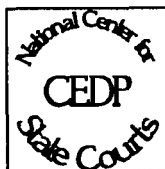


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**SPRINGFIELD MUNICIPAL COURT  
PROBATION DEPARTMENT  
ASSESSMENT**



Phase III Project Report

Submitted by

Jan Carol

April, 1994

Library  
National Center for State Courts  
300 Newport Ave.  
Williamsburg, VA 23187-8798

## **ABSTRACT**

This project answers the question whether or not the Springfield Municipal Court Probation Department should be made a permanently funded court annexed service. For the past ten years, the Municipal Court of the City of Springfield, Missouri has operated a probation department as an ancillary service of the court. Originally the probation department was funded through a federal highway safety grant. At the end of the grant period in 1987, the city continued the probation department on a year-to-year basis without an evaluation of the service provided or a consideration of its permanent funding.

The three primary goals of this project are: 1) to evaluate the overall probation operation; 2) to review procedures and 3) to make recommendation to city officials regarding the future of the probation office. The City of Springfield intends to make a final budget decision regarding the Probation Department in its FY1995 budget recommendation to City Council.

Three different evaluation methods were used to draw conclusions regarding the future direction of probation services for Municipal Court. First, interviews were conducted with key justice personnel, including the Chief Judge of the Municipal Court. In addition, two survey instruments were developed and used to profile 1992 Municipal Court probationers and to make a comparison of Springfield's probation services with other municipal courts in Missouri.

Prior to this report, the Probation Department operated with the goal of providing a continuity of services to driving while intoxicated (DWI) offenders. There is no formal mechanism for reviewing the effectiveness of treatment for alcohol offenders or monitoring the successful completion of probation.

This report recommends that the City of Springfield fully fund court annexed probation as a permanent part of the services provided to the residents of the City of Springfield. The report further recommends that the Probation Department include a full-time probation collections officer, continue its program evaluation and improvements, and fund a substantial part of its operations through user fees.

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**SPRINGFIELD MUNICIPAL COURT  
PROBATION DEPARTMENT ASSESSMENT**

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## **SPRINGFIELD MUNICIPAL COURT PROBATION DEPARTMENT ASSESSMENT**

### **Introduction**

The Springfield Municipal Court is a limited jurisdiction court responsible for processing city ordinance violations for the City of Springfield, Missouri. The purpose of the Springfield Municipal Court probation services evaluation is three fold: 1) to evaluate the overall probation operation; 2) to review procedures and 3) to make recommendations to city officials regarding the future of the probation office, specifically, whether to maintain it as a division of the Municipal Court or to contract for those services through a private entity.

### **Expected Outcomes**

The probation department is the correction arm of the court, providing services to enforce court orders, protect public safety, and provide treatment opportunities. Through this evaluation process, two primary outcomes are expected:

- 1) procedures will be identified that can improve the court's efficiency and effectiveness, and
- 2) city officials will be able to make accurate decisions regarding the proper administrative location for the probation department.

### **Evaluation Methods**

Three different methods were used to gather information necessary to draw a conclusion regarding the future direction of probation services for Municipal Court. First, initial interviews were conducted with the Honorable Winston Davis, Chief Judge; Bill Zaslow, Director of Probation Services for Correction Services; a not-for-profit organization; Marguerite Warlick, Probation Officer; and Bill Bates, Unit Supervisor for

the State of Missouri Probation and Parole Department. In addition, two surveys were used to collect data that provide 1) the 1992 Municipal Court profile of probationers, and 2) a comparison of probation services with other Municipal Courts in the State of Missouri.

## **History**

### **The Political Environment**

The City of Springfield is the fourth largest metropolitan area in the State of Missouri and is the regional center serving southwest Missouri. The City of Springfield, county seat of Greene County, covers approximately 68 square miles and is one of the fastest growing metropolitan areas in Missouri. In 1990 the census reflected a population of 140,494 residents. Current estimates from the city planning department are a population of approximately 142,000 residents.

The City of Springfield was incorporated on February 18, 1883 and operates under a constitutional home rule charter adopted on March 17, 1953. This charter, which was adopted by vote of the people of Springfield, delegates to the City Council the responsibility to establish a government and then manage it. Springfield city government is based on the Council/Manager system with eight council members elected for a four-year term on a non-partisan basis and a Mayor who is elected for a two-year term.

### **The Creation of the Probation Department**

The charter government enabled the City Council to establish a city probation department within the Municipal Court without legislative action or concurrence. Although the City Council established the probation department in 1979, the probation office was not formally staffed and funded until May of 1984. In addition to the establishment of a probation department, the City Council adopted a general ordinance in 1978 with an effective date of 1979 allowing judges to assess probationers with a \$36 fee

at the time of sentencing. The assessment fee was designed to defray the costs of one probation officer and the administrative functions related to probation services.

In the early eighties, driving while intoxicated (DWI) was emerging as a major community concern. Prior to the creation of the Municipal Probation Department, if an individual was stopped for a DWI offense, law enforcement could file the case in either the Circuit Court or the Municipal Court. Due solely to the lack of any ancillary services in the court for education and/or treatment of DWI offenders, the Municipal Court was considered the "lesser" consequence court for the same DWI offense. In 1982-1983, the Springfield Chapter of Mothers Against Drunk Driving (MADD) and other interested Springfield residents spawned the formation of the Community Alcohol Safety Effort (CASE)<sup>1</sup>. CASE arose from the desire of county and city officials to access federal funds available for projects that directly dealt with impaired drivers and highway traffic safety. At the time CASE formed, Municipal Court was not providing any probation services to address DWI cases.

Once CASE was formed and federal funds were awarded, Bill Zaslow was hired as the organization's first director. The grant funds also allowed for a special Greene County DWI prosecutor and for special DWI enforcement by the Greene County Sheriff's Office and Springfield Police Department. Largely as a result of this, there was a huge increase in DWI filings in Municipal Court.

At the time of the increase in DWI filings, the Municipal Court was not positioned well to handle the volume and seriousness of these type cases. One attempt to deal with DWI cases was through the Safety Council of the Ozarks which hired a person whose duty was to attend court and enroll defendants in the Alcohol Related Traffic Offense Program (ARTOP), an alcohol education program. The increase in the demand for service for DWI and blood-alcohol content (BAC) offenses came as a result of pressure exerted on the prosecutor's staff by community groups to reduce the use of

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<sup>1</sup> CASE has since changed its formal name to the Community Action Safety Council.



suspended imposition of sentences (SIS's) as a sentencing alternative. Largely as a result of these two factors, the city and county entered into an agreement that the case of any defendant with a prior DWI conviction would be filed in the Greene County Court, rather than the Springfield Municipal Court.<sup>2</sup>

Although a city ordinance authorized a probation department in 1979, it wasn't until May of 1984, as a part of the CASE grant, that the Springfield Municipal Court hired its first probation officer. The Probation Officer was hired directly by CASE (100% funding through federal funds for the first year) with a 70/30 federal-city match the second year, a 50/50 federal-city match the third year, and with full financial responsibility on the part of the city thereafter. Because the judges were not expert's in understanding a defendant's involvement with alcohol, the establishment of a probation office provided relevant information for sentencing and a jail alternative for punishment. During the first twelve months of the operation the department handled 751 probation cases.<sup>3</sup>

#### Probation Department Goals

The goal of the probation department was to provide continuity of services for the DWI offender necessary to achieve assessment of the offender's level of involvement with alcohol, referral of the offender to an appropriate educational and/or treatment program, and follow-up of the offender's participation in those assigned programs. The desired outcome in providing these auxiliary services was to assure that the offender received the education or treatment needed, and that the DWI problem was addressed in

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<sup>2</sup> In Greene County there is both a state court, the Circuit Court and a city court, the Municipal Court. The Circuit Court has jurisdiction over all state violations that occur within Greene County. Where approved by city councils in some of the smaller towns, a city may file ordinance violations with the state court system.

<sup>3</sup> It should be noted that at the end of the federal funding, May, 1987, probation department employees were offered the opportunity to continue in a city funded operation as full-time employees with employee benefits. The employees rejected the offer, preferring to remain as temporary employees. The reasons for that decision remain unclear, and until this evaluation, there has been no change in their employment status.

the interest of public safety. It was also expected that the number of repeat offenders in the system would be reduced. At the time of its creation, the probation department was structured to deal only with DWI and BAC cases. The Springfield Municipal Court has never departed from the initial concept that probation was only for DWI cases and has, therefore, not expanded the program to include such cases as theft or domestic violence, although, according to the Hon. Winston Davis, adding other case types was anticipated in the future.

At the time the probation office was established in May 1984, the following were identified as benefits of the probation program:<sup>4</sup>

1. Pre-sentence investigations to determine individual needs.
2. Follow-up of probationers ordered to programs.
3. Ongoing supervision.
4. Immediate way of dealing with non-compliance, i.e. violators of court's order.
5. Coordination of education and treatment resources in the community.
6. Coordination with other agencies in the community.
7. Record keeping and statistic maintenance on Municipal Court offenders.

The anticipated values to the court and the City of Springfield are:

1. Provision of an identified needed service to the Court by completion of pre-sentence reports, follow-up, and ongoing supervision.
2. Address the need for continuity of services for the DWI offender so that a systematic and continuous approach to the problem was used.
3. Supervision and monitoring of offenders on probation who needed special conditions of probation would be provided.

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<sup>4</sup> Although the document was undated, it appears that the information was compiled as a first year report to the funding source making its approximate date 1985.

## **Responsibility for Enforcement**

### Court Philosophy

In the National Center for State Court's document Trial Court Performance Standards, Standard 3.5 "Responsibility for Enforcement" states "the trial court takes appropriate responsibility for the enforcement of its orders."<sup>5</sup> The judges of the Springfield Municipal Court adopted, in philosophy, Standard 3.5 and believe that, in fact, the Court is responsible for enforcing its orders. As a result of their commitment to the enforcement of court orders, in November 1993 the court transferred a full-time temporary court services representative position to the function of probation collections officer with the expressed mission of collecting court imposed monetary sanctions in cases where fines and costs were the only sanctions. It did not supplant the existing probation officer position that is charged with supervising formal probation and monitoring compliance with court ordered probation conditions that may also include monetary sanctions. The probation collections officer position was created as a pilot project and the results of the project were to dictate whether or not the position would be converted into a permanent court-annexed probation position.

### Enforcement Policies and Procedures

Fines and costs have always been used as a sanction by the court. Prior to the creation of the position of the probation collections officer, very little attention was given to ensuring that court ordered fines and costs were paid to the court. Creation of the probation collections officer position and the adoption of Trial Court Performance Standard 3.5 have given the Municipal Court judges additional options for enforcement of their orders, e.g., probation supervision until fine is paid in full, contempt for failure to complete fine schedule as negotiated, and garnishment of wages. Municipal Court has

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<sup>5</sup> Trial Court Performance Standards. Measurement of Trial Court Performance (Williamsburg, VA: National Center for State Courts, 1990) p. 16.

developed a policy that any individual requesting time payment shall be placed on probation until such time as the fine and costs are paid in full to the court. Explanations regarding the courts rules and expectations regarding fines and costs are provided to defendants through a pre-recorded video presentation, made by the chief judge, at the beginning of arraignment sessions.<sup>6</sup> The probation collection officer's statistical reports indicate a collection rate of over ninety-one percent (91%) collection rate on current accounts.

### Staffing

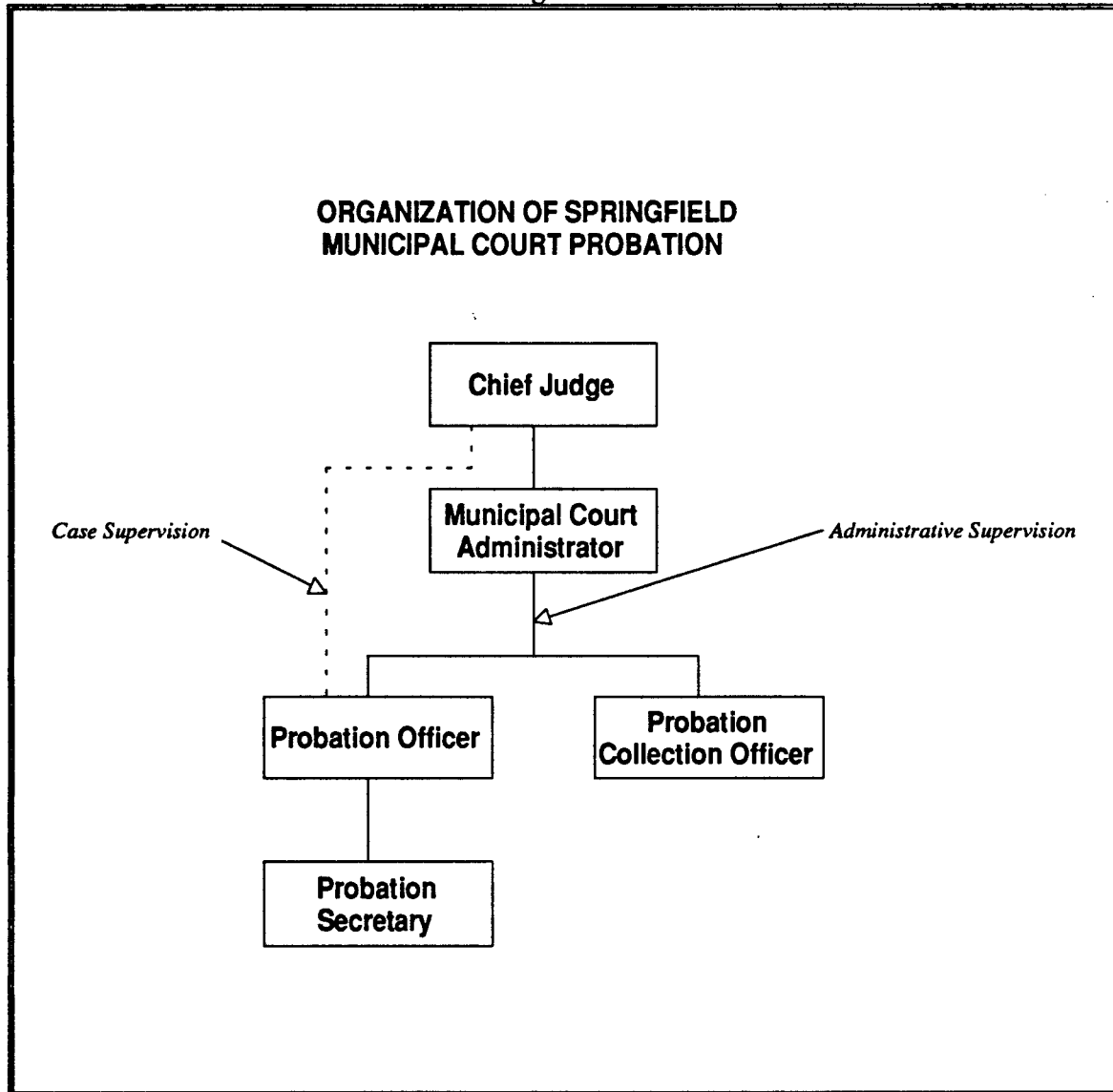
The current structure of the probation department consists of one full-time probation officer (Figure 1). For a short period of time the position was job- shared between two persons to fill one FTE probation officer position. The probation department is currently being staffed by one person in the FTE probation officer position, one full-time secretary, and one probation collections officer. Although housed in the probation office, the probation collections officer reports directly to the court administrator on both administrative and case related issues.

When the pilot probation collections officer position was added in November of 1993, both the probation officer and probation secretary were new to their positions. Because of this, as well as the volume of their existing caseload, the probation collections officer was not placed under the direction of the probation officer. Additionally, the court administrator and chief judge wanted to keep control of the evolution of the position to fine tune procedures and gather statistical information to prepare a final recommendation to city officials regarding the continuation of the position on a permanent basis.

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<sup>6</sup> Video arraignment equipment was installed in Municipal Court in mid-December 1993 and is used daily to provide pre-court instructions and information.

Figure 1



### Probation Offices

The probation department of the Municipal Court is housed in the Municipal Court facility between the main clerk's office and the city prosecutor's department. Its FY1993 operating budget was \$38,324. As an ancillary service of the court, the probation department clearly answers to the court for all judicial related functions. The administrative support, including budget preparation, has been provided through the general court administration services. This arrangement, so far, has worked well, considering the organizational structure, the small size of the organization, and the related budgetary decisions overlapping the probation department and the court.

### **Additional Appropriate Case Types**

As discussed earlier in this report, the Probation Department has served primarily offenders convicted of DWI and BAC related offenses. While consideration has been given to including other types of cases, the plan over the 10 years of operation of the probation department has never included cases other than DWI and BAC cases. Consultations with Chief Judge Winston Davis indicate that the court clearly wants to expand the scope of cases in which probation services are provided. Consideration should be given to the addition of other case types that involve restitution to victims, such as theft, property destruction, assault, and domestic violence.

Using a computer report of cases disposed in 1992, Judge Davis identified 2,189 total cases in twenty-one different case types that could be considered for probation services. Not all would be appropriate, however. Judge Davis estimated, based upon his experience, that one of every twenty cases of the case types mentioned above should be referred for probation services. Based on this 1:20 ratio, the number of 1992 additional appropriate cases that could have been referred to probation was 109.

## **Costs**

The City of Springfield relies heavily on the Municipal Court for revenue. Such reliance is not uncommon for courts prosecuting city ordinances, and hence can create some challenges when a cost center, rather than a revenue center, becomes a necessity for the court to do its work.

During the course of the operation of the probation department, the court has used the fee established by municipal ordinance (\$36 per case) and has charged the probation assessment fee when probation was assigned. Although the assessment authorized was specifically earmarked for probation services<sup>7</sup>, the monies collected were allocated to the general fund and accounting of those assessment fees are unobtainable. According to Fred Fantauzzi, Finance Director for the City of Springfield, the estimated amount collected in 1992 was \$22,000.

In August of 1992, the Missouri Legislature passed legislation<sup>8</sup> authorizing municipal courts in Missouri to provide probation services and to provide those services through a contract private probation service. It also enacted other legislation<sup>9</sup> that set the minimum monthly contribution for providing these services at \$30 and the maximum at \$50. Currently the Municipal Court does not utilize the authority granted in these statutes, relying instead on the municipal ordinance of 1978.

## **Comparison of Court Probation with Contract Probation Services**

Missouri Revised Statute 559.607 authorizes the judges of municipal divisions to "contract with a private entity to provide probation and rehabilitation services for persons placed on probation for violation of any ordinance of the city. . . ." Currently the Municipal Court has four primary service providers who provide alcohol and drug courses for DWI and BAC offenders. The threshold question on whether to use contract

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<sup>7</sup> Municipal Code Section 23-10.

<sup>8</sup> Missouri Revised Statutes, Section 559.607 (Appendix A)

<sup>9</sup> Missouri Revised Statutes, Section 559.604 (Appendix A)

probation is to determine whether or not there are any private entities willing and able to provide the service. To answer the question, meetings were held with the four existing service providers to determine if any of them were willing and able to provide contract probation services. Only one of the providers has indicated that they would consider a contract to provide assessment and supervision services for the Court. This provider, Correction Services, only indicated interest: it reserved a final decision pending an extensive evaluation of the court's expectations and the cost/benefits of providing these services.

Before a recommendation can be made regarding the future of probation services, two questions need to be answered. They are 1) who are our clients? and 2) how do the services currently provided compare to other like courts in the State of Missouri? To answer these questions, two survey instruments were developed (Appendices B and C) with the goals of 1) establishing a Municipal Court probationer profile, and 2) making a comparison of probation services of other municipal courts in the state.

### **1992 Municipal Court Probationer Profile**

Before the court can make an informed decision on whether or not to contract probation services, it is necessary to identify the probation population currently served by the court's probation department. To identify the population, a probationer profile form was developed and approved by the court and a sample of ten percent of the probation cases assigned and closed in 1992 were analyzed. Of the cases assigned to probation in 1992, there were 287 cases closed in 1992. Ten percent of those cases (twenty-nine) were pulled and used as a representative sample. The following results are drawn from that sampling.

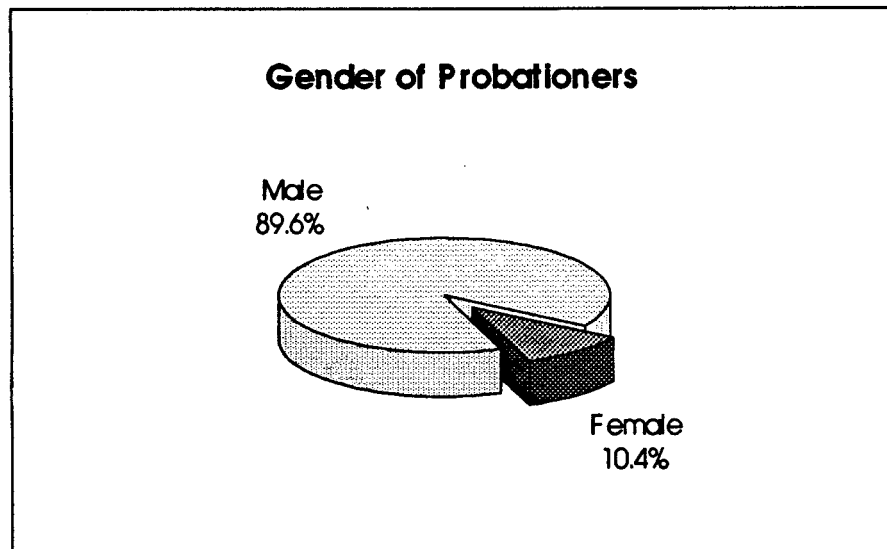


***Who are the probationers?***

The probation population was dominated by males (Figure 2).

Nearly nine out of ten probationers in the survey were male.

**Figure 2**

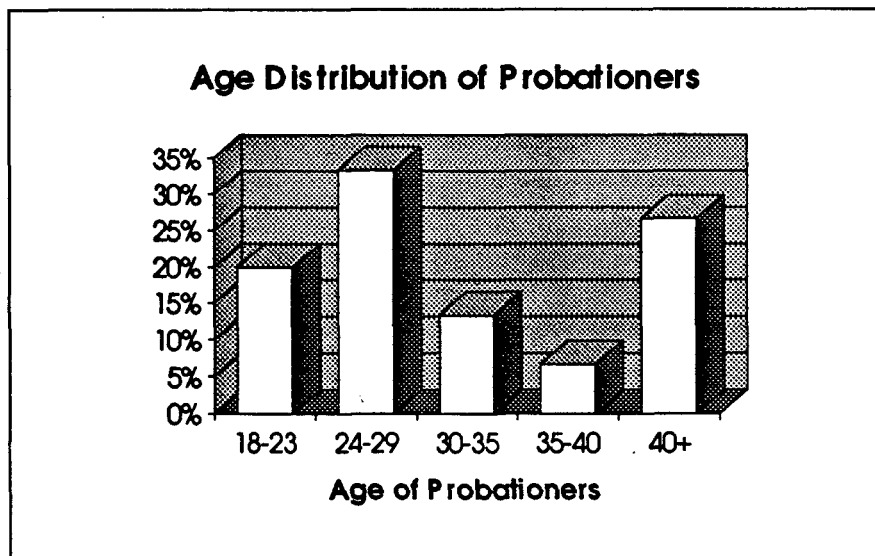


The average age of probationers in the Municipal Court is 34 years old.

However, there is a wide range of ages represented in the sample (Figure 3). Four of the probationers were over 50 years old. Even when these probationers are removed from the sample, the average age of probationers is over 30 years old.

While the "spike" in the 24-29 year old age group might be expected, with a gradual decline to age forty, the sample revealed a high number of probationers in the 40+ age group. These data imply that alcohol problems are not self-correcting with age. A review of the prior court contacts with the defendants in the forty-plus age group shows that most of the defendants have had prior incidents involving alcohol or traffic related offenses. Obviously the behaviors of these defendants have not changed where

**Figure 3**



there was no effective supervision of the conditions of probation. If the court is to be an effective agent of social change and if its orders are to be successful in changing behaviors to improve public safety, then effective probation services are a necessary adjunct to ensure compliance with court orders.

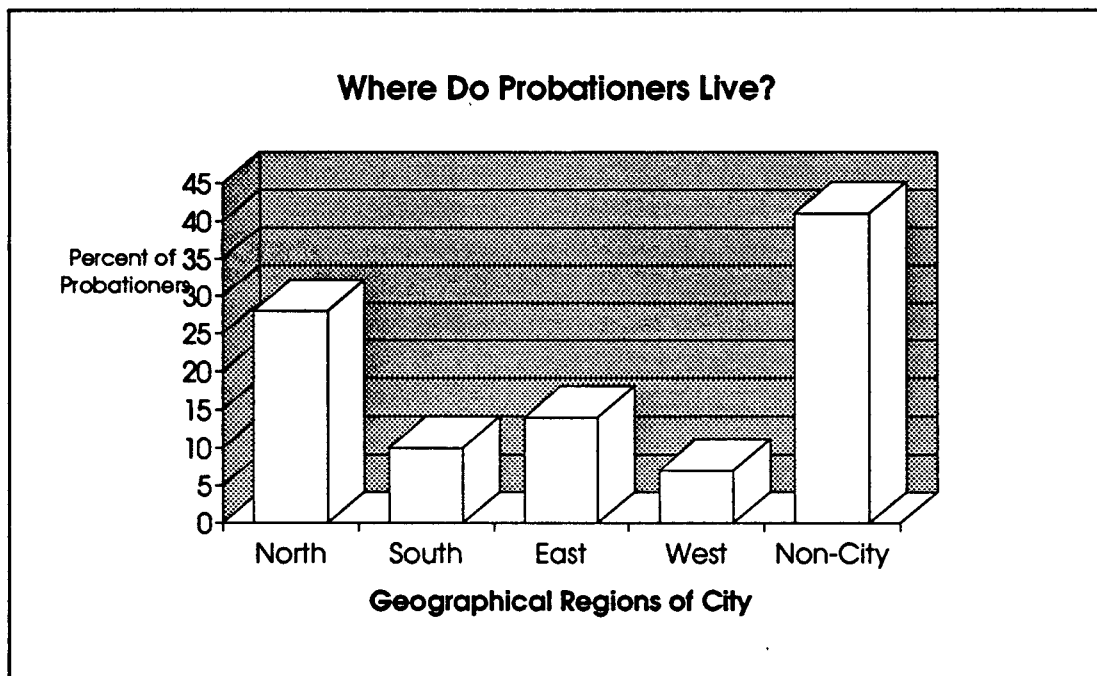
While the marital status of ten percent (10%) of the sample was not known, of the remaining ninety percent, twenty percent (20%) were married, thirty percent (30%) divorced, and forty percent (40%) were single. Of those probationers providing information about children, twenty-seven percent (27%) had children, more than half of which (54%) lived with the probationer.

The occupation of probationers at time of conviction was distributed between forty-three percent (43%) blue collar, thirty-three percent (33%) professional, seven percent (7%) retired, thirteen percent (13%) unemployed, three percent (3%) unknown, seven percent (7%) student, and three percent (3%) disabled.

***Where do probationers live?***

The survey results were examined to determine where probationers live. This was done first, to determine what areas of the city most probationers come from, and second, to determine what percentage of the probationers are residents of the municipality (Figure 4).

**Figure 4**



In Springfield, the North region of Springfield is generally perceived as the region with the lowest educational and economic base. Twenty-seven percent (27%) of probationers were from the north side, ten percent (10%) from the south side, thirteen percent (13%) from the east side, and seven percent (7%) from the west side. Of particular interest in the survey results is that over forty percent (40%) of the probationers reside outside the municipal boundaries of Springfield.

With the Springfield Municipal Court's Probation Department serving forty percent (40%) non-residents, there is a real need to examine the assessment of a user

based fee to ensure that city residents are not subsidizing services for non-residents. This will necessitate a reevaluation of the administrative procedures used to supervise these non-residents.

### **Performance On Probation**

The average blood-alcohol content (BAC) for the defendants in the sample was .16, well above the legal limit of .10. Of the defendants ordered to probation, eighty-nine percent (89%) were placed on probation for 180 days. The remaining eleven percent (11%) were placed on a full year's probation.

The average fine and costs for defendants ordered to probation was \$312. Only one case in the sample had fine and costs waived. It should be noted, that only twenty percent (20%) of the cases in the sample were assessed the recoupment fee for the reimbursement of police processing costs.

Due to the way records were kept prior to the assessment<sup>10</sup>, it was impossible to determine the number of meetings scheduled between the probationers and the probation officer and the number of meetings kept. From available data, seven percent (7%) of the cases had a probation violation hearing scheduled and none of the scheduled hearings went forward. The survey also revealed that there were many more cases that should have been violated than were actually brought back to the court for violation of their conditions of probation. Procedures have now been put in place to assure that defendants who violate probation are promptly brought to the court's attention.

### **Comparison Survey with other Municipal Courts**

A survey was sent to the 417 municipal courts in the state. Thirty-five percent (35%), or 148 surveys, were returned. With the exception of the St. Louis area and the

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<sup>10</sup> Since this assessment, new record keeping procedures have been instituted to enable the court to track probationer contact compliance.

Kansas City area, most all other municipal courts are small rural courts. Most rural courts in Missouri use bench probation which requires no separate probation staff to administer. Bench probation requires no active ongoing supervision and the court is only aware of a violation of probation when a subsequent case is filed during the probation period. For analysis purposes, bench probation was not counted as an in-house probation service because there are no non-judicial staff assigned to this function. In addition, Kansas City, the only large metropolitan area responding, was removed from the survey because using their figures would significantly skew the data and is not reflective of the other 147 courts.

Of the 147 courts responding, the average number of probation cases, whether supervised through bench probation or referred out for private supervision, was 15.5 cases per year. These data illustrate the uniqueness of the Springfield Municipal Court. Springfield is emerging from a rural to an urban court. With an average caseload of 650 probation cases per year, it is well below the caseload of a Kansas City court, yet is considerably larger than the other municipal courts surveyed. Joplin and Columbia are two other courts that are emerging growth areas and judges from both of these courts have contacted the Springfield Municipal Court expressing their interest in establishing the need for a separate probation department to handle their growing caseloads.

### **Comparison Placement Options for Probation Services**

Municipal courts are traditionally revenue generators for city government, bringing in more revenue than is required to operate the court. The majority of their cases are traffic related cases payable by mail. In 1992, the Springfield Municipal Court received nearly forty-three percent (42.9%) of its guilty plea fines by mail-in payment. Probation services, on the other hand, because of the indigent populations involved in court actions, are almost always cost centers, requiring the infusion of city monies to fund them. The City of Springfield has since 1984 concurred in the importance of

providing probation services as a part of the court process to insure compliance with court orders.

Different jurisdictions have answered the question of where probation services should be administered in different ways. Some have chosen court annexed probation services, some have chosen private contract probation services, and some have chosen a combination of both. These decisions are based on the evaluation of a number of criteria and their importance to the court and any statutory requirements.

*Advantages of Court Annexed Probation Services<sup>11</sup>*

- Probation Office is directly answerable to the court.
- The court has the ability to directly monitor and enforce compliance of orders.
- Constant communication between the court and probation.
- Reduced administrative costs -- supervision of probation provided by chief judge and court administrator.
- Prompt response to defendants who violate the conditions of probation (or have difficulty understanding that rules apply to them).
- Clear perception by defendants that probation is an extension of the court.
- Confirmation that probation is part of the continuum of the process of sentencing.

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<sup>11</sup> Court annexed probation services are administered as part of the court while funded through the appropriations process of the city. Some of the costs of probation services can be offset through user fees.

*Advantages of Private Probation Services*<sup>12</sup>

- Costs of administering probation office are fixed and included in the contract price.
- Contractor may be more able to adapt to temporary increases in case filings than the court due to the ability to add additional staff without complying with city hiring and budgeting requirements.

**Conclusions and Recommendations**

The City of Springfield has made a ten year investment in the facilities and staffing of the current probation department. If the court were to discontinue the current operation and design a new system for delivering probation services, there is a risk that the design would not meet the court's need, and that the citizens of Springfield could be subjected to an unnecessary public safety risk. Rather than lose the investment by completely abandoning the organizational design, the following recommendations are made for continued delivery of court annexed probation services. These recommendations are offered to improve the effectiveness and efficiency of probation operations.

**RECOMMENDATION ONE**

**Based on a final recommendation from the court, City Council should fully fund the department and develop permanent positions and job classifications.**

**RECOMMENDATION TWO**

**A workload evaluation should be conducted to ensure that the two full time employees are providing differentiated services appropriate to the case types. For example, the Probation Secretary could process low risk, compliant probationers and close out routine cases as appropriate.**

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<sup>12</sup> Private probation services are administered through a contractual arrangement with a private sector agency. Costs of the contract for indigent clients are borne by the city. Some of the costs of probation services can be offset through user fees.

### **RECOMMENDATION THREE**

Based on the current ninety-one percent (91%) weekly collection rate for the probation collection officer position, the Court should recommend and the City Council should fund the position as a permanent part of the probation department.

### **RECOMMENDATION FOUR**

The goals and outcomes identified in the probation department mission statement (Appendix D) should be regularly reviewed by the Court to determine if they are being met, and, if not, corrective measures should be clearly identified and communicated.

### **RECOMMENDATION FIVE**

Regular meetings between probation and probation treatment service providers should be held to determine if probationer services continue to meet both the needs of the court and the probationers.

### **RECOMMENDATION SIX**

The probation department referrals should be expanded to include additional defendants that are identified by the court as appropriate for probation supervision.

### **RECOMMENDATION SEVEN**

The court should develop a policy for referring restitution cases, when appropriate, to the probation collection officer for supervision.

### **RECOMMENDATION EIGHT**

The court should recommend to the City Council that under the provisions of Missouri Statutes 559.604 and 559.607 a probation services contribution fee between \$30 and \$50 per month be established to provide supervision and rehabilitation services and help offset the costs of administering probation services.

In addition to the identification of the probation population and the development of the recommendations noted above, this assessment of the Springfield Municipal Court has reaped another unexpected benefit -- personnel of the Springfield Municipal Court and its Probation Department have embraced the opportunity to create better and more efficient service delivery. Court and probation staff have developed new and more



efficient forms for daily operations, regular communications with service providers have been established, and internal communications to provide a higher level of service and monitoring have been institutionalized.

The City of Springfield should be proud of the Municipal Court's probation operation and the recent changes that have increased its effectiveness as the enforcement arm of the court. With continued fine tuning and data analysis to ensure the appropriate staff assignments, the probation department should continue to be an effective and viable arm of the Springfield Municipal Court.

**APPENDIX A**

**Missouri Revised Statutes  
Sections 559.607 and 559.604**

**PROBATION****CONTRACTS WITH PRIVATE PROVIDERS**

**SECTION 559.604 THROUGH 559.615 RSMo; SENATE BILL NO. 540  
EFFECTIVE AUGUST 28, 1992**

**559.604. Cost of misdemeanor probation to be paid by offenders, exceptions**

Neither the state of Missouri nor any county of the state shall be required to pay any part of the cost of probation and rehabilitation services provided to misdemeanor offenders under sections 559.600 to 559.615. The person placed on probation shall contribute not less than thirty dollars or more than fifty dollars per month to the private entity providing him with supervision and rehabilitation services. The amount of the contribution shall be determined by the sentencing court. The court may exempt a person from all or part of the foregoing contribution if it finds any of the following factors to exist:

- (1) The offender has diligently attempted, but has been unable, to obtain employment which provides him sufficient income to make such payments;
- (2) The offender is a student in a school, college, university or course of vocational or technical training designed to fit the student for gainful employment. Certification of such student status shall be supplied to the court by the educational institution in which the offender is enrolled;
- (3) The offender has an employment handicap, as determined by a physical, psychological or psychiatric examination acceptable to or ordered by the court;
- (4) The offender's age prevents him from obtaining employment;
- (5) The offender is responsible for the support of dependents, and the payment of such contribution constitutes an undue hardship on the offender;
- (6) There are other extenuating circumstances as determined by the court to exempt or partially reduce such payments; or
- (7) The offender has been transferred outside the state under an interstate compact adopted pursuant to law.

(L.1992, S.B. No. 540, § 1.)

**559.607. Municipal ordinance violations, probation may be provided by contract with private entities by municipal courts, procedure—cost to be paid by offenders, exceptions**

1. Judges of the municipal division in any circuit, acting through a chief or presiding judge, may contract with a private entity to provide probation and rehabilitation services for persons placed on probation for violation of any ordinance of the city, specifically including the offense of operating or being in physical control of a motor vehicle while under the influence of intoxicating liquor or narcotic drugs. The contracting city shall not be required to pay for any part of the cost of probation and rehabilitation services authorized under sections 559.600 to 559.615. Persons found guilty or pleading guilty to ordinance violations and placed on probation by municipal or city court judges shall contribute to the cost of their probation supervision as provided for in section 559.604.

2. When approved by municipal court judges in a circuit, the application, judicial order of approval, and the contract shall be forwarded to and filed with the board of probation and parole. The court-approved private entity shall then function as the probation office for the city, pursuant to the terms of the contract and the terms of probation ordered by the judge. Any city in this state which presently does not have probation services available for persons convicted of its ordinance violations, may, under the procedures authorized in sections 559.600 to 559.615, contract with a private entity to provide such probation supervision and rehabilitation services.

(L.1992, S.B. No. 540, § 1.)

**APPENDIX B**

**Probationer Profile Survey Instrument**

Probationer Data  
1992

Sex: \_\_\_\_\_ Male \_\_\_\_\_ Female

Age at time of convictions for which you are now on probation:  
\_\_\_\_\_

Family Status: \_\_\_\_\_ Married \_\_\_\_\_ Divorced \_\_\_\_\_ Single

Children: \_\_\_\_\_ # living with you \_\_\_\_\_

In Springfield, region: \_\_\_\_\_ N \_\_\_\_\_ S \_\_\_\_\_ E \_\_\_\_\_ W

Number of DWI convictions: \_\_\_\_\_

Number of BAC convictions: \_\_\_\_\_

Attorney: \_\_\_\_\_ yes \_\_\_\_\_ no

BAC level: \_\_\_\_\_

Occupation at time of conviction: \_\_\_\_\_

Number of convictions (other) \_\_\_\_\_:

Length of Probation: \_\_\_\_\_

Fine and costs assessed: \_\_\_\_\_ Amount Paid \_\_\_\_\_

Recoupment assessed: \_\_\_\_\_ Amount paid \_\_\_\_\_

Courses assigned: \_\_\_\_\_

Courses completed: \_\_\_\_\_

# meeting scheduled with PO \_\_\_\_\_

# of meetings kept with PO \_\_\_\_\_

Probation revoked: \_\_\_\_\_yes \_\_\_\_\_no

Revocation sentence: \_\_\_\_\_

**APPENDIX C**

**Municipal Court Comparison Survey Instrument**

Survey  
Probation Services

1. Does your court have a probation department?

\_\_\_\_\_yes                      \_\_\_\_\_no

2. Does your court handle DWI and BAC cases?

\_\_\_\_\_yes                      \_\_\_\_\_no

\*\*(If you answered no to question 2, you need not complete any additional questions. Thank you for your help.)

3. If yes, how does your court deal with sentencing orders?

- a. \_\_\_\_\_Bench Probation (ie., reports back to judge)
- b. \_\_\_\_\_Private Probation Services
- c. \_\_\_\_\_No special monitoring of cases
- d. \_\_\_\_\_In-house probation (ie., court/city provides probation offices and staff)
- e. \_\_\_\_\_Other

4. In 1992, how many DWI and BAC cases in your court were either put on bench probation, in-house probation, or referred out to a private probation service? \_\_\_\_\_

- a. \_\_\_\_\_In-house probation
- b. \_\_\_\_\_Bench probation
- c. \_\_\_\_\_Private probation service

5. Was a distinction made between DWI and BAC cases needing low, moderate, or intensive supervision?

\_\_\_\_\_yes                      \_\_\_\_\_no

6. If yes to question 5, who determined the level of supervision required?

- a. \_\_\_\_\_Judge
- b. \_\_\_\_\_Probation Officer
- c. \_\_\_\_\_Other



7. Does your court put other types of cases on probation? If yes, please specify what types.

\_\_\_\_\_yes \_\_\_\_\_no

Case Types\_\_\_\_\_

Thank you again for assistance. Please give me a contact person and phone number in case I have a need to call and clarify any of the information you provided.

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Court

\_\_\_\_\_  
Phone Number

**APPENDIX D**

**Probation Department Mission Statement**

# *Probation Office* **MISSION**

*To supervise corrective services through appropriate and accurate assessments with referrals to appropriate treatment programs.*

To accomplish our mission, we will:

- ◆ Refer probationers for treatment of underlying substance abuse and/or behavioral problems.
- ◆ Monitor probationers for completion of program referrals.
- ◆ Monitor probationers for payment of fines and costs to the court.
- ◆ Take corrective actions for non-compliant individuals.

Accomplishment of our mission will result in the following:

- ◆ Underlying substance abuse and/or behavioral problems will be corrected.
  - ◆ Recidivism rates will decrease.
  - ◆ Fines and costs will be paid in full.
  - ◆ Public will be safer.

