Claim document

## The Court Referred Alternative Sentencing Volunteer Program

Insuring These Volunteers  
Is Now Available Through  
The CPC/Volunteer Insurance Plan

A NEW EXCLUSIVE PROGRAM

### CPC/Volunteer Insurance Plan

California Planners and Consultants, Inc. in cooperation with Corporate Insurance Management and the Insurance Company of North America has now established an insurance program designed specifically for public and private agencies to insure these volunteers who perform services in lieu of jail and/or fines.

This program is patterned after the very successful CPC/MP-VIS program that has been in operation for several years for the traditional volunteer. Due to the increasing demand for this program, a totally separate policy has been created and underwritten so that agencies can be assured that in the case of an accident, there is a medical expense policy that will protect the volunteer up to the limits of the policy described in this brochure.

At the present time, only the accident program is available. Hopefully, the personal liability and the excess automobile will become available. CPC/Volunteer Insurance Plan is the marketing representative for this program in various parts of the county. This brochure describes the coverages and the exclusions. The insurance becomes effective on the first of the month following the month of submission.

### Summary of Coverages

#### I. Accident Insurance

##### A) Accident Medical Coverage

This coverage will pay up to \$10,000 for medical treatment, hospitalization, and licensed nursing care, required as the result of an accident. The insurance applies while the volunteer is traveling directly to and from, and while participating in volunteer related activities. Initial medical expenses must be incurred within 60 days of the accident. They are then covered for a one-year period following the accident.

Other than X-rays, dental care is covered up to \$500 for accidental injury to natural teeth.

This coverage also provides up to \$25.00 for repair or replacement of eyeglass frames and up to \$25.00 for repair or replacement of eyeglass prescription lenses damaged as a result of an accident.

The maximum payment under this coverage, including dental and eyeglass expenses is \$10,000.

This insurance does not cover expenses incurred which are eligible under full Medicare Coverage or any other group or franchise policy.

**B) Accidental Death and  
Dismemberment Coverage**

In addition to the accident medical coverage, the insurance company will pay the following benefits for death or loss of limb or sight, occurring within one year after the accident.

Loss of life (paid to beneficiary) . . . .	\$2,500
Loss of both hands, feet or eyes, or any combination thereof (paid to volunteer) . . . . .	\$2,500
Loss of either hand, foot or either eye (paid to volunteer) . . . . .	\$1,250
Loss of thumb and index finger of either hand (paid to volunteer) . . . . .	\$ 625

**Principal Exclusions  
To Accident Insurance**

This insurance does not apply to:  
sickness or disease;  
expenses for services rendered by a person employed or retained by the VIP member;  
abdominal hernia however caused;  
bacterial infection unless caused by a wound.

PREMIUM: \$1.00 per year per individual volunteer.

**CPC/Volunteer Insurance Plan**

559 No. San Pedro St.  
P.O. Box 1183  
San Jose, CA 95108-1183



CALIFORNIA PLANNERS & CONSULTANTS INC

OAR PRESCRIPTIVE SENTENCING PROGRAM (PSP)  
CONTRACT FOR VOLUNTEER COMMUNITY SERVICE WORK

1. You have been granted the opportunity by Judge \_\_\_\_\_ of the General District Court for the County of Fairfax, Virginia to participate in the OAR Prescriptive Sentencing Program (PSP).
2. You are expected to telephone the PSP staff every week.
3. You agree to perform a specified number of hours of volunteer community service work and are expected to report on time to the agency to which you are assigned.
4. If you are unable to report to work on any day, you are expected to advise your work supervisor before starting time and to schedule a make-up time.
5. Your supervisor will record your attendance on the provided Job Attendance Report and note the quality of your work and attitude. The supervisor will notify the PSP staff if there are problems or an unreasonable number of absences. When your service is completed, the supervisor will return the Job Attendance Report to PSP. This Report, along with a memorandum from PSP and a current criminal record check, will influence the sentencing judge's final disposition in your case.

6. WAIVER AND RELEASE

In consideration of the permission granted to me to participate in a work service program in lieu of other sentencing, I hereby, for myself, my heirs, administrators, release and discharge OAR Fairfax and Fairfax County, Virginia, its employees and agents from all claims, demands, and actions for injury sustained to my person and/or property during my participation in volunteer community service when such injury is due to my negligence. I also agree to accept sole responsibility and liability for any injury or damage to a third party resulting from my act(s) or omissions(s) and I agree to hold OAR Fairfax and Fairfax County, Virginia, its employees and officials harmless from any lawsuit or claim arising therefrom, and I agree to indemnify OAR Fairfax and Fairfax County, Virginia, its employees and officials in the full amount of any judgment obtained. I certify that my attendance and participation in this program is wholly voluntary and that I am not, in any way, an employee, servant or agent of OAR Fairfax and Fairfax County, Virginia.

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

\_\_\_\_\_  
Signature of OAR Volunteer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness's signature

RELEASE OF CLAIM

This Release executed on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, State of Minnesota, herein referred to as VOLUNTEER, to the Area Neighborhood Service Center, Inc., a corporation incorporated under the laws of the State of Minnesota, with its principal place of business at 2191/2 2nd Street N.E., City of Waseca, County of Waseca, State of Minnesota.

WHEREAS, VOLUNTEER, wishes to donate time and services to the Area Neighborhood Service Center, Inc. and whereas the Neighborhood Service Center, Inc. is interested in accepting such services on a volunteer basis.

NOW THEREFORE, VOLUNTEER, being of lawful age, in consideration of being permitted to provide voluntary services to the Area Neighborhood Service Center, Inc. covenants as follows:

VOLUNTEER acknowledges that VOLUNTEER will not be paid any compensation for services rendered and that they are not an employee of the Area Neighborhood Service Center, Inc. for any reason whatsoever.

VOLUNTEER, does for himself, and his heirs, executors, administrators and assigns hereby release and forever discharge the Area Neighborhood Service Center, Inc., their heirs, executors and administrators of and from any and every claim, demand, action or right of action, or whatsoever kind or nature, either in law or in equity arising from or by reason of any bodily injury or personal injuries known or unknown, death and/or property damage resulting or to result from any injury which may occur as the result

of participation in volunteer services to the Area Neighborhood Service Center, Inc. or any activities in connection with the Area Neighborhood Service Center, Inc.

VOLUNTEER agrees to indemnify the Area Neighborhood Service Center, Inc. from any loss, liability, damage or cost it may incur due to the presence of VOLUNTEER in or upon the Area Neighborhood Service Center, Inc. located at 219 $\frac{1}{2}$  2nd Street N.E., Waseca, MN.

This Release contains the entire agreement between the parties hereto and the terms of this Release are contractual and not a mere recital.

VOLUNTEER and VOLUNTEER'S parents further state that they have carefully read the foregoing Release and know the contents thereof and sign this Release as their own free act.

IN WITNESS WHEREOF, this Release has been executed the day and year first written above.

\_\_\_\_\_  
VOLUNTEER

\_\_\_\_\_  
Parent

\_\_\_\_\_  
Parent



## INTERVIEWING AND SCREENING

As with "regular" volunteers your first contact with the court-referred worker will probably be in the form of an initial screening interview. If he/she has been sent via a formal referral source, you may already have been given some preliminary information. On the other hand, if the offender has simply been told by a judge, lawyer or probation officer to "go out and find a place to work off the hours," you will have to rely more heavily on the interview as your source of information.

In some ways, interviewing these "volunteers" may be easier than most others because you know from the start their primary motivation for coming to your organization. At the same time, however, you may encounter certain types of problems more frequently with these individuals, thus requiring a slightly different interview style or emphasis. Survey respondents cited these examples:

<u>PROBLEM</u>	<u>ACTION TAKEN</u>
"Client misses first appointment."	"If he calls, I reschedule it one time. If he doesn't call, I contact the referral source and may or may not reschedule."
"Youth are often resentful when they arrive and have said they are just here to fill space and time."	"In the interview I bring this into to open. I suggest other places they could try and then give them the rules and regulations of our program. I put the responsibility on their shoulders."
"Sometimes sullen attitudes are obvious."	"Rules and regulations need to be emphasized. I have written expectations and require a set schedule."
"Two clients from Traffic Court waited until the last minute to call and make arrangements to volunteer."	"I handled the situation myself, by assigning them tasks to do for me in my office. In the future, however, I might have to request that they either obtain an extension or find work elsewhere."
"The client's appearance/manner are sometimes inappropriate."	"I attempt to counsel them about what dress is appropriate, putting it in terms of what all staff and volunteers are expected to wear and do."

Another unique problem area arises when a judge stipulates that the offender perform his community service at a *particular agency*. Though this does not occur often, many programs have experienced it from time to time and have raised the question: do we have to accept the offender into our program if it is so stated by the judge? The answer is NO. A judge has jurisdiction over

the offender, not over any public or private agency, and cannot force the agency to comply with his/her wishes in such matters. Of course, it would be diplomatically prudent to try to honor a judge's request if at all possible. But if you determine specific reasons why an individual would not be appropriate for your program, you do retain the right of refusal.

In general, comments from those who are successful at interviewing and screening these special workers can be summarized as follows: be sensitive yet firm. The initial message you need to convey to prospective court-referred "volunteers" is straightforward, direct, and no-nonsense. The emphasis needs to be on specific responsibilities and expectations, leaving little room for misunderstanding. This may be a tougher approach than you prefer to use with other volunteers, but experience proves it is best to begin this way with the offender. You can always ease into a more informal tone later on if the placement is going well. This approach was stressed by many survey respondents:

"It is important that the volunteer be made to feel comfortable. I do my best to assure the volunteer that I am understanding of his/her situation."

"I emphasize the responsibilities listed in the job description."

"All clients are informed that their cases are handled in strictest confidence. They will be treated like all other volunteers and are likewise expected to assume a responsible role at the station."

"After the number of hours are determined that the client needs, I tell him that if he is not here when scheduled he need not come back to explain. I stick very hard to this plan and make it clear that we are here for them to work, not the other way around."

It is also important to continue to trust your gut feelings. We all know there are times when we accept or reject a prospective volunteer because we "just have a feeling" that it is the right thing to do. Our instincts become pretty well developed and can be applied to court-ordered workers as well. Remember you can return the offender to the referral source or suggest another site. Or, if you think it might help to make your decision, call the referral source and discuss your reservations with them; perhaps they can shed a little more light on the situation that will confirm your judgement one way or the other.

Some programs have found it helpful to alter their present volunteer application form. By adding a few new questions or choosing a slightly different format you may be able to better assess the offender's suitability for your program. For instance, a more detailed skill inventory may be needed to pinpoint potential job assignments.

Finally, when thinking about how to best interview these workers, it is crucial to determine what type of preparation (if any) is being done by the referral source. The more they can explain and communicate to the offender about your agency's expectations, the easier it will be for you to follow through. Suggest that the referral source discuss and emphasize these points before sending the offender to you:

- The agency will conduct an interview and does have the right of refusal. The individual is not guaranteed a placement there.
- The volunteer assignments are serious work and should be treated as such. Whereas other people may be volunteers because they choose to be, the primary purpose for the offender's being there is to meet an obligation to the court and the community.
- Volunteer tasks change from month to month, depending on who is active at the time. Thus, the agency has final say on what the offender's assignment will be based on available options at the moment.
- There is no need for the offender to broadcast the details of his/her situation or offense to staff members in the agency. Questions may be asked, but it will be best not to offer this type of information unless specifically questioned.

If these points are not covered by the referral source, make sure you include them in your interview.

\* On the next page, clinical psychologist Stanton Samenow offers some considerations for interviewing individuals who appear to be resistant or hostile. Following that are sample materials which illustrate how some programs have clearly spelled out their expectations of court-referred workers, thus improving their screening technique:

- A. Attendance Regulations from a county library
- B. An Information Sheet for Participants in a youth program
- C. General Rules from a Community Service Program
- D. A Statement of Commitment for a Meals on Wheels program

STANTON E. SAMENOW, Ph.D., P.C.

CLINICAL PSYCHOLOGY  
4921 SEMINARY ROAD, SUITE 104  
ALEXANDRIA, VA 22311  
(703) 931-0004

SOME CONSIDERATIONS IN INTERVIEWING HOSTILE  
AND RESISTANT CLIENTS

1. Do not put a premium on getting the client to "like" you; rather you must try to earn his (her) respect;
2. Do not think that you must manipulate or do things that are contrived to court the client's favor; for example, use street language, dress a certain way.
3. Avoid the twin pitfalls of gullibility and cynicism;
4. Be alert to problems of semantics; that is, a client may use a regular everyday English word and mean something totally different from your interpretation of it;
5. Be prepared to terminate interviews when anger stands in the way of receptivity, disclosure, and a dialogue and most certainly if the client is directing threatening or intimidating;
6. If you use a confrontive style, be sure to be direct and firm but without being provocative and forcing the client into a corner where an attack is his only way out;
7. Expect to have to repeat the same point in different ways;
8. Do not be totally consumed by whether the client is currently telling the truth; that is, playing "detective" (if overdone) can stand in the way of what you are doing;
9. Take the position in counseling such a client that it is his life, whether he is sincere and truthful will be born out over time;
10. Avoid ridicule, anger, or sarcasm;
11. Ask yourself before each interview, "What do I expect to accomplish?" Then ask yourself if this is realistic;
12. You must try to control the interview politely and firmly rather than utilize a nondirective approach; being nondirective or basically silent is seen as weakness.

Durham County Library  
Attendance Regulations  
Required Community Service Volunteers

Placement

All volunteers must have a placement/scheduling interview with Kay Taylor, Head of Community Services. Interviews are held between the hours of 9:30 a.m. and 4:30 p.m. Monday through Friday. Occasionally, interviews may be scheduled on Saturdays. Interviews must be arranged in advance.

Schedules

Every effort will be made to accomodate each volunteer's personal needs; however the needs of the library will always be given precedence in establishing a work schedule. Once the specific schedule has been agreed upon, it must be kept. Changes in schedules are permitted only if:

- a. they allow you to finish ahead of schedule
- b. they are agreeable to your supervisor(s)

If your schedule on your paid job changes, it is your responsibility to let your employer know you have this commitment which must be fulfilled.

Absences

The only absences which may be excused are:

- a. illness requiring you to be absent from your paid job (if more than one scheduled date is involved, doctor's certification is required)
- b. death in your immediate family
- c. DWI classes

Your supervisor must be notified in advance of these absences. Arrangements must be made with the supervisor to make up the missed hours at a mutually convenient time before your court date.

Any other absence will be considered unexcused and may be grounds for dismissal from the library's volunteer program.



327-6208

YOUTH COMMUNITY ACTION PROGRAM

Information Sheet for Participants

The YOUTH COMMUNITY ACTION PROGRAM is operated in Tucson by the Voluntary Action Center and receives major funding from the federal ACTION Agency. The program exists primarily to provide structured work opportunities to young people who are ordered by local courts to perform community service work. The program aims also to supply needed help to local non-profit human service agencies.

It is very important that you, as a participant, understand that you are the person responsible for completion of the work assigned to you. You will agree to a set of rules and a work schedule and then be expected to live up to your end of such agreements. If you are unable to live up to the commitments that you do make, then you will be removed from this program. We will meet you halfway regarding scheduling: you will not be expected to interrupt your regular religious, school, or employment activities. Beyond that, you should be prepared to be inconvenienced on occasion.

Your involvement with this program will proceed as follows:

1. ORIENTATION: Orientation is held, by appointment, at the Voluntary Action Center. Juveniles must be accompanied by a parent or guardian. At this time the program will be explained in more detail and some decision will be made regarding where the work will be performed.
2. PLACEMENT: Either at the time of orientation or within three (3) working days following, you will be notified that actual placement has been made. You will then contact your worksite supervisor to schedule a time at which to begin.
3. WORK PERFORMANCE: Show up on time and prepared to work. Call in advance if you will be absent. Know and follow rules, especially in the areas of safety, smoking, and dress. Minor problems will first be dealt with by discussion. If this fails to correct the problem, you will be warned in writing and likely assigned additional hours to perform. If this fails, you will be removed from the program.
4. COMPLETION: We will forward a copy of your work record to the court. You will be contacted and asked questions about your experiences.

Assistance with meals and transportation is available in some cases. Call me, Mike Grier, at 327-6207 if you have questions or problems. Be optimistic; your positive attitude will determine what kind of an experience this will be for you.

**United  
Way**

Telecommunications Exchange for the Deaf  
Community Service Program

RULES

1. Preferably, you are to sign up for a regular time slot. If, because of you work schedule or other prior commitment, you are unable to opt for a regular schedule, a flexible schedule can be arranged provided it does not inconvenience TEDI and/or other volunteers. Changes may not be made without prior approval from TEDI.
2. Timeliness is required. In case of emergency or unexpected delay you are to call us on 759-2993. If you reach the recording, leave the message on the machine and dial 759-4600 (TEDI emergency line) and give the message to the person who answers.
3. The attendance book is to record your work at TEDI. Include date, actual time of arrival, actual time of departure, and actual number of hours worked. In lieu of a signature, enter your TEDI number. This entry certifies that the data provided is accurate.
4. Absences are accepted for such emergencies as illnesses or work-related. They are to be the exception and not the rule. All other absences are to be pre-arranged with the staff.
5. While at TEDI you are expected to work like other volunteers. Do not keep phones off the hook and simply let the time go by. Personal phone calls are to be kept to a minimum and should be very short.
6. You are expected to be polite and patient not only with deaf or hearing persons on the telephone but with other volunteers as well.
7. Alcoholic beverages are not permitted at TEDI. Moreover, you are not to come to TEDI if you have been drinking, and, if you take a 1 unch break, it may not include alcoholic beverages.

The time you spend at TEDI should be pleasant and enjoyable. You can help make it so by adhering to these simple and reasonable rules.

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1901

1902





Meals on Wheels of Greater Richmond, Inc. 10 South Crenshaw Avenue Richmond, Va. 23221 (804) 355-3603

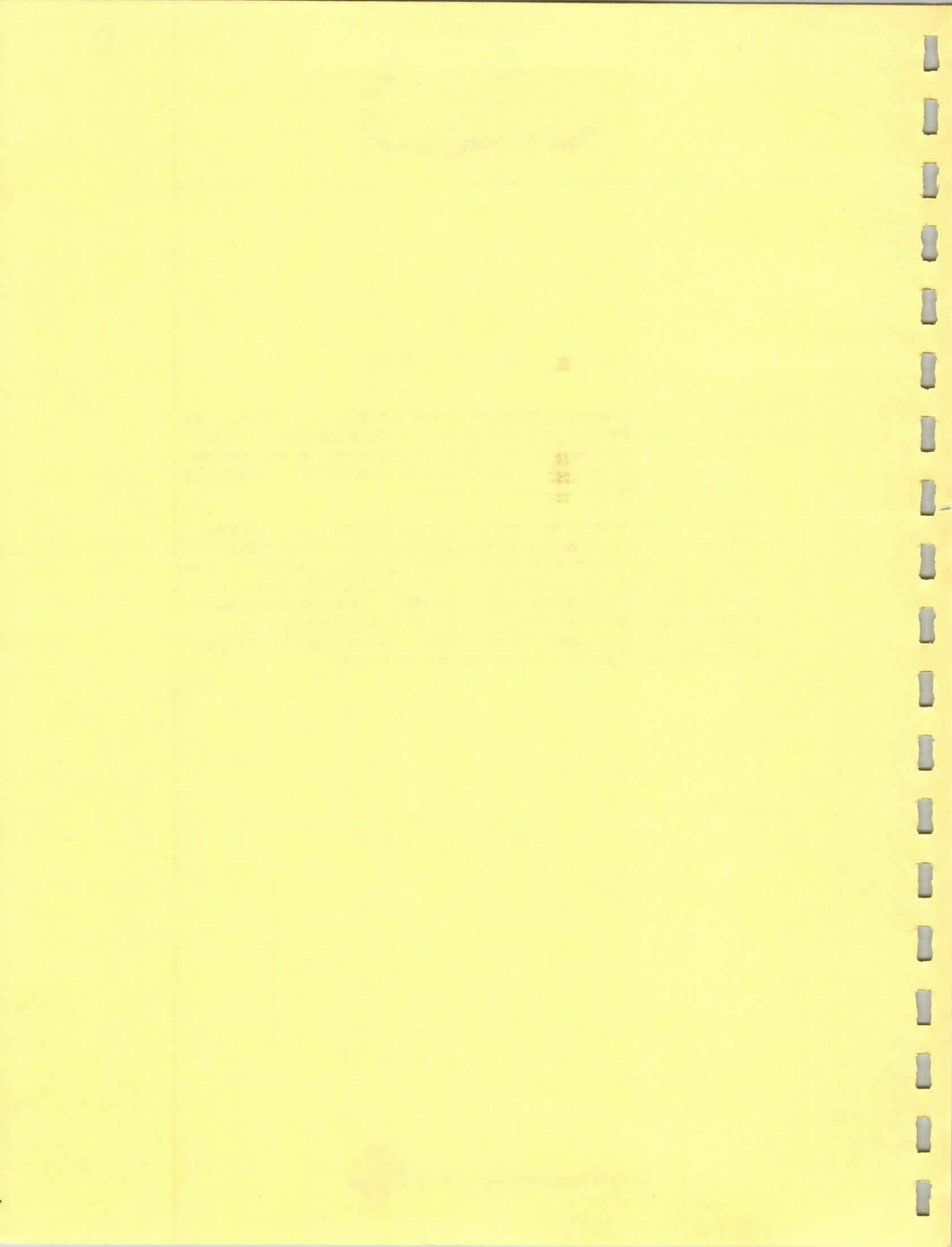
#### COMMITMENT STATEMENT

Meals on Wheels is dependent on its volunteers for delivery of service. The program is such that staff could not deliver the meals themselves. It is, therefore, very important that you, the Volunteer, arrive for your assigned route on the proper day and on time, or give Meals on Wheels adequate notice when unable to meet your volunteer commitment.

Since fulfilling my volunteer commitment to Meals on Wheels may make the difference in a shut-in adult having a nutritious meal or going hungry, I understand I must arrive at the Meals on Wheels site on the scheduled day and on time. If I must miss my commitment, I will give the Meals on Wheels staff at least 48 hours notice (more if possible). If a last minute emergency comes up, I will call the office by 8:45 AM that morning, or if possible, I will find a qualified substitute to take my place and let the Meals on Wheels office know his/her name and phone number.

6/27/85





## ACCESSIBILITY TO CRIMINAL RECORD DATA

When considering an offender for placement with your volunteer program it is natural to want to know as much as possible about the individual's background and involvement with the court. There are, however, federal and state statutes which strictly prohibit the release of much of this type of information except to very specific agencies and personnel. And once again there has been no definitive policy established about how these statutes apply to the agencies working with court-ordered community service workers.

Discussion with several experts has generated these general guidelines which may help you to define the legal boundaries within which to operate.

- In cases involving adults, information about the current offense is public record. The referral source can tell you the charge, the status of the case, and the lawyer's name; or you can obtain basic facts such as this from the court clerk's office.
- Information about past records, psychological evaluations, previous charges, etc. is confidential by law and it is difficult to determine who has a right to know what. However, despite the general statutes, each court has the authority to release such information if it deems it necessary. This can be done either by court order (a case-by-case decision to allow the release of information) or by a court rule (a more general decision to allow the release of information under a certain set of circumstances). Thus, given this power of the court, it is possible to request and advocate for a court rule allowing the release of certain types of information to agencies serving as placement sites for offenders doing community service. (In the case of juvenile offenders, most courts would probably operate only on a court order basis since juvenile court records are kept more strictly confidential than adult records.)
- Regardless of what the laws stipulate, the offender may share any information about his current or past criminal record with anyone--as long as he/she does it willingly without coercion. Therefore, if you feel it would be helpful, you may ask the offender any questions which relate to placement with your program. The individual is, of course, under no obligation to answer them; and you will have to decide whether refusal to do so is ample justification for rejecting the individual from your program. But it may be worth a try.
- Some programs ask the offender to sign a "release of information" form authorizing the agency to obtain whatever necessary background facts it needs. While this may sound like an easy solution, it may in fact produce little or no results. Unless a special court order or court rule has been issued, court officials are likely to adhere to the general statutes governing confidentiality of records and withhold the information you seek. If your relationship with the court referral source is well-established and formalized, such

a release form may be an effective tool to pursue. But be sure you confirm with the judges involved that it actually will result in access to criminal record data.

Here is an example of a federal probation officer's approach to the release of sensitive material to community placement sites:

"...the U.S. Probation Office has some obligations to treat with confidentiality the facts of a probationer's background and current adjustment as they have been established. We disclose to participating agencies the facts of public record concerning the probationer's conviction (offense, sentence imposed and the beginning and ending dates of probation). We will also disclose to an agency the probationer's address and phone numbers so that communication can take place. Other information about a probationer's background and adjustment is also disclosed, generally, so that the volunteer coordinator at the placement site has some idea of the type of person who is being referred. For example, it might be disclosed that a particular offender is 41 years old, is married with three children, lives in a middle-income residential area and owns a local hazardous waste disposal facility. Information about the probationer's educational background, previous work experience and any health restrictions might also be disclosed if appropriate. If any sensitive factors exist in the person's background, and pose a reasonably foreseeable risk to the agency, this information is disclosed in writing. Sensitive placements are avoided, such as the referral of an accountant convicted of embezzlement to serve a not-for-profit agency by providing free accounting services. If a person has a prior conviction for some type of property offense, such as shoplifting, this will routinely be disclosed to agencies. Such a prior conviction suggests that a general risk might be posed to any cooperating agency, regardless of the specific duties assigned to the volunteer."

Until more precise legal interpretations can be determined as to what the placement site may know about court-ordered "volunteers," the issue boils down to this question: can you trust the referral source to send you appropriate individuals who will not place your program and agency at greatly increased risk? If, after addressing the planning measures already discussed, you feel comfortable in answering "Yes" to this question, then it is not nearly as crucial for you to have direct access to much of the confidential information. As much as possible, channel your energy and time toward building a viable working relationship with the referral sources so that you become confident in their utilization of you as a placement site.

True, there will continue to be those miscellaneous cases which appear on your doorstep without the support of a formal referral source. The best approach to take with these cases is to attempt to contact the offender's lawyer. (This is one piece of information the offender is very likely to have, and be willing to share.) The lawyer has the authority to act as an arm of the court and can give you at least the most basic facts about the offender's situation. But if you want to consider these more informal types of court-ordered cases you will have to take the initiative, provide most of the structure, and probably settle for a minimum of background information on the individual.

\* \* \*

Another piece of this "privacy protection" issue concerns the extent to which *others in your agency* or volunteer program need to know the offender's status and reason for volunteering. In most cases, only the volunteer program director and immediate supervisor know that the volunteer is court-referred. Other staff members and volunteers often guess this fact, especially if the offender is only a volunteer for a short period of time. But most programs find that there is no need to make this information general knowledge. If fact, in some settings where volunteers serve as role models for patients or clients, it would be counter-productive for the patients to know that a particular volunteer was an offender. Once again, your program should establish a *policy about the confidentiality of volunteer information* so that everyone involved knows that a consistent procedure will be followed. Comments from the programs surveyed support this approach:

"Confidentiality here has never been an issue. My employees know that I will not tolerate any kind of idle gossip about who is here and for what reason."

"Court-referred individuals are introduced to staff members and other volunteers as simply 'volunteers.' Unless I am specifically asked by another staff person whether the person is court-referred, I do not offer that information."

"As volunteer coordinator, I am required by the agency director to know what offense each person is charged with. If the supervisor asks, I usually tell him/her, especially if the offense was theft. Generally supervisors do not inquire. I don't feel that confidentiality is a problem. Staff is aware that many of our volunteers are court placements, but they have come to accept this and really appreciate the contribution these people make."

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## JOB ASSIGNMENTS

Once you have decided to accept an offender into your agency, you are faced with the question of what work to assign him/her. As with all volunteers, level of skill, schedule constraints, and work habits are among the factors to consider:

<u>PROBLEM</u>	<u>ACTION TAKEN</u>
"Sometimes they need so much supervision that it is more trouble than it's worth."	"Develop rapport with the referral agency staff so they understand the type of jobs available and will hopefully help with pre-screening."
"The work is often boring."	"I try to give the volunteer some degree of choice as what they must do, balancing out some of the more unpleasant tasks with something enjoyable."
"Often with youthful offenders it is difficult to develop a job description enumerating specific duties."	"A flexible approach to specific tasks and duties allows us to manage the workload and gives the volunteer an opportunity to find his 'fit' in the organization."
"Assignments change on a daily basis and some volunteers do not like this. Or they will start an assignment and then goof off instead of working."	"I explain that this is a job and they are to treat it as such. I am not a babysitter--I am a supervisor; so they either do the job or I terminate them."
"Sometimes clients are not well suited to the tasks we need done."	"I try to keep the referral source appraised of our needs, both in terms of on-going jobs and special projects."
"Sometimes clients are very over-qualified for what we need done at the moment."	"Generally we do not create jobs just to meet people's talents. The clients do what we need done, and must accept that."
"They are usually unskilled and in a first-job situation."	"We combine the work load with skill development in clerical responsibility. It makes them feel a bit better about the time they put in, knowing they are gaining skills."
"It is difficult to find jobs for clients who have only week-ends or nights available for community service."	"Develop projects which can be done at home, such as carpentry, knitting, sewing, graphics, etc."

These comments reflect several different philosophical approaches to job assignment. Such diversity is explained in more detail in this excerpt from the National Institute of Corrections publication, Community Service by Offenders:

<sup>1</sup>**How Placement Decisions are Made.** Assignment decisions are usually based on one of three rationales. The placement philosophy that first surfaces on mention of the concept of community service sentences is usually that the punishment should be designed to fit the crime. The example of assigning drunk drivers to work in hospital emergency rooms may be the most commonly cited illustration of a fitting assignment. The theory is that exposure of the offender to what may befall victims is apt to lead to repentance and changed behavior. In addition, some useful compensation is exacted for the risk presented or the harm actually done.

Matching the placement to the offender's profession or skills is the second major rationale. This theory of placement is based simply on the idea that the community will benefit most from fully utilizing whatever skills offenders may possess. Particularly in programs primarily oriented toward delivering needed services to people, an emphasis on maximizing offenders' productivity is likely.

It also is reasonable to hypothesize that people like the work they are good at and are more likely to complete assignments that involve work they know and can perform well. An advertising executive assigned to design a new logo and stationery for the voluntary action center that operates a community service program; a social scientist assigned to help several nonprofit agencies develop grant proposals; a carpenter assigned to repair a community center; and an academician assigned to work with a commission on the status of women to help minority women set up a loan development company—all are examples of placements made on this basis. Considered as a group, persons sentenced to perform community service possess a wide range of talents. Taking advantage of those skills can provide valuable services to the community, as well as make the offenders feel that they have made a substantial personal contribution.

The third common rationale underlying placements, random assignment, satisfies some of the objections to the other two arguments, drawing support from several lines of thinking. The British, who originally went to great lengths to discover and utilize offenders' skills, found that many offenders did not think they possessed any skills and were troubled by the probing attempts of program staff to identify some. Thus, the matching approach eventually was abandoned in favor of random assignment. Although an offender may be allowed to select from among two or three available options, the British no longer try as hard to figure out what the most suitable placement would be.

When emphasis on creating the perfect match is abandoned, primary consideration can be given to such practical factors as proximity of the work site to the offender's work, residence, or transportation. Also, the

most immediate service needs are filled, rather than held for an offender with a particular skill. Random assignment opens up the possibility that offenders will discover abilities they did not appreciate or develop interests in new fields. It may be "good for" offenders to be required to try something new and different. Conversely, random assignment is regarded as desirable because the work is more likely to be experienced as a punishment and distinct from employment or leisure-time activities.

This philosophy of placement needs to be accompanied by accepting that an offender may not work out well at a given assignment and that reassignments will be common. Since they expect it, British probation officers reportedly are not troubled by the need to reassign someone two or three times before arriving at a successful match that the offender can complete satisfactorily.

In addition to possibly raising the percentage of unsatisfactory placements, random assignment presents other problems. Offenders may not like the work assigned, may feel frustrated trying to do something foreign, or may think that their time is not being used well. It also is quite possible that offenders could feel that the assignments reflected personality conflicts or were otherwise discriminatory, since there is no guiding rationale behind them. Furthermore, true random placement would deny the community of the best use of many valuable talents.

Other factors reportedly go into the decision to place a given offender with a particular agency to perform a specific task. In addition to considering the offender's training, education, or work skills, community service programs routinely consider practical matters, such as accessibility of a proposed placement to the offender, the times that the offender can work compared to when supervision is available or the working hours at the proposed placement site, and constraints on the offender's abilities or time. For offenders who work a normal daytime schedule at a weekday job, community agencies that only operate during the same hours can be a problem.

Placement opportunities must be developed for people who can work only in the evening and weekends. Of course, many agencies that need services, such as hospitals and community centers, also need help in off hours. Placements for persons who already work long hours, have two jobs, or have sole responsibility for young children may present greater problems. In some instances, hours may be worked off at the offender's home doing such tasks as sewing, stuffing envelopes, or making telephone calls. Transportation and its costs sometimes are deciding factors in making assignments. Many programs try to arrange placements within 20 or 30 minutes of an offender's home."



Keeping in mind that you must ultimately use whichever approach is most feasible at the time, here are some additional tips for making successful job assignments:

- Think in terms of hours as well as skills. You do this already to a certain extent when assigning "regular" volunteers, but it is especially helpful in cases requiring only a small number of hours of service. What is realistic, given your setting and situation? Is 10 hours too short, or just right for a special one-shot project? As one volunteer coordinator states: "I have developed a plan of how long it takes realistically to do the jobs assigned. I use this instead of a job description because it is easier to make assignments this way."
- Keep in mind the possibility of utilizing a volunteer with a very short placement to help you in the volunteer office. Keep a running list of jobs you would like help with! (This may also be a way to win staff support for utilizing these "volunteers"--putting yourself on the line and proving that it can work successfully.) Or you might try a more direct solution, as described by this program leader: "When one client came with only 10 hours to do, I told him he would have to commit to a longer time with us in order to work at my agency. He agreed to this and I was able to utilize him much more effectively."
- Don't rule out the possibility of the offender staying on after the court obligation is fulfilled--it does happen! If the placement has gone well for everyone you can discuss this with the individual when the required hours have been completed. (Over a 2 year period, 47% of the offenders who successfully completed community service requirements in Solano County, CA worked more hours than required.)
- Be aware of the fact that a co-worker may refer a friend of theirs who has to fulfill a community service order. The co-worker may ask you to do a favor and accept the individual into your volunteer program, yet you may not have an appropriate job available. Avoid this sticky situation by discussing the possibility of it happening with your fellow workers; be honest about your limitations and establish policies that will be followed consistently, no matter who is referred.
- Consider how long it takes you to process an application and make an assignment. Make sure the offender and the referral source understand this part of the placement procedure so that this waiting period is not perceived as a lack of cooperation on the part of you or the offender.
- Think about the thin line between "busy work" and meaningful jobs that really help the agency. This is a philosophical issue that you may want to address in your policy statement in order to help you with future decisions about whether to accept a particular offender. If you are to remain true to the basic integrity of community service sentencing, you may have to refuse certain court-ordered volunteers because you have no real work for them to do.

As with any volunteer job assignment, be creative and think positively. These quotes demonstrate the attitudes of two different types of settings, both of which are successful placement sites:

"Some of the volunteers were initially reluctant to interact with our clientele (the homeless); however, most of them became more comfortable and eventually gravitated to more client-oriented activities/duties. They expressed compassion for the clients and indicated a broader understanding of their own circumstances."

"Most of the court-involved volunteers have worked in the television station's development department. The department has 3 staff people, two of whom directly supervise the volunteers. Since the department has been organized to operate with changing personnel, a variety of jobs and tasks have been assembled requiring easy training, flexible time limits, and semi-independent work habits."

The following letter is an impressive example of how imagination and high expectations can produce wonderful results!

April 16, 1985

Ms. Katie Noyes  
VA Division of Volunteerism  
825 East Broad Street  
Richmond, VA 23219

Dear Katie:

The most effective way to involve Community Restitution Program volunteers is exactly the way to involve all volunteers. Match their abilities, interests, talents to the needs of the facility. Automatically this rules out, in a health facility, any drug-related, child-abuse or other sexual offenders.

The experience in one such facility has been largely with white-collar criminals -- a counterfeiter, several embezzlers, in Police parlance "victimless perps."

The Counterfeiter (300 hours) after being told we could not allow him to do our printing "gratis," used his Italian-language skill to assist in getting medical and psychosocial histories of Italian-speaking patients, then continuing to pay weekly visits with all elderly patients for the three years of his sentence. Since old people so frequently long to return to their native language, Tom's visits were treasured.

The Entertainer (250 hours) has become a recreation specialist. His direct focus is on an intergenerational production of a play where he is working with a specialist in dramatics. He's actively coaching, assisting with direction and production -- plus keeping the third-grade pediatric patients entertained when they're not rehearsing.

(Continued)

The Embezzler Business Executive (1500 hours) used his management skills to set up and maintain a coffee shop inventory/ordering system. He also was particularly alert to shop-lifters whom he handled with great diplomacy.

The Unaware Smuggler-Trucker (500 hours) became aware very quickly of the need for humor in reminiscence for the elderly on a geriatric unit. Not young himself, but very robust, he started visiting four patients on a particular unit. In a short time, hearing the laughter he inspired, a group of as many as 12 patients were trading anecdotes every Tuesday causing staff to remind themselves that humor really does work as medicine. Appetites improved on the unit every Tuesday. During a strike, he trained accounting department desk jockeys how to load and unload foodstuffs quickly, efficiently and painlessly.

Obviously, with more than 40 offenders assigned here over the last six years, I could go on and on with anecdotes. More to your point, the facility has established a reputation among parole officers as a place for real service to an underserved population. Further, we screen, train, supervise and keep precise records and evaluations which we send on a regular basis so that officers know how probationers are performing. The surprise is on the part of those referred here. "What a great way to serve" -- and they don't mean time.

I hope these experiences may be useful in producing the manual you are developing. I think directors need to know court-involved volunteers are volunteers. Their guidelines ought to be the guidelines of the DVS. The only difference occurs before the program is instituted when the facility's guidelines are spelled out to the referral agency.

Good wishes to you for experiences as fine as ours.

Sincerely,

*Fran*

Director  
Volunteer Services



## SUPERVISION

Responses regarding supervision of community service workers included the following:

<u>PROBLEM</u>	<u>ACTION TAKEN</u>
"We have had minor problems with punctuality and attendance; however, all volunteers have performed job tasks above expectations."	"I discuss the problem with the volunteer and renegotiate the schedule if necessary."
"40% are OK, 30% are great, and 30% are lazy (at least on this job). The last 30% frustrate even their peers."	"The last 30% are given an oral warning. If the situation doesn't change, I tell the referring agency. If there is still no change, they are terminated."
"Performance with this type of volunteer is either outstanding or terrible. There does not seem to be much middle ground."	"Try to be firm with a weak performer. We will work with anything but not showing up and not calling. If a situation persists, I won't use the person for a day or two; then he can make a decision about whether to continue or not."
"Volunteers not showing up when they are scheduled to work."	"They should call if they can't make it. They get two chances and then are terminated."
"If the referral source does not have standards which must be met, performance can be a problem."	"Try to include a set of expectations/standards with the job description, to be explained to the offender before placement."
"Some minor problems have been improper dress, eating, drinking or smoking on the job, or bringing a radio to work."	"Such situations have been virtually eliminated since a volunteer handbook has been written. The library's expectations are reviewed point by point with each placement."
"Out of a total of 200 court-referred cases, major problems have been: suspected theft (3 incidents); falsification of time sheets (2 incidents); and an offer of a bribe to accept a contribution to the library in lieu of working the required hours."	"These were difficult to deal with, but the referral agency was helpful in resolving the problems."
"Some of the volunteers have many personal problems."	"The library does not become involved with this. If the problems are so overwhelming that they adversely affect his ability to maintain a schedule of work, he is referred back to the court."

Ideally, supervision should be a shared responsibility, with community placement sites receiving whatever back-up support is needed from the referral source. But even if this is the case, it is often true that additional supervision time is needed for some offenders. Think of ways to adapt: can this load be shared with other volunteers, or rotated among various staff members? Discuss the possibilities honestly with your co-workers before making assignments and obtain frequent feedback on how the arrangements are proceeding.

An important point stressed by many of the programs surveyed is the need to adhere to your stated policies and expectations. Make them clear to everyone and then follow through--without guilt! Consider reiterating the rules in writing to any individuals who need it. There may be a legitimate reason why the offender has erratic attendance--even the best volunteers have occasional emergencies--so your emphasis should be on the need to keep in touch with you should this happen. Keep your tone professional, not punitive.

Supervision is sometimes complicated by the fact that some offenders are given either no time limit in which to complete their hours, or an unrealistic time limit (e.g., 15 hours within 8 months). If this happens you can establish a timetable with the offender that is appropriate for the assignment, the individual's schedule, etc. For example, in the instance cited above, you and the offender might agree on 3 hours a week for 5 weeks as a workable schedule. As long as all parties agree, you certainly have the right to further define the placement in this way. By doing so, you will probably help keep the offender motivated, prevent the court order from dragging out too long, and avoid frustration on everyone's part.

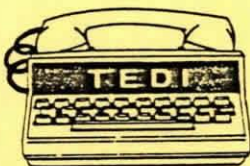
Here are some additional comments regarding supervision:

"Standard of performance has been comparable to other volunteers. In fact, the need for these volunteers to complete service within a specified time sometimes makes them even more available and punctual than others."

"The ones who have real problems accomplishing work are very closely supervised, usually by another volunteer. When I feel they are really slacking off I set up a system whereby they are given a set number of hours for the completion of a project. For instance, if I know a job shouldn't take more than 3 hours to finish, I assign the task with that understanding. But this happens rarely."

"I would like to emphasize that prompt and reliable feedback from agencies is essential to the success of community service programs. If a probationer fails to report when expected or takes an extended leave of absence, the probation officer has no way of knowing this unless he or she is advised by the agency. If an agency waits until the end of the month to report a problem, several weeks may have elapsed and delayed the prompt follow-up by the probation officer."

\* The following page contains a sample letter written to those offenders who were unreliable in their attendance and were violating other rules. The agency which wrote the letter reports that behavior was significantly improved after the letter was received.



TELECOMMUNICATIONS EXCHANGE FOR THE DEAF, INC.  
P.O. Box 508, Village Centre, 756-A Walker Road  
Great Falls, Virginia 22066  
TDD/V (703) 759-2993

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Dear \_\_\_\_\_:

TEDI has participated in the community service program through various courts and volunteer centers for over four years. The program is most useful and TEDI provides the vehicle which allows individuals to repay their debts to society. Unfortunately, your behavior has not been in keeping with the rules and regulations which govern the program as well as with TEDI's administrative procedures.

At the time of your initial interview at TEDI the procedures were fully explained to you and you gave us your assurance that you would comply with the rules. Such items as timeliness, dependability, and performance were discussed and mutually agreed upon. Moreover, the sign-in log was reviewed and you agreed to enter the time of arrival, time of departure, total number of hours worked, and your TEDI number instead of a signature or initials.

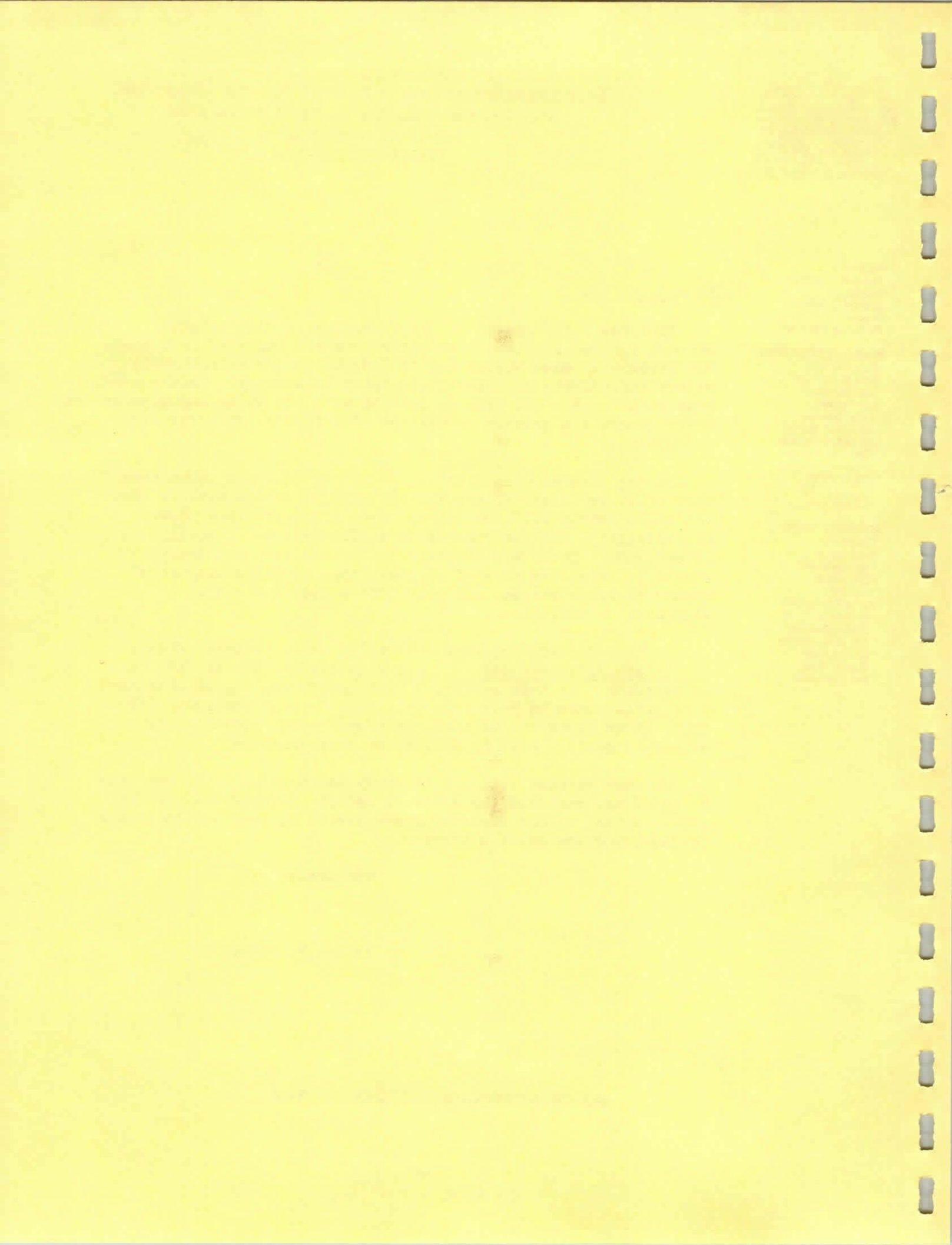
We have already informed you orally that, because of your (state deficiencies), our schedule has become difficult to maintain. By this letter, I must inform you that a continued poor performance on your part will lead to your dismissal from TEDI. Your probation officer, or proper court official, or volunteer center, will be advised of that decision.

We want to work with you in every way possible. We can only do so if you maintain the attitude and the dependability which are essential to the successful completion of your participation in the community service program.

Sincerely,

Esther R. Schaeffer

SERVING WASHINGTON METROPOLITAN AREA





## STAFF RESISTANCE/SUPPORT

Most of the comments made by agencies utilizing court-referred workers did not cite staff resistance as a problem. Typical responses were that staff was delighted with the contributions made by these individuals and regarded the benefits as well worth any occasional problem. However, some did mention staff-related concerns such as these:

<u>PROBLEM</u>	<u>ACTION TAKEN</u>
"Staff's fear about the honesty of court-referred volunteers."	"Try to keep a low profile about who is court-referred, with general reminders about being careful with belongings."
"Staff wants to know what the offense was."	"Our policy is that only I and my secretary know which volunteers are court-referred. Staff is reassured that we are receiving only those types of offenders that fit our guidelines."
"Staff did not know exactly what to expect and demand from these volunteers."	"Have done some in-service training with staff. Provided them with a copy of our manual and clarified the roles of everyone. Let staff know they did not have to put up with a lot of grief from any volunteer."
"My staff is made up of all women. When I have male offenders working, the staff is usually uneasy."	"I will not use male offenders in the Center unless I am here all the time. If I have to be gone, I will ask the person not to come to work on that particular day."

One federal probation officer pointed out the irony of some administrators' objections to community service placements in their agencies:

"Occasionally, boards of directors of agencies will be reluctant to receive court-referred volunteers, presuming that such volunteers automatically pose some greater risk to their agency's functioning. Occasionally, agencies might be concerned about their public image and, although willing to participate, might not want it to be public knowledge that probationers are assisting. It is interesting that on occasion an agency will decline to cooperate but then, several months later, when a friend of a member of the board of directors has been found guilty of failing to file tax returns, the agency sees no problems with accepting that person's services as a court-referred volunteer."

As with "regular" volunteer/staff relationships, there are several things you can do to ease tension and promote positive feelings. If you are just beginning to explore the idea of utilizing court-referred individuals,

approach it the same way you might sell the idea of volunteers in general; involve staff and top administration in the early stages of planning; present facts to help dissolve old stereotypes and confusion; begin slowly by accepting only one offender and then evaluate the experience; solicit and give regular feedback. The basic rule still applies: your attitude toward the whole idea is the key!

Another idea is to invite a couple of staff members from another agency or program who have successfully supervised this type of volunteer to come and share their experiences with your staff. Ask a representative of the referral source you are planning to work with to attend a staff meeting to answer questions.

Above all, emphasize the success cases and let staff know how problems are being handled. Don't attempt to win over everyone in the beginning; concentrate on involving those who are already supportive of your volunteers, and then they can help sell the idea to their skeptical peers.

\* The following page describes a short film about court-ordered community service that is available for use in orientation or training sessions.

SENTENCED TO HELP OTHERS

"Sentenced to Help Others" is a vivid description of the use of community service as a sanction for criminal offenders. From sentencing to work completion, this quick-paced video explores critical aspects of community service sentencing, incorporating interviews with judges, visits to worksites, and offenders' comments. Combining both philosophy and process, "Sentenced to Help Others" is suitable for use as both general information, and as a training tool.

Originally produced by a team of Los Angeles industry professionals with a variety of community service assignments, "Sentenced to Help Others" was recently re-edited to a length of 15 minutes. Copies may be purchased or rented - please see the order form below.

Community service sentencing is a vital part of today's criminal justice system. In California, community service is used as restitution, and as an alternative to jail and fines. Each year, 150,000 adult and juvenile offenders perform seven million hours, valued at over \$23 million, for 15,000 public and charitable agencies.

Send to CLASP, 523 Fourth Street, Suite 207, San Rafael, CA 94901  
Telephone (415) 459-2234

SENTENCED TO HELP OTHERS - ORDER FORM

Rental Rates (per week, includes one-way postage. Return postage insured to \$100 required)

\_\_\_ Regular \$15 + \$70 deposit, refunded upon return of tape.

\_\_\_ CLASP Program Members \$5, no deposit required.

Purchase Rates (includes postage and handling)

\_\_\_ Regular \$85 (1/2 VHS only)

\_\_\_ CLASP Program Members \$75 (1/2 VHS only)

\_\_\_ Exchange for original version \$25 (must send old tape; time limited offer)

Rental Dates Required:  
 1/2 VHS    1/2 Beta    3/4

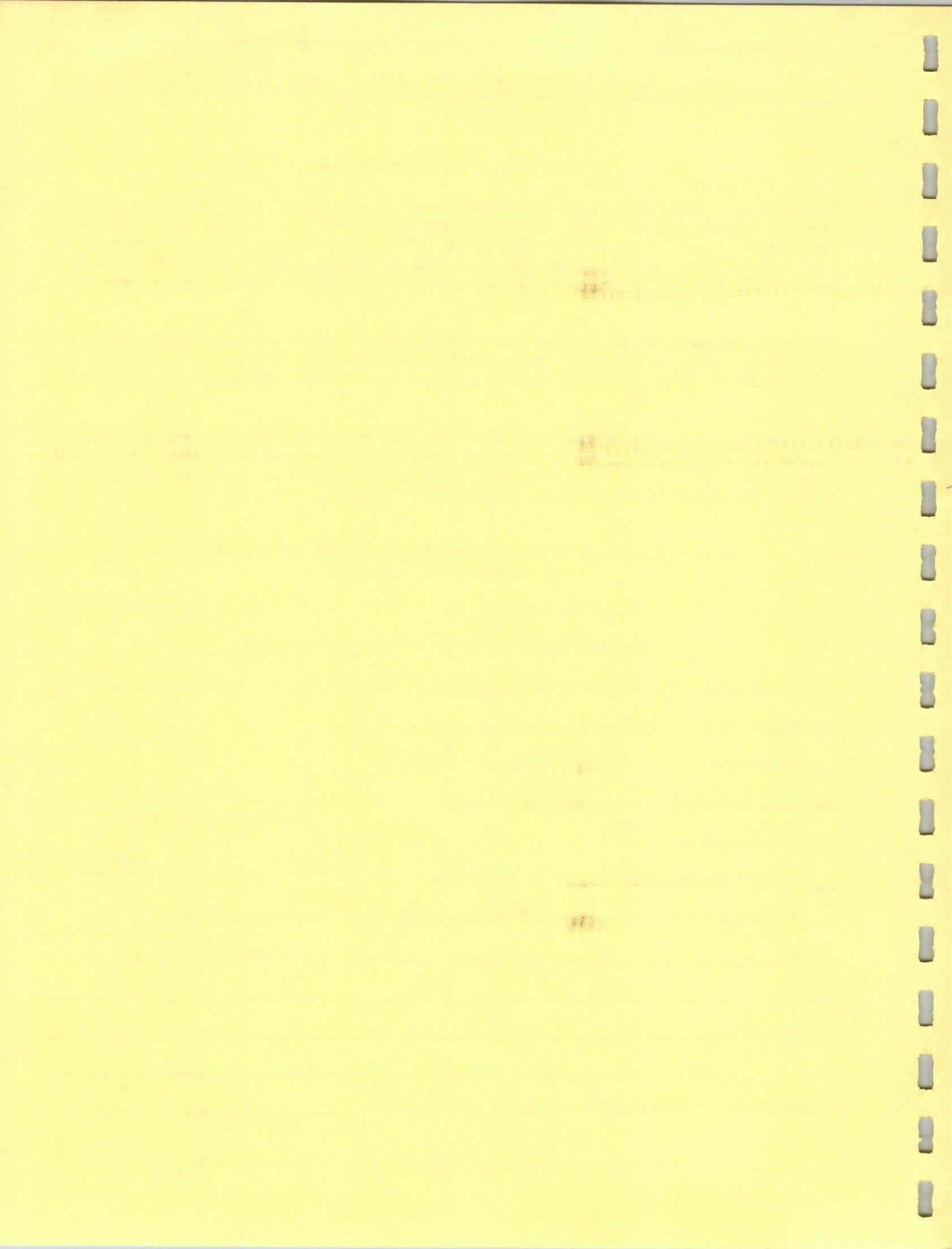
NAME \_\_\_\_\_ PHONE(\_\_\_\_) \_\_\_\_\_

AGENCY \_\_\_\_\_

ADDRESS \_\_\_\_\_

I hereby agree to the above rental terms and conditions \_\_\_\_\_  
Signature

CLASP, 523 Fourth Street, Suite 207, San Rafael, CA 94901



## RECORDKEEPING

Depending on which referral source you are dealing with, you may be faced with one or more of these recordkeeping situations:

- You are required to submit a monthly report of the offender's progress.
- You are required to submit a final report only, stating that the hours were successfully completed.
- The forms are supplied by the referral source for your use.
- You are expected to develop your own forms to fulfill whatever type of reporting is required.

There is sometimes room for negotiation on this. For instance, if you have already developed a standard monthly report form that you use in some cases, the referral source that has its own form may be willing to accept yours instead if such consistency makes it easier for you.

It is important to share recordkeeping expectations when you are making initial agreements with a referral source, thus avoiding surprises later on. Volunteer programs that are loosely structured without much formal recordkeeping may need to spend a little more time on this task in order to comply with the court's need for documentation. On the other hand, many agencies can simply send a copy of their regular timesheets, reports, etc. to the referral source without having to do much extra paperwork. Try to work out a reasonable compromise if the court requirements do not fit into your current recordkeeping procedures.

These two additional suggestions were offered by survey respondents:

"Court-referred volunteers are responsible for recording their own hours, just like other volunteers; but they must have them verified by a staff member who initials each day's entry of hours."

"I keep the volunteers' names, hours, and unit assignments posted on my calendar. This helps me remember who was assigned where so that I don't give too many of this type of volunteer to any one supervisor."

In addition to meeting court requirements, think about what type of internal statistics you want to keep, and how data would be incorporated into your monthly or annual agency reports. This may be a little complicated if your agency has established a policy that court-ordered community service workers are not volunteers and should not be counted as volunteer statistics. If this is the case, you may have to create a new category for "community service workers" in order to document your utilization of these persons.

A few programs also use a different term (such as "service worker") to refer to the court-ordered individuals in all contexts, contending that both staff and "regular" volunteers feel more comfortable distinguishing these people as a different type of worker. Again, this is a practice which relates to

the overall philosophy about how these workers should be incorporated. While such labeling may seem to make things easier in the beginning, it does verge on being a violation of privacy and may in fact contribute to a negative attitude on the part of the offender. Decisions about definitions and terminology--both on paper for recordkeeping purposes and in practice--must be made carefully and with sensitivity.

\* The following pages contain these samples of various recordkeeping tools:

- A. A Work-Site Referral and Report Form
- B. A Monthly Performance Report Form
- C. Community Service Assignment Report
- D. Probation department referral form, time sheet, and final report.

WORK-Site Referral

Chesterfield County/Colonial Heights  
Hopewell/Prince George  
Community Diversion Program  
P. O. Box 40  
Chesterfield, Virginia 23832  
(804) 748-1303

Reply to:  Coordinator  
 Casemanager

Date: \_\_\_\_\_

TO: \_\_\_\_\_

Name: \_\_\_\_\_

Case: \_\_\_\_\_

Dear Colleague:

\_\_\_\_\_ has been referred to your agency to perform \_\_\_\_\_  
hours /days of service. The work must be completed by \_\_\_\_\_  
(date).

- Please:
- 1) Log the hours worked on other side of this form;
  - 2) Sign for verification with full name;
  - 3) Indicate nature of work performed;
  - 4) Indicate position of person signing for work done;
  - 5) Return this form upon completion of time. (Without verification from you, our mutual client will be summoned back to Court to explain his/her failure to comply with the Judge's order).

Although it's optional, we and the Courts would greatly appreciate hearing your comments about this person and/or the program in general. Please call me if there are any questions or needs. The above client has been directed to contact your agency for a screening within 7 days. After 10 working days or upon contact with the client, please return the section below.

Sincerely,

\_\_\_\_\_  
Coordinator  
Casemanager

- (Detach and return) -----
- Was screened on \_\_\_\_\_ and found acceptable and was placed with  
\_\_\_\_\_ and will begin on \_\_\_\_\_ to work \_\_\_\_\_ hours  
a week doing \_\_\_\_\_. We estimate completion by \_\_\_\_\_.
- Was screened on \_\_\_\_\_ and found unacceptable due to:  
\_\_\_\_\_
- Failed to contact us

Work-site supervisor \_\_\_\_\_

CASE NO: \_\_\_\_\_

Client name: \_\_\_\_\_

WORK-SITE REFERRAL FORM  
(Continued)

Chesterfield/Colonial Heights/Hopewell/Prince George Community  
Diversion Incentive Program

Client's name: \_\_\_\_\_  
 What kind of work was performed? \_\_\_\_\_  
 \_\_\_\_\_

What is your impression of this person and his/her experience with  
 your agency? \_\_\_\_\_  
 \_\_\_\_\_

Your Agency \_\_\_\_\_  
 Your Name \_\_\_\_\_ Position \_\_\_\_\_

Date	Hours worked	Verification	Date	Hours worked	Verification
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____	_____
Subtotal			Subtotal		
_____			_____		
			Other column		
			_____		
			Total		
			_____		

To: \_\_\_\_\_ Address: CDIP -- P.O. Box 40  
Chesterfield, VA 23832

From: \_\_\_\_\_ Address: \_\_\_\_\_  
 \_\_\_\_\_



The Volunteer Center  
1546 S. Brownlee  
Corpus Christi, Texas 78404

MONTHLY PERFORMANCE REPORT

REPORT FOR THE MONTH OF \_\_\_\_\_, 19 \_\_\_\_\_

TO:

DATE:

FROM:

RE:

REMARKS: Participant completed \_\_\_\_\_ hours of volunteer community service  
restitution at \_\_\_\_\_ during the month  
of \_\_\_\_\_. To date, \_\_\_\_\_ hours have been completed  
of the assigned \_\_\_\_\_ hours of volunteer community service restitution  
which are scheduled to be completed by \_\_\_\_\_.

ADDITIONAL COMMENTS:

9/82

ANYCOURT OF ANYSTATE

COMMUNITY SERVICE ASSIGNMENT

Defendant's Agreement

Name \_\_\_\_\_  
 (last, first, middle initial)  
 Date assigned \_\_\_\_\_ Judge \_\_\_\_\_  
 Case # \_\_\_\_\_ Offense \_\_\_\_\_  
 Type of Sentence:  
 In lieu of fine/ / jail/ / juv detention/ /  
 adult supervised probation/ /  
 Other/ /includes add-on, diversion, independant  
 Probation: Conditional release/ / Supervised/ /  
 None/ /  
 Probation expires \_\_\_\_\_

Special instructions of the Court:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I understand the terms and conditions of my community service assignment to be as follows:

I AM TO PERFORM \_\_\_\_\_ HOURS OF SERVICE. I UNDERSTAND THE ASSIGNMENT MUST BE COMPLETED BY \_\_\_\_\_.

I AM TO REPORT IMMEDIATELY TO THE COMMUNITY SERVICE PROGRAM TO ARRANGE MY WORK.

I WILL REPORT TO WORK AS ASSIGNED, AND I WILL PERFORM AT A SATISFACTORY LEVEL OF SERVICE.

I UNDERSTAND THAT FAILURE TO COMPLY WITH ANY OF THE ABOVE TERMS AND CONDITIONS MAY CONSTITUTE A VIOLATION OF A COURT ORDER, RESULTING IN THE RETURNING OF THIS REFERRAL TO THE COURT AT ANY TIME FOR FURTHER DISPOSITION, AND THAT THIS ACTION MAY RESULT IN THE ISSUANCE OF A BENCH WARRANT FOR MY ARREST.

Signature \_\_\_\_\_

Mailing address \_\_\_\_\_

Date of Birth \_\_\_\_\_

\* \* \* \* \*

COMMUNITY SERVICE ASSIGNMENT REPORT

To: COURT CLERK, (Judge or division)  
 From: COMMUNITY SERVICE SENTENCE PROGRAM, (staff member)  
 Date:

- // 1. Completed assignment
- // 2. Completed assignment with exceptional performance or extra hours.
- // 3. Completed \_\_\_\_\_ hours, sentence modified \_\_\_\_\_ for fine/jail on balance.  
(date)
- // 4. Paid fine/served jail sentence. Sentence modified \_\_\_\_\_.  
(date)
- // 5. Did not appear for interview or complete placement process.
- // 6. Did not appear for work as arranged.
- // 7. Performed \_\_\_\_\_ hours, but failed to complete assignment.
- // 8. Case recalled/returned to court for other disposition. Sentence modified \_\_\_\_\_.  
(date)

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

LABORATORY REPORT

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Section: \_\_\_\_\_

Experiment: \_\_\_\_\_

Topic: \_\_\_\_\_

Objective: \_\_\_\_\_

Introduction: \_\_\_\_\_

Procedure: \_\_\_\_\_

Results: \_\_\_\_\_

Discussion: \_\_\_\_\_

Conclusion: \_\_\_\_\_

References: \_\_\_\_\_

Appendix: \_\_\_\_\_

Notes: \_\_\_\_\_

Summary: \_\_\_\_\_

Comments: \_\_\_\_\_

Grading: \_\_\_\_\_

Signature: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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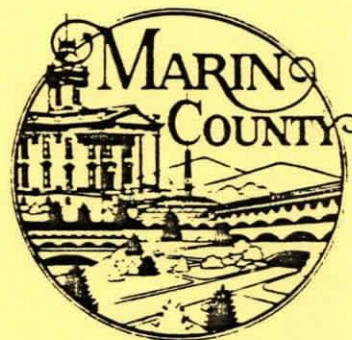
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

JAMES B. SOETAERT  
CHIEF PROBATION OFFICER  
RONALD G. BAYLO  
CHIEF DEPUTY PROBATION OFFICER

# Probation Department



To:

Date:

Dear Colleague:

\_\_\_\_\_ has been referred to you for the performance of a Community Service assignment. He/she may be reached at \_\_\_\_\_ (phone) \_\_\_\_\_ pursuant to our phone conversation of \_\_\_\_\_ with \_\_\_\_\_. \_\_\_\_\_ referred for screening interview as we were unable to reach you. (Client has been directed to contact you). \_\_\_\_\_ other:

You are under no obligation to accept this worker nor to retain him/her at any point if he/she is unsuitable for work with your agency, or if you are unable to provide work for him/her at this time.

### Agency Responsibilities

To make clear your expectations including the worker's responsibilities and schedule.  
To keep accurate track of all hours worked.  
To return the timesheet to ASP by the completion date with all requested information.  
TIMESHEETS MUST BE COMPLETED AND RETURNED EVEN IF WORKER DID NO HOURS.

### Client/ Worker Responsibilities

To perform assigned hours of Community Service by completion date.  
To perform at a satisfactory level of service.  
To report for work as agreed, or to call if an emergency prevents this.  
To keep accurate track of all hours worked, and to make certain verification is forwarded to ASP by the completion date.

Credit may be given for lunch periods and rest breaks required by law. For shifts of five hours or more, a thirty minute lunch break is acceptable. For every two hours worked, a ten minute break may be taken.

"Extra Credit" or credit for travel time is not allowed except in highly unusual circumstances that have the prior approval of the ASP Program Coordinator.

PLEASE CALL ME IF YOU HAVE ANY QUESTIONS OR CONCERNS. We are here to help you, your agency and your ASP workers in making this assignment a successful experience.

I am generally in the office as follows:

Monday-
Tuesday-
Wednesday-
Thursday-
Friday-

\_\_\_\_\_  
Interviewer/Caseworker

ALTERNATIVE SENTENCE PROGRAM, ROOM 175 - CIVIC CENTER - SAN RAFAEL, CA 94903 (415) 499 - 66

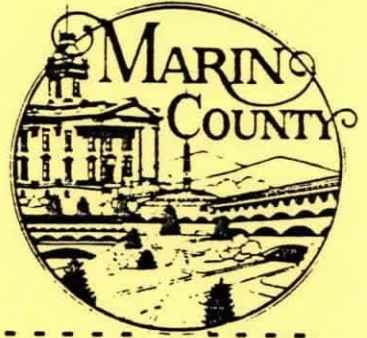


PROGRESS REPORT

JAMES B. SOETAERT  
CHIEF PROBATION OFFICER  
RONALD G. BAYLO  
CHIEF DEPUTY PROBATION OFFICER

# Probation Department

ALTERNATIVE SENTENCE PROGRAM



To:

Date:

From:

Phone:

Re:

-----  
THIS IS AN / /UPDATE / /FINAL REPORT. #Hrs assigned \_\_\_\_\_ Completion date \_\_\_\_\_

/ / Referred to \_\_\_\_\_ on \_\_\_\_\_ / / but failed to report for work.

(date)

/ / and worked \_\_\_\_\_ hours, but failed to return.

/ / Assignment completed at \_\_\_\_\_ \* / / Last day worked \_\_\_\_\_.

/ / Has not reported to ASP for placement, will close case \_\_\_\_\_.

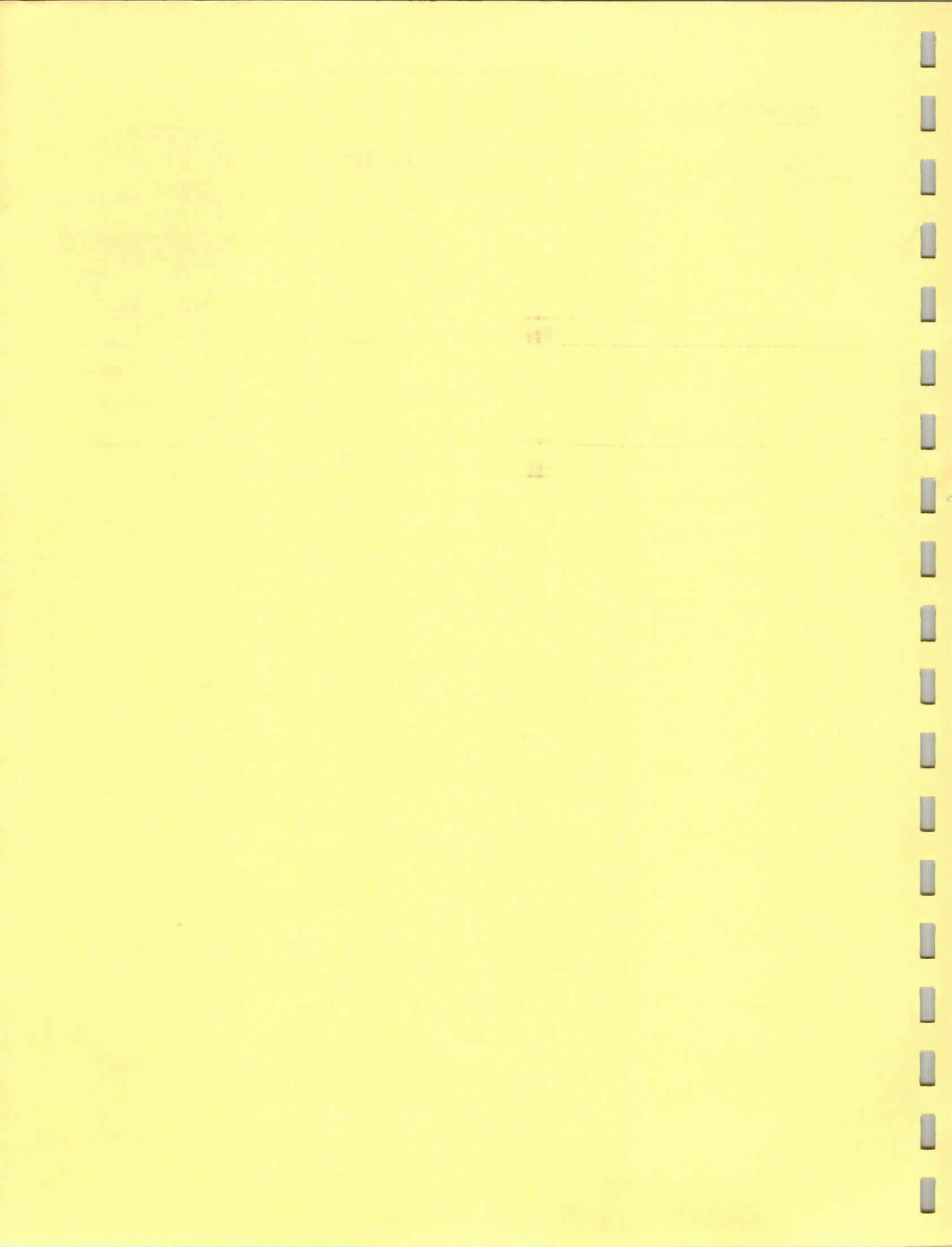
/ / Has not reported to ASP\*:

\* / / Case closed \_\_\_\_\_.

/ / See attached.

/ / Comments:

ASP #26



## A WORD ABOUT RECOGNITION

Your approach to recognition of these "volunteers" depends on your overall philosophy about court-ordered community service. If you stress the punishment aspect, then recognition is hardly necessary. If you stress the community service and learning aspects, then recognition of some type is probably appropriate.

Should you decide to offer some type of recognition it is usually best to do it immediately upon completion of hours. This will have the greatest effect, and maintains some degree of distinction between these workers and your "regular" volunteers. You probably do not want to invite short-term workers to your annual banquet or picnic; but you might want to include a community service worker who is putting in several hundred hours and has become a well-known member of your program. For any individual who has done competent work and has made a positive contribution to your agency, a nice form of recognition may simply be a letter of thanks on agency letterhead and the offer of a good reference if needed in the future.



## PART III: The Volunteer Center Perspective

While a great deal of the preceeding material is applicable to Volunteer Centers, there are some unique problems and concerns which this type of agency faces because they become both a "receiving" and a "referring" agency.

The comments below are from Volunteer Center directors and staff around the country. They highlight many of the common frustrations encountered by VC's and offer several viable remedies that have been tried successfully.

<u>PROBLEM</u>	<u>ACTION TAKEN</u>
"Volunteers are usually in a hurry for placement, having left it to the last minute."	"We do our best, but make it clear that the volunteer is responsible for lining up the placement, not us. We act only as referral agents."
"An individual comes to us for placement as a 'regular' volunteer without revealing the court involvement."	"We have tightened our interview questions by including, "Who referred you to us?", "Why are you volunteering at this time?", etc."
"The probation officer assumes no responsibility after making the referral to us; or the client may be confused about the number of hours ordered. This is especially likely to happen if the offense occurred out of town and the P.O. is not local."	"We give the client ideas about possible placement sites (after checking with the agencies we are suggesting); the burden then rests with the client to keep the P.O. informed."
"Referrals from the Commonwealth Attorney's Office often bring these problems: too short a time span is allowed for completion of hours; an unrealistically small number of hours is assigned."	"We try to negotiate extended periods on a case-by-case basis, either increasing the number of hours or the time limit for completion. We are not always successful at doing this because there is a tendency to regard community service as a punishment and to overlook the agencies' needs in the process."
"Individual P.O.'s are looking for different experiences for the client--some want direct service work when the client is not suitable, some want the work to be hard and tedious, some want the client in a position where he can acquire skills."	"The Volunteer Bureau has established a good working relationship with the Director of the Adult Probation Office and we have periodic meetings to revise procedures and to air problems."
"Our large local refugee population frequently involves placement of non-English speaking clients."	"Friends or family members act as interpreters. Jobs are found that require a minimum of direction or supervision, such as sewing at home."
"Communication with the court was difficult when no P.O. was assigned."	"We instituted quarterly meetings with court personnel and with the community service program coordinator. New forms were developed to give everyone the same information."

(continued)

"Difficult to find worksites with adequate supervision on weekends, to fit the schedule and skills of court-referred construction workers."

"It is sometimes difficult to collect reports of hours (time sheets) from weekend sites or from non-supervisor personnel."

"If clients come to us on their own initiative, there is occasionally a tendency to regard the process as something they can take or leave; there is no enforcement authority to back us up."

"Many local defense attorneys send clients to us prior to sentencing--either for placement where they can begin work in order to build up a positive record to take before the judge, or for evaluation and testimony. This requires a lot of work that is often wasted."

"We located some agency renovation projects as work sites and provided several construction worker offenders as a multi-skilled team. Because the agency was getting such tangible work done, staff was willing to provide weekend supervision on a one-shot basis."

"This improved after we visited agencies and developed a better understanding of their situation; they also were more understanding of our needs."

"We are devising a 'contract' agreement which clients will be asked to sign, specifying time limits for placement and for working off the assigned hours."

"At this point we refuse to develop 'pre-sentence plans' for execution after sentencing, although we will place offenders in work sites prior to sentencing."

#### Other Comments:

"Because our agreement with district, circuit, juvenile and federal courts is formal, we do not accept anyone who has not come to us through 'our system.' It is simply less confusing for all concerned if they are referred through their court, via a probation officer."

"This VAC handles cases ranging from simple shop-lifting to felons dealing in hard drugs. We have the option to reject an assignment, which we rarely do. On the other hand, we return candidates to the court when it becomes apparent that the offender is not going to be an appropriate alternative service candidate. We do not allow candidates to 'get away with it'."

"We have a flexible program with our juvenile court because of the unique nature of each case we receive. We try to look carefully at each case and not mass produce placements, particularly for juveniles. Our court services coordinator will discuss possible placements with the P.O. before offering final choices to the youth in question. Often the schools will cooperate by taking a youth and finding appropriate services for him/her to perform. This solves the problems of supervision, transportation, etc."

"A staff member of the VAC makes a weekly check on volunteers' activities at the placement agency and a monthly report to the probation department to reassure the availability of services and the constant desire to be of assistance."

"Matching skills to openings available is something to which we are very committed: if this is accomplished, everyone seems to have a more positive attitude. We have recently approached township, city and county parks, and public works departments for outdoor, unskilled placements as we seem to have a preponderance of probationers who are ages 17-25 with no discernable skills but who need placement for at least 16 hours."

In many communities around the country, Volunteer Centers have become a conduit through which offenders are directed to community service placements. In Virginia, many of the Volunteer Centers have some type of formal agreement with local courts to coordinate this process. Experience has shown that this type of arrangement can be of significant benefit to both court personnel and the receiving agencies because:

- court officials have only one person/agency to deal with, rather than a myriad of placement sites;
- recordkeeping is centralized, ensuring a more effective flow of information;
- the Volunteer Center may do a better job of pre-screening offenders because its staff is more aware of placement opportunities and volunteer program management concerns;
- the Volunteer Center may be in a better position to set policies and establish good working relationships with court personnel and the judiciary.

Once again, there are those who would debate the question of whether Volunteer Centers should be providing this type of service at all. But many Centers have found this to be a constructive and very productive way to facilitate the smooth implementation of community service sentencing, while at the same time acting as a catalyst for proactive responses from their volunteer program constituents.

In addition to the specific day-to-day procedures for handling court-referred placements, there are broader issues and concerns for Volunteer Centers which must be wrestled with and clarified. These include the following:

- How to keep the agencies' point of view before judges, attorneys, probation officers, etc. through education, training, regular meetings, or other methods.
- How best to work with volunteer programs and agencies to help them become receptive to placements.
- The temptation is sometimes felt to do some "informal counseling" with an offender who is having problems in order to try and save the placement and achieve success. Is this intermediary role appropriate?

- How much background information on an offender is needed in order to make a good placement? What is appropriate and fair to share with the receiving agency?
- How to deal with the fact that courts or attorneys may ask advice on what type of assignment would be possible and how many hours would be appropriate for an individual. Should the VC play such an advisory role?
- The issue of charging the offender a fee for placement services. (Some VC's are doing this, while others feel it is inappropriate.) The bottom-line question is: who is paying for the man-hour cost of placement?

Each of these concerns is substantial and complex, warranting a great deal of discussion and experimentation. The role of Volunteer Centers in the overall practice of community service sentencing is tied closely to many of the philosophical questions mentioned elsewhere in this guidebook, and is further complicated by the fact that many VC's are reassessing their greater function and relationship to the volunteer community.

One idea which seems to address many facets of these serious issues is for the VC to initiate and/or participate in a community-wide (or region-wide) task force. Such a group might include representatives of the local Bar Association, court and corrections personnel, members of the judiciary, staff from local CDI and OAR programs, and leaders of volunteer programs. Through regular well-run meetings such a group could increase understanding and communication among all these various parties, and hopefully progress to the point of formulating policy decisions which take into account all perspectives. Yes, such a collective effort may be painfully slow to gain momentum, and progress may be virtually imperceptible at first. But the potential for successful resolution of many of the dilemmas now facing us is great.

\* The following pages contain sample materials used by Volunteer Centers to implement effective community service placements:

- A. Policy statement for accepting court-referred "volunteers"
- B. Procedures for Alternative Service Volunteer Placement
- C. Organization Waiver and Release
- D. Follow-up report to the court
- E. Volunteer Registration Form
- F. Fee Agreement
- G. Court Referral Program Agreement
- H. Memorandum of Agreement



**VOLUNTARY ACTION CENTER OF FAIRFAX COUNTY AREA, INC.**  
 10530 PAGE AVE.  
 FAIRFAX, VA. 22030 • [703] 691-3460

VOLUNTARY ACTION CENTER OF FAIRFAX COUNTY AREA, INC.  
 Policy for accepting Court-Referrred Volunteer

- I. The Voluntary Action Center supports the principle goals of Alternative Service Programs, community restitution and the rehabilitation of the participant.
- II. The talents and skills of the alternative participant should measurably assist the Voluntary Action Center in carrying out its primary mission, coordinating volunteer efforts in Fairfax County.
- III. The Voluntary Action Center is willing to place alternative service participants in a public service role and provide effective supervision and utilization.

Criteria and Procedures for Acceptance of Alternative Service Participants:

- A. The Voluntary Action Center will accept referrals from Probation Officers of any jurisdiction and Court Community Service Programs of any jurisdiction.
  - B. The Executive Director and the Volunteer Coordinator will share the responsibility for screening and supervising the alternative service participant. The Executive Director will be responsible for the acceptance and placement.
  - C. The screening procedure may take two weeks.
  - D. The Voluntary Action Center will accept an alternative participant with any amount of hours.
  - E. The Voluntary Action Center will not accept alternative service participants convicted of crimes committed with a weapon or physical coercion.
- IV. Confidentiality
- A. The Voluntary Action Center requires as much information as possible to ascertain the level of supervision necessary, possible problems or inappropriate behavior and possible conflicts of schedule due to other court ordered programs. Our center will obtain waivers to have this information released to Executive Director and Volunteer Coordinator. All details will be kept confidential.

V. Communication with source of referral of alternative service participant.

- A. The source of referral will provide the Voluntary Action Center with the name, phone, and address of persons responsible for the case.
- B. The Voluntary Action Center will use its own record keeping system, unless source of referral requires and provides its own form.
- C. The Voluntary Action Center will have an agreed upon procedure with the referral agency, if the alternative service participant fails to report for work or is otherwise unsatisfactory.

The Voluntary Action Center may terminate the service agreement, if it finds the alternative service participant's work performance unsatisfactory or attitude toward work inappropriate.

VI. Relationship of alternative service program to regular program.

The Voluntary Action Center will follow same general procedures for the Alternative Service Program as for their regular volunteer program.

The number of alternative service participants the Voluntary Action Center can accept at any one time will be at the discretion of the Executive Director and based on skills of participants, Agency work load, and staffing level.



**VOLUNTARY ACTION CENTER OF FAIRFAX COUNTY AREA, INC.**  
10530 PAGE AVE.  
FAIRFAX, VA. 22030 • [703] 691-3460

PROCEDURE FOR ALTERNATIVE SERVICE VOLUNTEER PLACEMENT

1. In case of misdemeanants a lawyer or client contracts the Voluntary Action Center office when community service is ordered by the court or they anticipate community service will be ordered in lieu of prosecution, jail, or fine, and client does not meet criteria for placement in any other Community Service programs in Fairfax County.
2. When community service is contemplated by the U.S. Probation Office for a Fairfax County resident, the client is evaluated for placement by our office and several agencies are suggested to the U.S. Probation Officer. A written synopsis on case is required in felony cases. After sentencing, the placement procedure is continued.
3. If community service is a condition of state probation, the background of the client is confirmed by a copy of the pre-sentence investigation report.
4. All perspective Alternative Service Clients are personally interviewed at least once.
5. At the time of the interview, emphasize the confidentiality of information and establish:
  - a) Client's schedule and time available for volunteer community service
  - b) Client's interests and skills as well as past work and volunteer experience
  - c) Client's other responsibilities - restitution, family, and therapy which might affect time commitment
  - d) Client's transportation and situation and any physical or emotional limitations that might affect volunteer assignment
  - e) What will be expected of the client in volunteer role
6. Explain why it is necessary for release of nature of offense to the accepting agency. Stress that only the supervisory person will know why client is volunteering.
7. Have client sign the release form.
8. Review the offense with the client.
9. Explore possible volunteer openings matching-up all needs involved, location, time available, skills, and constraints if any.
10. Call agency and sound them out about accepting the Alternative Service Volunteer - do not give client's name at this stage. Make sure you have a signed release form before giving out any information whatsoever.



11. Having established that a suitable agency will consider applicant and if it seems like a match, leave responsibility for contacting the agency with the client to make appointments, etc. Inform the agency that this stage has been reached and give the client's name.
12. Stress that nothing is final in these arrangements. The agency can turn down the applicant or the applicant can turn down the agency at the interview or during the training stage. If the hours prove to be incompatible with the client's work situation, ask the client to call us again and we will try to help rearrange things. Recommendations from one program may make it possible to move a client into another program when there are a large number of hours to be completed over several years probation.
13. VAC confirms all hours worked by phone with the agency once a month.
14. VAC reports all hours to the client's Probation Officer once a month.
15. VAC confirms by letter the completion of Community Service to the Probation Officer, Judge, and/or client.



ORGANIZATION WAIVER AND RELEASE

I, \_\_\_\_\_, hereby authorize the Voluntary Action Center of Fairfax County Area, Inc., to release to the appropriate individual information concerning my:

1. Offense and sentence
2. Prior record
3. Brief social background
4. Psychiatric or psychologist's summary

for purposes of my participation in a volunteer program of a public or private non-profit agency as a condition of probation. The Voluntary Action Center will serve as a point of coordination between the volunteer program and the court. The Center will oversee my regular and satisfactory participation in the program and will verify this to the court on a regular basis.

In consideration for participation in the Alternative Service Program, I hereby, for myself, my heirs, administrators, release and discharge the Voluntary Action Center, the assigned agency and its employees and agents from all claims, demands, and actions for injury sustained to my person and/or property during my participation in community service. I also agree to accept sole responsibility and liability for any injury or damage to a third party resulting from my act(s) or omission(s) and I agree to hold the Voluntary Action Center, the assigned agency and its employees and officials harmless from any lawsuit or claim arising therefrom, and I agree to indemnify the Voluntary Action Center, the assigned agency and, its employees and officials in the full amount of any judgment obtained or any expense incurred as a result of my actions. I certify that my attendance and participation in this program is voluntary and that I am not, in any way, an employee, servant or agent of the Voluntary Action Center and the assigned agency.

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

\_\_\_\_\_  
 Alternative Service Participant

\_\_\_\_\_  
 Date

WITNESS \_\_\_\_\_  
 \_\_\_\_\_



VOLUNTARY ACTION CENTER OF THE PRINCE WILLIAM AREA, INC.  
9035 CENTER STREET  
MANASSAS, VIRGINIA 22110  
(703) 369-5292

To: The General District Court of the 31st District

\_\_\_\_\_ reported to the Voluntary  
Action Center on \_\_\_\_\_ for placement to perform  
\_\_\_\_\_ hours of Alternative Service. \_\_\_\_\_

has been placed with \_\_\_\_\_  
for this community service. The Court will be notified  
of non-compliance in accordance with the Alternative  
Sentencing Policy of the Court. The Court will also be  
notified on completion of the assigned service.

Donald T. Poe  
Director

Docket No:

Date Entered:

Volunteer Registration Form



VOLUNTARY ACTION CENTER OF FAIRFAX COUNTY AREA, INC.  
10530 PAGE AVE.  
FAIRFAX, VA. 22030 • [703] 691-3460

"WHATEVER YOU CAN DO OR DREAM YOU CAN DO, BEGIN IT. BOLDNESS HAS GENIUS, POWER AND MAGIC IN IT." Goethe

NAME \_\_\_\_\_ DATE \_\_\_\_\_  
HOME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
Street City Zip Code Home Phone

How long have you lived in Fairfax County? \_\_\_\_\_

Occupation \_\_\_\_\_ Location \_\_\_\_\_ Phone \_\_\_\_\_

Circle Age  
13 14 15 16 (17-18) (19-22) (23-29) (30-45) (46-55) (55 and over)

Race/Ethnic:\* Caucasian \_\_\_ Black \_\_\_ Hispanic \_\_\_ American Indian \_\_\_ Oriental \_\_\_

\*This information is obtained for statistical purposes only.

Education: High School \_\_\_ College \_\_\_ Grad School \_\_\_ Major Field \_\_\_\_\_

I SPECIAL TRAINING AND SKILLS \_\_\_\_\_

THINGS YOU LIKE TO DO \_\_\_\_\_

II GROUPS OR INDIVIDUALS YOU WOULD LIKE TO WORK WITH:

<input type="checkbox"/> Pre-school	<input type="checkbox"/> Hospital/Medical	<input type="checkbox"/> Offenders
<input type="checkbox"/> School Children	<input type="checkbox"/> Mentally Ill	<input type="checkbox"/> Drugs
<input type="checkbox"/> Teens	<input type="checkbox"/> Mentally retarded	<input type="checkbox"/> Alcohol
<input type="checkbox"/> Adults	<input type="checkbox"/> Emotionally Disturbed	<input type="checkbox"/> Low Income
<input type="checkbox"/> Elderly	<input type="checkbox"/> Physically Handicapped	<input type="checkbox"/> Other _____

III THINGS YOU CAN DO AND ARE WILLING TO DO IN A VOLUNTEER JOB.

<input type="checkbox"/> Art (Ceramics, Paint)	<input type="checkbox"/> Clerical	<input type="checkbox"/> Conservation
<input type="checkbox"/> Athletics/sports	<input type="checkbox"/> Typing	<input type="checkbox"/> History
<input type="checkbox"/> Carpentry	<input type="checkbox"/> Counseling	<input type="checkbox"/> Writing
<input type="checkbox"/> Mechanics	<input type="checkbox"/> Interviewing	<input type="checkbox"/> Research
<input type="checkbox"/> Electrical repair	<input type="checkbox"/> Committee/Board Work	<input type="checkbox"/> Teach Tutor
<input type="checkbox"/> Crafts (knitting etc.)	<input type="checkbox"/> Public speaking	<input type="checkbox"/> Visitation
<input type="checkbox"/> Drama	<input type="checkbox"/> Fund Raising	<input type="checkbox"/> Companion
<input type="checkbox"/> Dance	<input type="checkbox"/> Public Relations	<input type="checkbox"/> Telephone Work
<input type="checkbox"/> Photography	<input type="checkbox"/> Driving	

Musical Instrument \_\_\_\_\_ Languages \_\_\_\_\_ Issues: Consumer \_\_\_\_\_  
Women \_\_\_\_\_  
Criminal Justice \_\_\_\_\_

VOLUNTEER REGISTRATION FORM

IV THINGS YOU WOULD LIKE TO LEARN FROM VOLUNTEER EXPERIENCE \_\_\_\_\_

Days Available (Circle)    Mon    Tues    Wed    Thurs    Fri    Sat    Sun

Times Available        Morning \_\_\_\_\_ Afternoon \_\_\_\_\_ Evening \_\_\_\_\_

Transportation        Car \_\_\_\_\_ Bus \_\_\_\_\_ Other \_\_\_\_\_

Number of miles willing to travel to Volunteer Position \_\_\_\_\_

Physical limitations that would affect volunteer work \_\_\_\_\_

Referred by:    Radio \_\_\_\_\_ TV \_\_\_\_\_ Phone Book \_\_\_\_\_ Newspaper \_\_\_\_\_ County Agency \_\_\_\_\_

   Counselor \_\_\_\_\_ Lawyer \_\_\_\_\_ Friend \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

OFFICE USE ONLY:

REFERRED TO:

ALTERNATE COMMUNITY SERVICE PROGRAM

FEE AGREEMENT

The fee charged by the Alternative Community Service Program is \$50.00 per placement. This is to be paid by the prospective client at the time of the initial interview with the ACS Program representative. It may be paid entirely at that time, or an agreement may be made for the payment by installments.

Refund of the fee will be provided only if the ACS Program is unable to provide an agreeable referral for the prospective client which can be agreed upon by the client, original referring source (Probation Office, Court, etc.), receiving agency, and ACS Program.

Forfeiture of the fee will occur if the prospective client provides inaccurate or insufficient information during the course of the placement process or in any fashion attempts to mislead the ACS Program representative or disrupt the operations of the ACS Program by direct or indirect means. This would include an uncooperative attitude which impedes or prevents placement.

Either Method A or Method B may be chosen for payment of the fee.

Method A

I hereby agree to pay the full \$50.00 fee charged by the Alternative Community Service Program at the time of the initial interview according to the above guidelines.

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
ACS Program Representative receiving payment

\_\_\_\_\_  
Date

Method B

I hereby agree to pay the full \$50.00 fee charged by the Alternative Community Service Program according to the following schedule:

Amount	Date to be paid	Amount	Date to be paid
\$ _____	_____	\$ _____	_____
\$ _____	_____	\$ _____	_____
\$ _____	_____	\$ _____	_____

I understand that all payments are to be made in the ACS Program office by the date that they are due and that failure to meet these due dates is sufficient cause for discharge from the program.

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
ACS Program Representative

\_\_\_\_\_  
Date

VOLUNTEER CENTER OF ORANGE COUNTY WEST  
8100 Garden Grove Blvd., #9  
Garden Grove, California 92644  
898-0043

COURT REFERRAL PROGRAM AGREEMENT

After being advised of the Court Referral Program, I agree to perform \_\_\_\_\_ hours of unpaid community services for a non-profit agency. I agree to abide by the following conditions of the program:

1. A schedule will be arranged for me that is agreeable with me and with the agency. This schedule will enable me to complete the work program prior to the assigned "due date" of \_\_\_\_\_. A record of my hours will be kept and will be signed by the agency representative to whom I have been assigned. Upon completion, I will return my time record to the Volunteer Center for verification.
2. Should my contribution of services be unsatisfactory or be performed with an uncooperative attitude, as assessed by the agency representative or the Volunteer Center, the assignment will be terminated.
3. Should I fail to pay in full the processing fee, due 30 days from date of interview, my assignment will be terminated.
4. I understand that the Volunteer Center will not be held responsible for any accident which occurs during the performance of such volunteer work.
5. I understand that should I experience difficulties or problems in performing the volunteer services to the non-profit agency, I am to contact the Volunteer Center for resolution of the problem.

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

Signature of Assignee \_\_\_\_\_

Witness and Title \_\_\_\_\_ Date \_\_\_\_\_

MEMORANDUM OF AGREEMENT  
BETWEEN VOLUNTEER BUREAU OF ALAMEDA COUNTY  
AND "USER" AGENCY

GOALS OF THIS AGREEMENT

1. Volunteer Bureau will serve agencies and volunteers more effectively through improved communication and consultation.
2. Agency will approve and support its volunteer program, with the understanding that volunteers shall enhance, not supplant, paid staff.
3. Agency will recognize the importance of volunteer's contribution to the program, with consideration for the skills and interests of the individual.

The purpose of this agreement is the enhancing of human services in this county through citizen involvement.

DEFINITIONS

1. Volunteer Bureau: It is understood that the Volunteer Bureau is an advocate for volunteerism and a central clearing house for referral of volunteers to community agencies. It provides consultation and training opportunities to agencies as appropriate. The Volunteer Bureau believes that, ideally, volunteers are an integral part of agencies' operations. The Volunteer Bureau expects that volunteer program standards will reflect the invaluable quality of individuals who are willing to give time and energy to fulfill agency needs.
2. Volunteer: It is understood that a volunteer is anyone who performs a service for an agency/organization without pay. Reimbursement for on-the-job expenses does not constitute payment.
3. Agency: It is understood that an agency is defined as a non-profit corporation, a governmental entity or a community-based organization which provides services to meet human needs. The Volunteer Bureau will accept requests for volunteers from agencies which are involved in education, cultural activities, recreation, health or social welfare, but cannot refer volunteers to "get out the vote" campaigns, solicitation of money, overt political work or religious proselytizing. Board and care homes, convalescent hospitals and rest homes which



are proprietary are excepted from the non-profit status requirement by reason of the over-riding problems of loneliness experienced by aged and disabled residents of such institutions. It must be clearly understood, however, that volunteer service in such establishments shall be limited to friendly visiting, entertaining, and other personal involvement with patients. Housekeeping, maintenance, clerical and other tasks not involving patient contact or which should be performed by paid staff are not acceptable volunteer jobs in this type of setting. Agencies may be asked to present written evidence of non-profit status.

#### JOB DESCRIPTIONS

1. Agency will supply the Volunteer Bureau with detailed job requests for volunteers. Agency will submit job requests on forms supplied by the Volunteer Bureau. There are three types of job request forms supplied:
  - a. On-going Job Request - to be completed for volunteer jobs that are always needed within your agency (i.e., tutors, recreation aides, etc.). These should be submitted at the time of registration and when new on-going jobs are developed within your program.
  - b. Temporary Job Request - to be completed for volunteer jobs that are needed on a one-time only basis or when the need arises (i.e., bulk mailing, field trip assistance, repair work on facility). Please submit these requests at least two weeks prior to the date the assistance is needed. You may also call this type of request into the office. Please be ready to give all information requested on the form when you telephone.
  - c. Job Requests for Professionally Skilled Volunteers - to be completed for requesting volunteers to serve as board members, management assistants, or project developers. Complete this form and submit to the Bureau as your needs arise.
2. Agency will not displace a paid worker or put any volunteer into a job for which funding is available.
3. Agency will keep the Volunteer Bureau informed of any changes in on-going volunteer job requests, volunteer supervisors, or general agency information (i.e., address change, personnel change).
4. The volunteer Bureau will keep accurate up-to-date listings of volunteer needs. Agency request will be communicated to all appropriate programs of the Bureau.

## SCREENING AND SELECTING

1. Initial screening by the Volunteer Bureau will determine whether the potential volunteer meets the requirements of the Job Request submitted by the agency. The Volunteer Bureau will provide agency with pertinent information concerning the potential volunteer at the time of referral. If the potential volunteer is a client of the Community Service Alternatives Program, the Volunteer Bureau will also disclose at the time of referral, the offense (e.g., traffic violations, drunk driving) for which the client must perform community service restitution.
2. It is recommended that whenever possible, the agency designate a specific staff member to coordinate the volunteer program. Each volunteer will be interviewed by the staff member before his/her assignment is begun. The interview is a useful means to: discuss the expectations of both the volunteer and the agency, answer any questions and concerns either party might have, define and discuss the job assignment to be undertaken, and work out a mutually agreed upon work schedule.
3. It is agreed that after the initial agency interview is conducted, the agency may then choose to accept or turn down that potential volunteer. The agency must notify the Bureau of its decision in either case. Additionally, the agency agrees that if it is ever dissatisfied for any reason with a client's performance, the agency will notify the Volunteer Bureau. The Volunteer Bureau agrees to help resolve the problem or if resolution is not possible, arrange placement of the volunteer in another assignment.

## TRAINING AND SUPERVISING

1. Agency will orient volunteer to organization's goals and policies, roles of volunteer and staff, opportunities for advancement and/or further involvement, and a work location.
2. Agency will assign a supervisor to the volunteer. The supervisor will provide training and direction to the volunteer in order to complete the assigned tasks. The supervisor will also sign the volunteer time sheet. (If the volunteer is a Community Service Alternatives Program Client, the time sheet is required by the Bureau.)
3. The supervisor will maintain open communication with volunteer and recognize good performance and work to improve areas of weakness and to upgrade volunteer's skills.
4. Agency will inform Volunteer Bureau and volunteers of upcoming training sessions and workshops.

5. The Volunteer Bureau will be available to agency upon request for consultation in regard to particular problems with volunteers. The Volunteer Bureau will perform an agency visit, upon request, to assess agency volunteer program.

6. The Volunteer Bureau will inform agency of all training sessions it offers on Volunteer Management. The Volunteer Bureau will be available to provide consultation in designing or improving volunteer programs when formal training is not offered. Agency must schedule an appointment for such consultation.

#### CONSIDERATION AND RECOGNITION

1. All staff will understand their agency's commitment to the Volunteer Bureau.

2. Staff effectiveness in the utilization and supervision of volunteers shall be recognized by agency administration.

3. Staff will make volunteers welcome. Staff will provide recognition and incentive.

4. Volunteers will be given equal treatment to that of paid staff with regard to working conditions, titles and opportunities to contribute to agency decision and policy making.

5. Agency will give serious consideration to providing insurance coverage and reimbursement for expenses such as transportation and uniforms whenever possible.

#### PERSONNEL RECORDS AND JOB OPPORTUNITIES

1. Agency will maintain a personnel file for each volunteer with safeguards for confidentiality, to include assessments of job performance, hours worked, training courses taken, special accomplishments and assignments. Agency will produce record for use on a resume or job reference.

2. Volunteers will be notified of job openings. Agency will consider volunteer training and performance valid qualifications for hiring.

3. Agency will make time records available to Volunteer Bureau upon request.

SPECIAL GUIDELINES  
FOR SUPERVISING COMMUNITY SERVICE ALTERNATIVE'S CLIENTS

1. Community Service Alternatives Clients (CSA) are referred by the courts to perform a specified number of hours of community service in lieu of fine or jail. Treat C.S.A. clients as you do other volunteers. If possible, only one or two members of your staff such as the Executive Director and supervisor or volunteer coordinator and supervisor should know that these individuals are working by court order. Confidentiality in this matter is critical. The majority of the CSA clients are referred for minor traffic violations and driving under the influence (DUI). On drugs, assault, burglary, and other serious offenses the Agency Director or Volunteer Coordinator will be advised of these charges before placement is made.
2. It is vital that the work schedule you set up with the CSA client is one that is workable for both parties. Once a schedule is established, be firm in expecting the community service worker to adhere to it.
3. Let the Volunteer Bureau interviewer know of any problems that arise regarding your CSA volunteer's work if the problem is one that cannot be resolved to your mutual satisfaction with the worker. If the placement is still not working out for any reason, please notify the Interviewer and other arrangements will be made for that client.
4. There is a dual record-keeping system needed for the CSA volunteers. It consists of a "Volunteer Timesheet" and an "Agency Timesheet."

A. Volunteer Timesheet -

The CSA Volunteer has a timesheet which is to be signed by the supervisor each time he/she works, but which the volunteer keeps. The volunteer is responsible for returning the timesheet to our office on or before the date assigned for completing the work. Please do not assign the volunteer any work until you have made sure that the volunteer has been interviewed by our staff and has given you the Agency Timesheet. If the volunteer does not have a timesheet, he/she may not have been referred by the Volunteer Bureau. You should call the Bureau to verify the referral, in such a case.

AGAIN,

The Volunteer's timesheet is the responsibility of the worker. He/she is instructed to give his/her timesheet to the supervisor at the end of each work day, to have the hours entered and signed. Upon completion of the hours on or before the due date, the client is to return timesheet to the Volunteer Bureau.

B. Agency Timesheet -

The volunteer will bring an "Agency Timesheet" for your use. Please keep your own record of the volunteer's hours on file. This duplicate record is invaluable to the Bureau when a volunteer loses his/her timesheet, when the interviewer needs a progress report, or when the volunteer's records need to be verified.

It is very important that the timesheets are accurately maintained by your staff. We suggest that the forms be kept in a central/accessible location so that the number of hours completed by the CSA volunteer can be reported to the Volunteer Bureau interviewer upon request.

If we fail to ascertain hours on a client by a certain date, for example, it might mean that a warrant for his/her arrest could be issued. We do not want this to happen to clients who have done their work. Please keep your timesheet on file for at least six months after the completion date. After six months, you may want to use these timesheets to document in-kind services donated to your agency.

5. If possible, telephone the Volunteer Bureau on the completion date to report hours worked and quality of performance. Interim reports on long-term assignments would also be much appreciated.

We appreciate your participation in this constructive alternative to the criminal justice system. Some of our Community Service Alternatives Clients find their court assignment rewarding and helpful and want to continue on as volunteers after their court assignment is completed. Therefore, do consider these clients as potential volunteers whenever possible.

The undersigned representatives have read and accept the provisions of the Memorandum of Agreement between the Volunteer Bureau of Alameda County and "User" Agency.

"USER" AGENCY NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

TELEPHONE: \_\_\_\_\_

Representated by: \_\_\_\_\_

(your signature, please)

Title of Representative: \_\_\_\_\_

Date of Agreement: \_\_\_\_\_

AGENCY NAME: Volunteer Bureau of Alameda County

Representated by: \_\_\_\_\_

Title of Representative: \_\_\_\_\_

Date of Agreement: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name of Agency

Address

Phone

Agency's function

Volunteer coordinator

Days open

Hours open

Kinds of work needed

Remarks

RESOURCES & BIBLIOGRAPHY

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- Virginia State Crime Commission. Incarceration in Virginia...There Are Alternatives, May 1982.

#### NATIONAL RESOURCES

- California League of Alternative Service Programs (CLASP), 523 Fourth Street, #207, San Rafael, CA 94901. (415)459-2234. A coalition of community service sentence programs; also serves as a national clearinghouse, providing information, technical assistance and training. Involved in the development of the National Community Service Sentencing Association.
- National Institute for Sentencing Alternatives, Florence Heller Graduate School, Brandeis University, Waltham, MA 02254. (617) 893-4014. An educational center concentrating on the issues of sentencing and prison/jail overcrowding. Offers information, training and technical assistance for corrections and justice officials.
- RESTTA: Restitution Education, Specialized Training & Technical Assistance Program, Juvenile Justice Clearinghouse/NCJRS, Box 600, Rockville, MD 20850. (800) 638-8736. Designed to promote the use of restitution in juvenile courts throughout the U.S.; helps communities start or improve juvenile restitution programs.