

# Problem-filled program: Workload heavy for community service chief

By EVAN SCHUMAN  
Staff Writer

A 62-year-old man convicted of having sexual contact with a 15-year-old girl was ordered to play piano for senior citizens instead of serving a jail term.

A man convicted for the second time of drunken driving avoided a lengthy jail term by taking a job soliciting state grant money for Montague, a position that required travel to Trenton.

A 22-year-old Hopatcong woman, charged with marijuana distribution, was ordered to work at a nearby hospital, delivering medicine and helping out in the laboratory.

THESE PEOPLE, convicted in the Sussex County courts, are serving the sentences under the community service program, a project created by the state to help ease jail overcrowding.

The three-year-old program allows municipal and

state Superior Court judges to order defendants to perform community-oriented tasks as an alternative to incarceration.

But the program, which involves 300 clients and more than 100 work sites, is administered by one employee earning under \$15,000 a year. It is riddled with problems.

A review of the Sussex County Probation Department's Community Service program by The New Jersey Herald has found:

- Last year, almost half the defendants, also known as clients, either did not show up or were fired from the work site, ranking Sussex County last in successful placements out of the state's 21 counties, according to state figures.

- Those convicted and sentenced to community service in Sussex County can determine their own sentences by choosing where they will serve their hours and what they will be doing.

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# Experts split over effectiveness

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In the early 1970s, criminologists and law professors thought community service could be the perfect alternative to imprisonment.

Not only would it lessen the burden of a rising jail population, but the community where the offense took place would benefit from the work performed by the defendant.

But criminologists and sentencing experts today dis-

agree over whether the program has lived up to its expectations.

"If you strip off the rhetoric, it's involuntary servitude," said Judith Greene, director of court programs for The Vera Institute of Justice in New York.

GREENE CITED a 1982 New York City study of community service which reported that 51 percent of those who completed community service were arrested again within six months.

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# Program

"I definitely think it's an effective alternative when it's supervised in the right way and constructed in the right way," said Leonard Berman, program director at The National Center on Institutions and Alternatives.

"People generally look at probation as a slap on the wrist," said Berman. "What you're attempting to do is fill in the midground between probation and incarceration."

John Enright, who is in charge of the probation departments in both Sussex and Morris counties, said he believes the program is effective because it tells the people directly that the system works.

"Citizens themselves are pleased because they see people are being made to pay," he said. "The (defendant's) friends and neighbors know that John Doe has to go every Saturday and work down in the park system. That's good. He's paying back."

Enright was equally enthusiastic about community service assignments that involve minimal amounts of manual labor such as working in a craft shop or drug counseling.

"IF I had committed an offense, I could have to give 10 hours a week of mental health counseling because of my background. You might say, 'That's easy for you because that's your business,' but it's still 10 of my

hours that I have to come and do and that's a nuisance," said Enright.

"If the client complies with the community service by not being totally in disdain of the site, I think that works out better all the way around. I think that works out better for the community," said William Curtis, the community service director for the Sussex County Probation Department.

"Is it better to have an accountant cleaning trash on the roadside or preparing taxes for senior citizens?" asked William D. Burrell, who administers the community service program throughout the state for the state Administrative Office of the Courts.

State Superior Court Judge Reginald Stanton, the assignment judge for Sussex and Morris counties, said community service is intended to make fulfilling probation a bit more difficult.

"It's a reminder that he has done something wrong and that he should be punished," said the judge. "He has wronged the community and has to pay back the community."

Sunday, May 11, 1986

SUNDAY HERALD

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# Service

- Many clients who select their own site choose to work at churches or community centers where they have already been working as volunteers, in some cases for several years.

- Some judges who have recommended what they want the defendant to do have found their suggestions ignored.

- Personnel shortages at the Probation Department prevent adequate observation of clients. Department officials admit that some sentences may not be fulfilled. In fact, the director of the program said he has learned of some clients who had not reported to their sites, but learned of it months after the client had been discharged.

- Clients describe compliance as low at most sites, with some people reporting their own hours and covering for each other.

DESPITE THESE findings, William Curtis, program director, said the program is administered as effectively as possible, considering its severe budget and personnel restrictions.

Instead, he directed his complaints at his judicial colleagues. He said he receives minimal cooperation from others within the Probation Department and court clerks. He also said judges sometimes make unrealistic sentences that are almost impossible to implement.

The program is operated from a small, crowded office in the county Probation Department in Newton. Curtis, a former group home manager who has a bachelor's degree in sociology and extensive experience working with the elderly, earns \$14,800 a year.

John J. Enright, head of the probation departments in Sussex and Morris counties, said the workload is too much for one person.

"It's not right," said Enright. "With one man, it's impossible to do all these things right now."

ACCORDING TO state statistics, 46 percent of the clients either did not show up at their work sites or were fired between July 1, 1984, and June 30, 1985, placing it last among the state's 21 counties.

"I'm not so sure that ranking itself proves anything," Enright said. "It only proves that we had some administrative problems."

Enright contended the problems predated Curtis.

"He inherited a mess," Enright said. "We had problems and (Curtis' predecessor) had to be removed."

Enright has asked for an additional employee for the community service program. The Probation Department budget is currently on hold as negotiations continue between the state and Assignment Judge Reginald Stanton, who decides what all court employees earn.

Municipal and state Superior Court judges in the county, who generally agree that more manpower is needed, complain that Curtis often doesn't know what his clients are doing at the work sites. They also claim that suggestions they give on where the defendants should work sometimes are disregarded and that much of the responsibility for setting up the sites is left to the client.

CLIENTS WHO have gone through the program are generally supportive but say it is easy to take advantage of the laxity of the system.

Curtis, on the other hand, said some of the program's problems are caused by judges who have little apparent regard for the program and fellow probation officers who have failed to force their clients to comply.

"It depends on the probation officer," Curtis said. "If they're complying with all the other court-mandated parts of their sentences, then usually they're allowed a little more leeway."

He said that clients "are given more chances than I would like. In a lot of cases, I find them being able to talk their way out."

Curtis has similar complaints about state Superior Court judges, saying he takes exception to some "absurd" community service sentences imposed by judges that he says he has to enforce.

"Every judge (in the county) has probably come out with some horrendous sentence and, of course, who am I to dispute that? I have to work with what I have," he said.

"Most of the judges come up with these grand things on paper," Curtis said, "but then to apply them is something else. It's insane. If these (defendants) were truly remorseful and sincere in doing this, I could see it. But these people, their only crime is getting caught, as far as they are concerned."

HE CITED one judge who sentenced a man on a charge of possessing a small amount of marijuana in a pipe to 360 hours of community service as a counselor at a substance abuse program.

"My contention is that that doesn't make him an expert," Curtis said. "What's he going to do? Get up and tell the people how to clean out their pipes or something?"

In another case, Municipal Court Judge Craig Dana, while sitting in the Hampton-Stillwater Municipal Court last year, ordered a pregnant 23-year-old Newton woman, who had pleaded guilty to shoplifting baby clothes from Ames department store, to pay a \$100 fine and serve 240 hours of community service doing maintenance work at her church.

But after he pronounced sentence, Dana said the woman's husband, who was not involved in the theft, could perform the work instead.

Dana, who characterized his order as "unorthodox" and said that it probably would not survive an appeal, said he allowed the husband to do the work because he wanted to allow the wife to stay home and care for their young children.

CURTIS SAID he also was concerned about municipal court clerks who he said have been "not cooperating fully."

Despite his many concerns, no municipal court judge interviewed had received any complaints from Curtis.

Curtis said he has complained to the clerks, not directly to the judges, because, "I've been told that the court clerks have the ear of the judges." He also says he has never even discussed his program with any of the three state Superior Court judges sitting in Sussex County.

"I know what Judge (N. Peter) Conforti looks like, but Judge (Ronald) Graves, I think I could walk into him and not know," he said, adding that he has spoken to state Superior Court Judge Frederic Weber but has never mentioned the community service program.

Although Curtis places some of the blame for the program's ineffectiveness on the courts, some judges have expressed concern over the way probation handles their orders.

DURING MOST state Superior Court sentencings and virtually all municipal court sentencings, the judge orders the defendant to serve a number of hours of community service but does not specify how the time should be spent.

After the judge makes the order, it is up to Curtis or the client to determine what job will be performed.

Curtis said that because of his workload and pressure from Trenton to keep compliance percentages

they would like to work. If the client can think of any non-profit agency that will allow the client to work there, he will approve that site.

One advantage to having the client pick his own site, Curtis said, is that if the client is pleased with it, he might comply more willingly.

"My number one goal is to make sure (the court order) is complied with," said Curtis, who added that only about 25 percent of his clients come up with suggestions for work sites.

"Some people think it's got to be the old road gangs and salt mines, but I say as long as you meet the goal of compliance and it's within the criteria of community service, I say, 'Why not do it that way instead of having it be such drudgery?'" said Curtis.

A REVIEW of randomly selected community service cases turned up several cases where a judge specified a form of community service, which was rejected by Curtis.

A Hopatcong man, for example, who was convicted of selling marijuana last year, was ordered to perform 30 hours of community service in addition to paying a \$500 fine. During the man's sentencing, the judge said he wanted the time served coaching wrestling at the Hopatcong High School.

While the written court order added that similar work could also be performed, Curtis ordered the man to cut weeds and clean up a local park.

After the defendant refused to clean the park, reminding Curtis what the judge had told him when he was sentenced, he was ordered to report to the high school — but for maintenance work and assembling bleachers and not for coaching.

CURTIS CONFIRMED several other instances where he felt he was forced to disregard a judge's sentencing instructions, usually for expediency. He said he never informed any of the judges.

"I've gotten some crazy sentencing," he said. "Unfortunately, I have a caseload and I have to be expedient about it and I have to apply to it the best way I know how."

Some of the most vocal complaints of lack of on-site supervision, however, came from the program's clients.

"It should just be more controlled," said a Morris County man sentenced for distributing marijuana in Hopatcong. "I'm sure people are taking advantage of being left alone."

A 23-year-old Sparta woman, who had been charged with marijuana distribution but entered the state's pre-trial intervention program, had been working Dover General Hospital since late last year, despite the hospital's belief that no one charged with drug offenses would be offered to them.

"I did errands like bringing specimens to the lab, bringing reports around and picking up medicine," the woman said.

BUT SHE said the hospital, where many community service clients worked, had no supervision program and allowed clients to log their own hours unchecked.

While she was there, she said she repeatedly logged the hours for other clients who were not there. Other returned the courtesy for her.

Probation officials conceded that lack of on-site supervision is one of their biggest problems.

Curtis blames the sites, contending some businesses have called him saying that a client had never reported to work, but reported it months too late.

A COMMON criticism of community service programs is that they are a source of free labor and are cheating community residents out of salaries that could be earned if the program was discontinued.

While most site officials agreed that they would probably not hire any additional personnel if they stopped working with community service, Curtis said that unemployment figures do help the program.

"I'm hoping that this balancing of the budget that's going on federally, that perhaps my services are going to be even more recognized because of (sites) not being able to place as many people on the payroll," Curtis said.

"Am I gloating over the fact that maybe they can utilize my community service people over the paid municipal employees or whoever?" Curtis said. "Actually, that wouldn't be my fault. It's not my fault that they've got this Gramm-Rudman thing. But if it works to my benefit, why not?"