

## **Council Policy 9-4 Community Service Program**

### **COUNCIL POLICY NO. 9-4**

**DISTRIBUTION:** All Departments

**SUBJECT:** **Community Service Program**

**PURPOSE:** To provide procedures for the implementation of the City's Community Services Program.

**BACKGROUND:** The City Council has adopted an ordinance providing for certain defendants the option of performing community service for the City in lieu of fine or in conjunction with imprisonment. The Community Service Program is designed to provide the Municipal Court an alternative to fine or imprisonment for a person convicted of misdemeanor offenses in Municipal Court.

### **PROCEDURES AND RESPONSIBILITIES:**

A. Coordination and Assignment.

1. The Parks and Recreation Director shall coordinate with each department director desiring to use community service workers and request that they submit their periodic worker requirements. The Parks and Recreation Director will provide such directors with community service workers as they become available. The Municipal Judge may also provide persons assigned to community service to private not for profit organization which agrees to accept such persons, signs an agreement agreeing to all terms and conditions including providing the required supervision and necessary reports.
2. If a defendant refuses to accept community service, the Court will assess a fine and/or imprisonment as appropriate.
3. After a defendant agrees and is thus ordered to perform community service and has signed the Community Service Agreement, the Municipal Court Clerk will notify the Parks and Recreation Director of such assignment, and direct the defendant to report to the office of the Parks and Recreation Director at 8:00 am the next following Monday morning. If the Monday is a City recognized holiday the defendant will report the Tuesday after the Monday holiday.
4. The Parks and Recreation Director will assign a department staff member to interview the defendant and assign the worker to a community service assignment and direct the defendant to appear. The assignment will include a date, time and place to which the defendant is to appear.
5. Each defendant will be assigned community service work of not less than three (3) hours and not more than six (6) hours a day, unless otherwise

specified by the Municipal Judge. If the defendant is assigned to a program lasting longer than three (3) hours, unless the defendant is an incarcerated participant, the supervisor shall, at the normal lunch hour or the normal supper hour, stop the community service program and direct the defendant to take a meal break and return at a specified time and location. A defendant's failure to return will be immediately reported to the Parks and Recreation Director. Incarcerated persons participating in the program will be treated at meal breaks in accordance with the existing jail policy.

6. The responsible person to whom the defendant requested to perform community service is assigned will meet the defendant at specified date, time and place.
7. The Parks and Recreation Director may utilize City personnel as supervisors of the defendants completing community service.

B. Work Assignment/Supervision/Work Performed

1. The defendant will be assigned work commensurate with the defendant's capabilities, health and physical conditions.
2. The defendant, unless a person sentenced to imprisonment as provided in Section 9-1-128(C), Lawton City Code, will not wear any uniform, emblem or insignia which would give the appearance that such work is an employee or agent of the City. In the event the defendant is incarcerated, the defendant will wear clothing which clearly indicates that the defendant is a prisoner.
3. The person supervising such defendant shall not in any manner give or offer any representation that such worker is an employee or agent of the City.
4. The person supervising the defendant will ensure that the worker is actually engaged in productive community service work.
5. The defendant will not be permitted to operate machinery except for hand held machinery, such as hand operated mower.
6. The defendant will be provided with safety protection and equipment commensurate with the type of work being performed.
7. For all community service work satisfactorily performed, the defendant will receive credit toward fines and court costs, at rates set forth in Lawton City Code Sections 9-1-128 and 16-3-1-321.

C. Treatment of Defendants

1. Be treated humanely and with dignity.
2. Not left unsupervised for any period of time.
3. Be assigned tasks which the defendant can perform.

D. Time Sheets/Reports

1. The supervisor will fill out a time sheet for each defendant for each day/time that the defendant performs his/her community services.

2. The Community Service Work Program Assignment Completion/Non-Completion Form will be completed by the supervisor when the assignment is completed or terminated and the completed form returned to the Parks and Recreation Director. The Municipal Judge shall be notified by the Parks and Recreation Director of the results of the assignment.
3. The Community Service Agreement, the Time Sheet, and the Community Service Work Program Assignment Completion/Non-Completion Form, and such filed will be retained one (1) year from the date the work assignment is completed or terminated.
4. The Parks and Recreation Director in collaboration with the Municipal Judge will prepare a semi-annual written report summarizing the total hours of community service work performed under the Program, the number of defendants performing under the Program, the type/nature of work performed and any other relevant information the deemed appropriate. The report will be forwarded to the City Council.

E. Attachments

1. Community Service Agreement
2. Time Sheet
3. Community Service Agreement Completion/Non-Completion Form

**REFERENCES:** Sections 1-1-119 and 9-1-128, Lawton City Code, 2015. Oklahoma Statutes 11 OS 27-122, 27-122.1 and 27-122.2.

**EFFECTIVE DATE:** This policy becomes effective on and after April \_\_\_\_, 2024.

**DEPARTMENT:** Parks and Recreation - Municipal Court

**RESCISSION:** This policy rescinds and replaces Council Policy 11-2, dated October 15, 2006.

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STANLEY BOOKER, MAYOR

Approved as to form and legality on this \_\_\_\_ day of \_\_\_\_\_.

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TIMOTHY WILSON, INTERIM CITY ATTORNEY