



Required Community Service Participants

How they can help your agency

Mike Ballard



Logistics

- Maximize your screen
- Type your questions in the Chat box. We'll answer immediately or later in the webinar.
- Participate in the polls
- This webinar is being recorded. If you miss any part you can access the recording at www.VolunteerWisconsin.org



A coalition of local, regional and state organizations committed to serving as the state umbrella organization dedicated to volunteerism.

www.VolunteerWisconsin.org

Shelly Kaiser



About Mike Ballard

1999-2003 Mental Health Specialist- US Army

2004-2008 Lead Care Provider- Homme Youth and Family Programs

2008- 2015 Community Service Coordinator- ATTIC

Associate Degree from Northcentral Technical College in Human Services

Bachelor Degree from University of Wisconsin- Stout in Management

Needed a change of place and now working as a Medical Laboratory Technician for Thedacare in Shawano, WI



Audience Survey

- Does your agency currently accept community service participants/volunteers?
- If you are NOT currently accepting community service participants/volunteers at your agency, why not?
 - Never considered using this target group as volunteers
 - Liability concerns
 - Fear
 - Unsure how to screen them
 - Other (Please use the chat box to share "other" responses)



Objectives

- This presentation will provide an overview of Community Service participants and how they fit as volunteers in the non-profit agency. During this overview the following topics will be discussed: Benefits to using community service participants, applicable state statutes, different reasons for referral, background checks, thinking errors of the criminal or addictive mind, helpful tools to manage participants and well as tips to spot substance use.



Why should you take Community Service Participants?

- The Community Service relationship is a two way street where everyone can benefit.



Benefits for you

- More people to assist your mission
 - 68,000 People on Probation or Parole in Wisconsin alone according to WI-DOC
 - Individuals who are performing community have a non altruistic reason to complete the hours and tend to be reliable
 - People who perform community service sometimes will turn into life long volunteers due to their positive experiences



Benefits for them

- Offenders get to complete their community service
- Observe and participate in positive interpersonal and occupational skills
- Community ownership
 - Become a part of something larger than themselves
 - Be able to take pride in something they've done
- Participate in the Restorative Justice process



Restorative Justice Principles

- Crime is an offense against human relationships
- Victims and the community are central to justice processes
- The first priority of justice processes is to assist victims
- The second priority is to restore the community, to the degree possible
- The offender has personal responsibility to victims and to the community for crimes committed
- Stakeholders share responsibilities for restorative justice through partnerships for action
- The offender will develop improved competency and understanding as a result of the restorative justice experience

<http://www.nij.gov/topics/courts/restorative-justice/Pages/welcome.aspx>



Wisconsin Statutes Pertaining to Community Service

- 102.07 Employee Defined
- A person performing uncompensated Community Service work is an employee of the county that ordered the Community Service
- Applies to Adults and Children
- Must be uncompensated
- No compensation for temporary disability during healing time
- Community Service participants are covered under the county's workman's compensation insurance
- They don't get any credit for missing Community Service due to injury or illness



Wisconsin Statutes Pertaining to Community Service

- 971.38, 973.03, 973.05, 973.09
- Any organization or agency acting in good faith to which a (Defendant, Participant, probationer) is assigned pursuant to an order under this section has immunity from any civil liability in excess of \$25,000 for acts or omissions by or impacting on the defendant
- The state defines acceptable locations as Nonprofit Charitable Organizations and Public Agencies
- The civil immunity clause is important as it provides agencies another layer of protection



Why someone would be required to do community service

- Court order
- Agreement to work off fines
- Diversion Program
- Probation agent order
- Jail abatement



Court Order

- Judge will assign hours to complete by a date, typically end of probation or a set period
- Judge may require hours per week/month if offender is unemployed or not in school





Working off Fines

- The state allows courts, even municipal ones to allow people to work off fines. Typically it's a percentage of the total citation
- The court can set it up where everyone is eligible or they need judicial approval every time
- The rate varies across the state. Marathon County is \$7.50, Oneida County is \$10 per hour



Where do fines go?

- **Base deposit**
- State statutes determine the amount of the base deposit for traffic violations, excluding traffic violations charged under local ordinance. This procedure ensures uniform base deposits for all Wisconsin state and county traffic citations:
 - 50% of the base deposit goes to the county where the citation was issued
 - 50% of the base deposit goes to the state common school fund
- For traffic citations issued for municipal traffic violations, 100% of the base deposit is distributed to the municipality that issued the citation for a municipal traffic violation
- **Court support services fee**
- A \$68 court support services fee goes to the state to offset county court costs
- **Court cost**
- A \$25 court cost fee goes partially to the state and partially to the county where the citation was issued to fund overall justice system costs
- **Crime lab and drug assessment fee**
- A \$13 fee on all violations that have a penalty assessment, except safety belt violations, goes to the state to fund crime laboratory activities

<http://www.dot.wisconsin.gov/statepatrol/enforcement/citation-fees.htm>



Where do fines go?

- **Penalty assessment**
- The penalty assessment surcharge is 26% of the base deposit. Revenue from each dollar of penalty assessment is divided as follows:
 - 46 cents goes to the law enforcement training fund within the Wisconsin Department of Justice
 - 12 cents is used to develop alcohol and drug abuse education programs by the Wisconsin Department of Public Instruction and the Department of Health Services
 - 16 cents goes towards matching federally funded anti-drug enforcement programs and youth diversion programs by the Wisconsin Office of Justice Assistance
 - 10 cents goes toward training correctional officers in the state prison system through the Wisconsin Department of Corrections
 - 5 cents goes toward program funds for the Office of Justice Assistance
 - 11 cents goes toward program funds for the Department of Justice

<http://www.dot.wisconsin.gov/statepatrol/enforcement/citation-fees.htm>



Where to fines go?

- **Jail assessment**
- The jail assessment surcharge is 1% of the base deposit or \$10, whichever is greater. The minimum \$10 surcharge is included in the total deposit for all traffics citations except safety belt violations. The fee goes to the county where the citation was issued and is used to construct, remodel, repair or improve county jails
- **Justice information system fee***
- The justice information system fee of \$21.50 goes to the state to help computerize the criminal justice system. In Milwaukee County, the JIS is an additional \$3.50
- Additional surcharges apply for OWI, Railroad Crossing Violations and others

<http://www.dot.wisconsin.gov/statepatrol/enforcement/citation-fees.htm>



Example of a ticket

- Example: Citation distribution for speeding 11-15 mph above posted limited= \$175.30
 - Court support services fee: \$68
 - Base deposit: \$30
 - Court costs: \$25
 - Justice information fee: \$21.50
 - Crime lab and drug assessment fee: \$13
 - Jail assessment fee: \$10
 - Penalty assessment: \$7.80
- Fines are determined in a similar fashion for all crimes
- The portions that belong to the county or municipality allowing the fine to be work off is typically what can be worked off

<http://www.dot.wisconsin.gov/statepatrol/enforcement/citation-fees.htm>



Diversion Programs

- Alternative prosecution methods that reduce the stress on the traditional Criminal Justice System
 - Deferred Prosecution
 - Deferred Entry of Judgment
 - Specialized Courts



Deferred Prosecution

- Prior to a plea agreement with the District Attorney's office an offer is made to avoid traditional prosecution with some stipulations
- Requirements may include: education, treatment, community service, letters of apology, mental health and drug and alcohol assessment
- No public record
- Typical offenders offered this arrangement:
 - First time offenders
 - Offenders that are cognitively delayed
 - Possession of THC
 - "Sexting"
 - 4th Degree Sexual Assault
 - Disorderly Conduct
 - Retail Theft



Deferred Entry of Judgment

- Case is part of public record
- Case is left open until a specified date at which point, case is either dismissed or reduced to a lesser charge, typically disorderly conduct and a fine is ordered
- If this program or the Diversion program are not completed, then traditional prosecution and sentencing are applied
- A lot of the same types of offenders that are in Diversion Program
- Typically includes slightly more serious crimes:
 - Battery
 - Other Drugs
 - Solicitation
 - Prostitution



Specialized Courts

- A court that has a very specific focus and the entire treatment team meets weekly in court
- Very intensive
- New and growing programming
- Examples of types:
 - Drug Courts
 - OWI Courts
 - Veteran Courts



Probation Agent Orders

- A person on probation may have been ordered Community Service as a court order
- However the probation officer may use Community Service for a variety of other reasons
- The two most common reasons an agent may assign a probationer community service:
 - Motivation to obtain employment/education
 - As an alternative to sending a person to jail for a probation violation



Jail Abatement

- The cost of a day in jail is about \$50 a day in Wisconsin and the cost of probation is about \$3.50 a day per person
- The state allows 24 hours of community service to be applied as one day credit off a jail sentence
- Counties have created new ordinances and guidelines that lower that number to 12 hours per day of credit



What types of offences are ok to allow at your agency?

- The biggest deciding factor to this decision depends on your agency's mission
 - If your agency has medications or alcohol on site, it is not the best idea to have individuals with a substance abuse history
 - If your agency operates as a thrift store or donation distribution point, a person with a significant theft history would not be a good fit
 - Clients with a history of OWI's are generally good fits with any agency that doesn't have alcohol on site or driving duties
 - Diversion clients have a lot to lose, so they have more incentives to be reliable and have a good report go back to their referral source



Special notes regarding Sex Offenders

- Percentages of Sex Offenders committing another sex crime after release: 2.7%
- Percentages of Sex Offenders committing another crime after release: 70%
- There are big differences between registered sex offenders and non-registered
 - Registered sex offenders are ones the courts feel that they pose a danger to the community. Typically 1st and 2nd degree sexual assault. Use of force, weapons, threats, significant age gap, and lack of consent are portions of these charges
 - Non-registered sex offenders are ones that are not likely to pose a danger to the community. Charges in this range typically include: 3rd and 4th degree sexual assault, lewd and lascivious conduct, public fornication
- Individuals who were convicted as a juvenile will not show up on any record, even if registered

NCMEC, Prevent Abuse Now



Background Checks

- Wisconsin Circuit Court Access
- DOC Offender Look Up
- Family Watchdog
- A simple Bing/Google search
- Crimcheck.com- \$15 a month
- wcca.wicourts.gov/index.xsl
- <http://offender.doc.state.wi.us/lop/home.do>
- Familywatchdog.us



Community Service Application

- Name
- Date of birth
- Address
- If lived in other states in past
- Phone number
- Referral source and contact information
- Offense history
 - Misdemeanors
 - Felonies
 - Traffic
 - Forfeitures
- Emergency Contact
- Work/Education History
 - Offender may have a specialized skill
- Availability
 - Some offenders have a lot of programming as part of their court obligations



Addictive Thinking Patterns

- Self-pity stance
- “Good person” stance
- “Unique person” stance
- Fear of exposure
- Lack-of-time perspective
- Selective Effort
- Use of deceit to control
- Seek pleasure first
- Ownership stance



Criminal Thinking Patterns

- Victim stance
- “Good person” stance
- “Unique person” stance
- Fear of exposure
- Lack-of-time perspective
- Selective effort
- Use of power to control
- Seek excitement first
- Ownership stance
- http://www.hazelden.org/HAZ_MEDIA/and_release_9729.pr# for this and following information



A closer look

- | | |
|---|---|
| <ul style="list-style-type: none"> • Victim stance <ul style="list-style-type: none"> • This <i>criminal</i> thinking pattern allows you to blame others for situations you usually created for yourself. You make excuses and point your finger at others, claiming you were the one who was really wronged. You try to justify your behavior | <ul style="list-style-type: none"> • Self-pity stance <ul style="list-style-type: none"> • This <i>addictive</i> thinking pattern makes you think the world is just out to get you. You claim that your life is so miserable and screwed up, why shouldn't you drink or use drugs? |
|---|---|



Cont.

- “Good person” stance
 - When you adopt this *criminal* thinking pattern, you consider yourself to be a good person, no matter what. You work hard to present that image to others. In fact, you may not only consider yourself a good person, but may think you’re better than others! As a “*good person*” stance addictive think, you focus on the good things you’ve done and ignore the harm
- “Unique person” stance
 - This *criminal* thinking pattern allows you to think no one in the whole world is like you or has experienced what you have. Rules don’t apply to you. You commit crimes because you never think you’ll get caught. You believe that if you think it, then it must be that way. You also use “*unique person*” stance to feed your addiction. Maybe you think your alcohol or other drug use makes you especially cool



Cont.

- Fear of exposure
 - You act like you are fearless, yet you’re full of fear. You fear that you’re nobody and that you’ll be found out; you’re afraid that you’ll be exposed as being full of fear. One of your biggest fears is the fear of fear!
 - *Fear of exposure* addictive thinking is a fear of self-knowledge, excessive or inappropriate trust, addict pride, and zero state. Zero state is a fear that you cannot change
- Lack-of-time perspective
 - When you use this *criminal* thinking pattern, you do not learn from past experiences or plan for the future. You see behaviors as isolated events. Your philosophy is “I want it, and I want it *now*.” You expect to be a big success with little or no effort. You make choices based on what you want to be true, rather than what is true.
 - When you adopt this *addictive* thinking pattern, getting high is the most important thing in your life; you live only in the present when you are high and only in the near future (“How can I get more soon?”) when you are not high. *Lack-of-time perspective* addictive thinking helps you do that.



Specific Behaviors

- Lying
 - Including lying by omission
- Stealing
- Disappearing for long periods of time
- Grooming Behaviors
 - Favors
 - Nicer than usual
 - Increasing proximity or intimacy



Indicators of Substance Abuse

- Smell (most common with alcohol)
- Person seems "off"
- Constantly rubbing nose (indicator if snorting)
- Green material in mouth (marijuana)
- Fidgety and paranoid (meth, coke)
- Pin point pupils (opiates)



Prevention of Problems

- Behavioral priming
 - Bad Boys: The Effect of Criminal Identity on Dishonesty by Alain Cohn, Michel Andre Marechal and Thomas Noll
- Know their referral source
 - Make it a requirement to perform hours at your location
 - It's good to have to report problems, but not something to threaten them with
- Personal boundaries
 - Personal contact
 - Hand shake is appropriate and professional
 - Think about how much of your personal life you're willing to share. Use generalities and avoid specifics



Prevention of Problems

- Take care of applications swiftly
 - Don't let people get lost in the shuffle
- Take care of timesheets in a timely and accurate manner
 - Some sources prefer digital submission of hours
- Report behavioral suspicions to referral source



Questions



Thank You!

Please complete the evaluation to follow.

Questions? – Contact:

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