



City of Lawrence
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Memorandum

Date: 12-5-2007

To: Toni Wheeler, Director, Legal Services

From: Jerry Little, City Prosecutor

Re: Community Service Work in Oread Neighborhood

You have asked our office and the Municipal Court to explore the possibility of requiring individuals convicted of ordinance violations (disturbing the peace) to do community service work in the Oread neighborhood.

I have spoken, briefly, with the Municipal Court Judge and Tony Jones, the Community Service Work Coordinator, for input on the issue. The herein below outlines those issues and concerns:

Community Service Work:

The Municipal Court Judge does have authority to order an individual convicted of any offense to perform community service work either in addition to any fines or in lieu of fines and as a condition of probation.

Typically, if an individual is convicted of a noise ordinance violation, the judge, on a first offense, will impose a \$200 fine, plus court costs and jail time, but place the individual on probation from the jail time imposed. The individual has the option of paying the fine or completing community service work to work off the fine. They are credited \$7 per hour worked toward the fine.

The judge could, however, order community service work only and assess no fine. Twenty-eight hours of community service would equate roughly to a \$200 fine.

If the judge orders community service, he orders the individual to contact Tony Jones, the Community Service Coordinator. Mr. Jones meets with the individual, explains the community service process, has them sign waiver of liability forms, then assigns them to one of the local agencies who is responsible for supervising, monitoring and logging hours worked, etc.

Mr. Jones has approximately 100 to 125 individuals on community service at any one time. He works with approximately 90 different community non-profit agencies. The agency is responsible to monitor, supervise, assign duties and keep track of the individuals hours, then report back to Tony Jones.

Logistical Issues and Practical Problems

1) Disturbing the Peace vs. other violations.

While the noise ordinance (Disturbing the Peace) is certainly one violation that could result in the Court ordering community service, there, of course, a host of other "good neighbor" type ordinances that could also come into play. For example, we see quite a few violations for Disorderly Conduct, Minor in Possession, Consumption of Alcohol in Public and Urinating in Public. These are the typical violations we see not only in the Oread neighborhood, but in all neighborhoods throughout the City. If community service is ordered by the Court, I do not believe we should limit only to noise disturbance violations as many of the other violations are the results of large gatherings, parties and the resulting leftovers, trash, beverage cans, etc.

2) Limiting Community Service to Oread

Mr. Jones has advised me this issue has been raised in the past. One of his concerns is, assuming community service is possible, should we limit it only to the Oread neighborhood or are other neighborhoods who may have similar problems going to be requesting community service in their particular neighborhood. These types of violation virtually occur throughout the city. Mr. Jones expressed concern that if he allows community service in one neighborhood, then we would have to allow it in all neighborhoods.

3) Supervision of Community Service Workers

One of the largest obstacles is to identify an individual or individuals that can monitor, supervise and log the work of each defendant performing community service in the neighborhood. Tony Jones nor the court has the manpower to assign an individual to supervise community service workers. A individual would need to be responsible for monitoring the individual doing the community service work in a particular neighborhood. That individual would need to supervise, assign the area to be cleaned up, keep track of hours worked and basically watch the individual to insure the tasks are being preformed in the appropriate manner and area. I do not know if there are any non profit agencies who can or would perform this function.

4) Liability Concerns: Private Property

Mr. Jones typically assigns community service workers to perform work for non-profit community based organizations that benefit the city at large. Assigning individuals to clean up private property versus streets, parks and alleys would seem to be contradictory to the purpose of community service work. There are, of course, liability concerns for individuals who are cleaning up private property, should any injuries occur on private property. I am not sure what the liability would be to the property owner, the city or the neighborhood association, if they are supervising the individual worker.

5) Identifying Oread Violations and the Oread Neighborhood

We would need to identify those defendants that committed violations in the Oread neighborhood in order to advise Tony Jones who would be required to do community service work in the Oread neighborhood. This would require the court staff to determine if the violation occurred in the Oread neighborhood. If other neighborhoods also wish to use community service workers to clean up there neighborhood, the obvious logistical problems arise.

6) Community Service in Lieu of Fines

Any community service work ordered in lieu of fines would, of course, mean less revenue for the city. Assuming all violations, regardless of where the offense occurred, were ordered to do community service work in lieu of paying fines, the loss could be substantial. We are averaging approximately 2000 to 2500 cases per year involving "good neighbor" type violations. I.e. disturbing the peace, disorderly conduct, consumption of alcohol in public, minors in possession etc. These are violations that are occurring in neighborhoods through out the city. If the court starts ordering community service in lieu of fines, it could result in a substantial loss of revenue to the city when we are looking at a standard fine of \$200 per charge.

Conclusion

The hereinabove identifies some of the logistical and practical problems concerning assignment of community service workers to clean up one particular neighborhood. If you need any further information, please let me know.