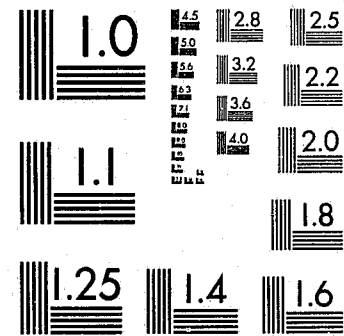


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COMMUNITY SERVICE ORDERS:  
IMPLICATIONS OF THE BRITISH EXPERIENCE  
FOR THE AMERICAN JUSTICE SYSTEM

Presented by John Harding  
May 13, 1980  
Conference of Community Service  
Minneapolis, Minnesota

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FOREWORD

On May 13, 1980, Joe Hudson and Burt Galaway of Social Development Associates, Inc. - in conjunction with the Minnesota Crime Control Planning Board and the University of Minnesota School of Social Development - sponsored a conference on community service. This conference was designed to provide an American audience with the opportunity to learn from the extensive experience and knowledge gained by England in using community service sanctions.

The conference's principal speaker, John Harding, has been directly and substantially involved in the British Community Service Orders program since its inception in 1972. In 1973, Mr. Harding established one of the six original experimental Community Service Orders projects (in Nottinghamshire, England). Subsequently, Mr. Harding expanded his involvement in the overall program as an administrator with the Devon Probation and After-Care Service. At present, Mr. Harding is preparing to assume the position of Deputy Chief Probation Officer of the Westmidlands County Probation and After-Care Service, where he will continue to assist in the administration of the entire British Community Service Orders program.

During this conference, Mr. Harding presented detailed information concerning the development, implementation, and current status of

The British Community Orders program. The following paper was produced from Mr. Harding's presentation notes by the National Office for Social Responsibility (NOSR), for the benefit of those individuals unable to attend the conference. Our thanks go to Mr. Harding for sharing his knowledge of the history, practices, and problem solving efforts associated with England's eight-year experience in using Community Service Orders. We would also like to thank Louise Dutzman for her work in typing this manuscript, and Janet Dinsmore for her assistance in editing the manuscript.

Joseph E. Lynch  
NOSR, Restitution Staff  
Alexandria, Virginia  
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## I. RATIONALE AND AIMS OF THE COMMUNITY SERVICE ORDER POLICY

### Pressures for Change

In order to understand Community Service Orders and their development in the United Kingdom, we must first stand back and take an historically informed appraisal of the situation and conflicting pressures for change which confronted policy makers prior to the inception of the Community Service Order Policy. This situation and these pressures inevitably imposed certain constraints, dictating what was politically necessary on the one hand and politically feasible on the other.

The most important pressure for change stemmed from the growing desire to divert offenders from custodial sentences. This desire reflected a movement in the United Kingdom over the previous 20 years designed to restrict the use of imprisonment, to expand existing non-custodial measures, and to provide wholly new non-custodial measures. Examples of non-custodial measures included: suspended sentences and suspended sentence supervision orders, parole, day training centers, detoxification centers, bail hostels, deferred sentences, and the extension of existing resources such as probation hostels. All these measures highlighted the mounting pressure to avoid imprisonment.

What caused this pressure to avoid custodial sentences and what were the supposed defects of existing non-custodial measures which made it apparently so imperative that additional sentences be devised?

Four major factors relating to the penal policies of the time promoted the pressure to avoid custodial sentences.

- 1) The influence of humanitarianism (prompted by a dislike of the "out of sight, out of mind" aspect of the total institution, and its damaging social effects).
- 2) Scepticism about the effectiveness of imprisonment as an instrument of treatment or a means of deterrence (compared with the relative effectiveness of non-custodial measures).
- 3) Prison overcrowding. Prison populations rose from 32,000 in 1948, to 39,000 in 1968,<sup>1</sup> and thus had become a major preoccupation of postwar penal policies. Further, the non-custodial measures of the 60s did not seem to have the desired effect of reducing prison populations, but merely soaked up some of the increase in the crime rate. In addition, Magistrates often employed these measures in a misguided fashion, bringing more people into the front end of the justice system. As a result, prison populations continued to increase.

- 4) The need to restrict public expenditures. For example, in 1970, the per annum cost to incarcerate an offender amounted to \$13,000,<sup>2</sup> plus any welfare costs of supporting the offender's family.

Along with pressures to develop new non-custodial measures, there was widespread disillusionment with traditional non-custodial approaches. Available evidence suggested that probation methods were not as effective as had been hoped. Comparisons between the Probation Order and fines/discharges indicated that the former was considerably less effective in reducing recidivism. Moreover, it is worth noting that one consequence of the introduction of suspended sentences in 1967, was an immediate decline in the use of the Probation Order.<sup>3</sup> This prevailing frustration was, perhaps, best exemplified by Baroness Wooton when she stated that, "The social worker's best, indeed perhaps her only, chance of achieving the aims of traditional casework would be to marry her client."

Whatever the appropriateness, therefore, of the existing non-custodial measures for specific offenders, it could not be expected that their use as alternatives to custodial sentences would be greatly extended. In addition to addressing these factors, there were other pressures for change:

- The demand for stronger penalties. Rises in crime rates led to fears that too little attention was being

paid to deterrence in the protection of the public.

New non-custodial measures needed more teeth. A penal policy which called for a stronger punitive or deterrent element in non-custodial sentences, therefore, was essentially a political expedient designed to encourage the use of non-custodial measures at a time when there was public concern about the volume of crime.

- Increased consideration of victims' needs. For example the Magistrates' Association and Justices Clerks' Society of the Royal Commission on the Penal System in the 60s suggested "an exploration of the possibility of making an offender do something to put right, quite personally and in a practical way, the loss or damage he has caused by his offense. We have in mind, for example, the provision of powers enabling Courts to order a person dropping litter to sweep the streets, or those committing damage to assist in effecting repairs."

Also, the 70s saw the introduction of the Criminal Injuries Compensation Board (designed to remunerate victims of certain violent offenses), and passage of the Criminal Justice Act of 1972, which made more general the courts' powers to order compensation and restitution, and to introduce criminal bankruptcy orders. These actions also reflected an emerging recognition of victims' right to some form of compensation.

- An emphasis on reintegration and community involvement as a means of rehabilitation. There was a need to balance deterrence and treatment. At the same time, the idea of social responsibility was becoming a dominant trend in penal policy. This was due in part to the belief that the Criminal Justice process often perpetuated or reinforced offenders' estrangement from the community. The approach which appeared to incorporate these divergent issues most completely was the reintegration model. This model was based on the concept that the offender should be dealt with in the context of his community, and that the community should be involved in the rehabilitative effort. In this way, the offender is given the opportunity to be reconciled with the society from which his offense has alienated him. Moreover, the reintegration model focuses not so much on the offender's deviance and problems as on his normality and positive attributes.

All of these factors created the climate within which new non-custodial measures were being developed.

#### The Community Service Alternative

The first recommendation for Community Service arose out of the report produced in 1970 by the Advisory Council on the Penal System, chaired by Baroness Wootton.<sup>4</sup> The report suggested that offenders devote a certain amount of their free time for service. The

Committee specifically recommended that offenders ordered to perform this Community Service should work no more than 120 hours spread over six months in voluntary service. It also suggested that Community Service would be a useful penalty for certain non-imprisonable traffic offenses. Finally, the Committee listed twin options for the use of Community Service: as a part of a Probation Order, or as a sentence in its own right.

The Government of the day rejected these particular proposals but adopted the following standards:

- The maximum number of hours was set at 240, over a 12-month period;
- Community Service was made available only for imprisonable offenses; and,
- Community Service was established as an independent measure among the Courts' sanctions, distinct from the Probation Order (it was believed that linking Community Service to probation would have jeopardized its position as an alternative to custody in cases when probation might be regarded as too mild a sentence for the offender).

Thus, the idea of the Community Service Order was firmly rooted in the search for alternatives to custody.

#### The Focus of Community Service Orders

The legislation authorizing CSOs is contained in Section 15 to 19 of the Criminal Justice Act of 1972 (later amended to the Power of the Courts Act of 1973). Its main provisions are as follows:

- 1) A person aged 17 years or over, convicted of an imprisonable offense, may be ordered with his consent to undertake unpaid work for any total number of hours between 40 and 240, within a period of one year.
- 2) The Court cannot make an Order unless:
  - arrangements for Community Service have been made in the Petty Sessions area where the offender will reside;
  - the Court is satisfied, after considering a Probation Officer's report about the offender and his circumstances, that he is a suitable person to perform work under such an Order; and
  - the Court is also satisfied that provision can actually be made for the offender to work.
- 3) Community Service work arrangements should, so far as is possible not conflict with the offender's work, education or religious commitments.



4) If the offender fails to comply with the CSO he may be fined up to £ 50 without prejudice to continuing the order, or the Court may revoke the Order and deal with the original offense.

5) The Act also outlines provisions for the appointment of a Community Service Sub-Committee of the Probation and After-Care Committee. The Sub-Committee acts as a policy controller for the organization of Community Service in a probation area. The Committee is made up of lay Magistrates and certain ex-officio members such as Trade Unionists and community organizers whose experience in community affairs is thought to be relevant to the administration of the scheme.

#### Deliberate Ambiguity

Although the provisions of this legislation were fairly clear, statements about the philosophy of Community Service were vague and deliberately ambivalent. The Home Office did not precisely categorize the types of offenders for whom Community Service might be appropriate, nor did it think it possible to predict what use the Courts might make of this new form of sentence. In addition, no attempt was made to analyze how the broad objectives of Community Service - punishment, reparation, and rehabilitation - might all be achieved within a single legislative and administrative framework. Equally important, there was no examination of

the extent to which these broad objectives might conflict. Finally, the Wootton Committee did not link their Community Service proposal to any notions of the causes of crime, and did not specify the mechanism by which Community Service might rehabilitate.

Presumably, it was felt that the success of the Community Service measure would be assured by allowing it to be all things to all men. In other words, by making Community Service cater as much as possible to all the current pressures for change in penal policy, the success of the measure could be guaranteed. A scheme was therefore devised which could and did appeal to protagonists from many different, and sometimes conflicting philosophical perspectives.

In looking back, Baroness Wootton has said she has always been slightly ashamed of an undisguised attempt to curry favor with everybody. This lack of clarity in the objectives of the Community Service scheme, however, has been criticized as a weakness and applauded as a virtue. One former colleague wrote in the Home Office Research Report "because of its appeal to the widest range of penal philosophies, Community Service can be appropriately described as a vaguely determined project."<sup>5</sup> He went on to say that it was essential to resolve this issue if Community Service was to be of use to the Courts and satisfying

to the Probation Service. By way of contradiction another colleague from Durham wrote "it is this very versatility that provides the Community Service Order with its greatest potential."<sup>6</sup>

The endeavor to reconcile the often competing objectives of Community Service has taken the form of a debate about whether the CSO should be used as:

- 1) A tariff measure\*, determined by reference to the seriousness of the presenting offense, and incorporating elements of punishment and reparation; or,
- 2) An individualized measure chosen for its ability to meet the perceived needs of the offender.

Consequently, ambiguity and confusion have continued over the purpose of the sentence and the types of offenders for whom Community Service is appropriate.

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\*In this context, "tariff measure" refers to the relative severity of a sentence as compared with other sentencing options. Thus, if Community Service, as a tariff measure, is being used as an alternative to custody, its tariff location would be equivalent to, or just below the tariff location of a custodial sentence. Similarly, the severity of presenting offenses for which Community Service is ordered would be equivalent to, or just below the severity of offenses for which custodial sentences are ordered.

#### A Firm Foundation

Despite this ambiguity and confusion, the major elements of the three penal philosophies underlying Community Service can be outlined as follows:

*Punishment.* This was seen in the main as deprivation of leisure time on a regular basis. There was no suggestion that the tasks themselves needed to be unpleasant or degrading, or that the approach of those supervising the work should be an exclusively authoritarian one. Most areas did emphasize that the element of punishment demanded a firm approach toward those offenders who broke their contact with the Court, in particular by failing to attend work. Attitudes towards the mechanics of breaching vary. Some areas have an arithmetical approach which crudely amounts to one-two-three-thump. Some use breaching as an early warning shot across the bow, while others use it as a last resort. Several areas exhorted their Magistrates to deal severely with those who breached their Orders to set an example - a rather unusual posture for the Probation Service to find itself in, particularly as there is little evidence that the response of those offenders on Orders is affected by the fate of their contemporaries.

*Reparation.* The idea that reparation should be required of offenders has not been discarded, though it has had little direct influence on the ways in which Orders have been implemented. Reparation was implied in some Social Enquiry Reports from which the

following quotations are taken: "Community Service could provide opportunities for Mr. S to make some tangible reparation to the community"; and "The Court may feel that Community Service is perhaps an appropriate way to deal with this man, where he can return to the community payment for his continual offending against it".

Community Service clearly has a fundamental theoretical appeal in neatly counterbalancing the provision of work against the commission of an offense. Nevertheless, there is little indication that offenders see a close correlation between the offense and the Community Service work. Usually there is a considerable passage of time between the two events, and the nature of the work undertaken seldom appears to have any connection with the nature of the offense committed. Certainly there seems little effort to enable the offender to provide a service to the victim (if only because the victim is none too keen on the idea), or for Community Service staff to stress to the offender that he is making good for the damage done. In a small minority of cases, where guilt feelings are strong, Community Service may be a useful expiatory process. Otherwise, it is unclear how the reparative element can help the Probation Service make practical decisions about the operation of Community Service.

*Rehabilitation.* While the punitive and reparative components of the CSO have not been ignored, most attention has been paid to

the objective of rehabilitation. Broadly speaking, it is believed that CSOs may rehabilitate through any of the following means: fostering a sense of social responsibility; contact with other workers; constructive use of leisure time; development of long-term interests and skills, and even new employment prospects; and, resumption of the work habit by the unemployed and the unemployable.

The role of Community Service in fostering a sense of social responsibility within offenders is based on the notion that offenders' contact with the beneficiaries of their service will give them a new outlook on their involvement in the community. In addition, Community Service is thought to promote a sense of social responsibility by reducing offenders' selfishness. This idea is reflected in the following quotation from a CS Officer's report:

... although at present Mr. X's life looks promising, his attitudes would appear to be very self-centered. The Court may therefore consider that a period of useful giving to others may benefit this man.

Moreover, in contrast to the problem-centered approach of probation (which often involves diffuse objectives), Community Service is an ability-oriented and work focused approach based on clear conditions. In the Community Service approach, offenders become the dispensers of service rather than the recipients of aid. Paradoxically, this perpetuates a rehabilitative ideology and turns it on its head: offenders become both helpers and the focus of help. This concentration on the positive use of talents and skills helps counteract negative and anti-social tendencies, thus giving the offender

the chance to find an alternative and legitimate source of achievement and status.

As a side effect, the Community Service sentence provides offenders with an experience which they can readily understand. Flegg's survey of 100 offenders who successfully completed their Orders between 1973 and 1975<sup>7</sup> found that these particular offenders almost unanimously preferred the experience of Community Service to that of the Probation Order. Probation was described as "a process of aimless talk." Their feelings about Community Service on the other hand were summarized by Flegg as follows:

The positive aspects of Community Service, as seen by these men and women, were its variety, its flexibility, its direct practical application in many instances, and its offering of acceptance, trust, and opportunity. The importance of the clearly defined conditions in the CSO came out time and again, especially when compared with the rather amorphous experience of Probation, reporting over what seemed like lifelong periods. In this respect the number of hours and working at jobs made sense.

Community Service offers offenders a sanction which they can see as relevant to themselves and to their community, which is a pre-requisite to the acceptance and success of any measure.

Contact with other workers through the medium of group work gives offenders an opportunity to form their own positive values rather than simply take over the values of others. Also, it is believed that working with others may help combat social isolation and thus enable offenders to become more adept at establishing relationships with others.

The rehabilitative element of Community Service focusing on the constructive use of leisure time is based on the assumption that such use of leisure time reduces offenders' motivation and opportunity to commit crimes. This idea is reflected in the following remark by a Community Service Officer:

'X' is a robust and healthy young man with, it seems, a great deal of excess energy and time on his hands, which could be spent in more constructive pursuits.

Although there are some questionable aspects of this assumption, the view that constructive use of leisure time is a valuable pursuit concentrates on offenders' positive abilities rather than their anti-social traits.

Concerning the impact of Community Service on offenders' subsequent employment, there have been isolated examples of offenders taking up full-time jobs with an organization after their placement under a CSO, but this is rare. Slightly more common is the discovery of an offender's interest or talent in some area which can be utilized in an employment situation. This has the effect of improving the offender's job prospects, but as in the first example, does not occur regularly. A more realistic hope is that the offender will continue as a volunteer worker so that the transitory benefits of the CSO, both to the offender and to the community, will become permanent.

Finally, it is important to note the relationship between offenders' prior work record and the potential for successful Community Service.

At the commencement of the experimental schemes, one of the selection criteria for Community Service was the existence of a reasonable work record. However, it has since been found that an individual's work record is a very poor indication of his response to Community Service. Offenders who have been unemployed for extended periods of time often perform well. Indeed, it is believed that Community Service can be used as a device to help the chronically unemployed re-establish the work habit. For such offenders, Community Service is, in effect, regarded as a sheltered work situation whereby they can gradually be eased back into the work routine. This idea is based on the premise that the unemployed can regain self-confidence and good work habits if they are placed in a work situation where allowance is made for their employment difficulties. Additionally, the connection between work and rehabilitation is founded on the idea that the ability to pay one's way is an essential part of the development of self-confidence, which in itself forms the basis of a sense of social responsibility. According to West:<sup>8</sup> "Work is a measure of the value placed upon an individual in society. To be unemployed is to be valueless, to be underemployed is to be undervalued."

#### Community Service Work Supervisor

One aspect of Community Service's rehabilitative effect which merits separate discussion is the importance of the work Supervisor. Supervisors, whether sessional or voluntary, are drawn from many

different quarters: some are tradesmen or craftsmen; some are well motivated students; some are linked with self-help organizations for the homeless; and, some are ex-offenders who have progressed through the Community Service scheme to the point of assuming leadership. It is important to note that Supervisors are not expected to have a social work background. Indeed, a Supervisor's strongest asset is often a perspective which is unencumbered by the "helping" ideas of the social work field.

The Supervisor's task is to work alongside the client and to carry out the Court's intentions regarding the offender. Beyond this bare statement of accountability lies the underlying essence of Community Service: the Supervisor not only conveys the expectations of the community to the offender, but also places a valuation on the work that is performed. In addition, Supervisors can help offenders adopt more realistic attitudes toward social and employment obligations, which for some offenders is a key to successful Community Service.

Flegg sums up the importance of the Community Service Supervisor in five points concerning the Supervisor/offender relationship:<sup>9</sup>

- A negative experience with a Supervisor can offset an offender's attitude toward the whole of Community Service;
- A positive relationship with a Supervisor, particularly one which promotes an offender's confidence in himself

and in the job he is doing, can stimulate re-appraisal of self and others;

- The Supervisor acts as a model for some offenders, especially in issues of authority, particularly for those offenders who are tentatively testing themselves out in new roles;
- Similarly, the reliability, workmanship, and skills of the Supervisor are used by offenders as an indicator of how the task is valued; and,
- Supervisors can be an important source of personal assistance for offenders.

#### Summary

There seems to be no logical reason why a particular sentence cannot be punitive, reparative, and rehabilitative in equal measure. However there is perhaps some doubt whether Community Service Orders can in practice satisfy these aims in equal force. The Probation Service has so far failed to come up with a common attitude toward the relative weight to be given to the elements of punishment, reparation, and rehabilitation; and as a result Community Service is being used with very different ground rules in different areas. Apparently simple decisions - for example, about the rate at which offenders should be allowed to complete their

hours, or the extent to which the work should be undertaken in the normal working week - depend in part on the extent to which Community Service staff regard themselves as administering punishment (even though humane and constructive) or providing the opportunity for rehabilitation. Some differences of practice may well be inevitable and useful in a scheme which is still fairly new. However it seems undesirable for Community Service to be imposed for offenses of a very different degree of seriousness from one Court to the next, and for the CSO to be subsequently administered according to a quite different set of rules. In matters like breach proceedings, these differences can put an offender's liberty in serious jeopardy in one Court and not in another.

Young<sup>10</sup> points out that the range of objectives Community Service was originally designed to achieve has not only been retained, but has been enlarged by the addition of a number of different theories about the measure's rehabilitative power. Although these theories have been rendered in a fairly specific manner, they have nevertheless extended rather than restricted the types of offenders for whom the sentence might be thought applicable. Ironically, these theories have increased the potential for ambiguity and conflict in the way Community Service is used and implemented.

II. IMPLEMENTATION OF THE COMMUNITY SERVICE SCHEME: PROBLEMS,  
RESOLUTIONS, AND IMPLICATIONS

The Community Service Organizer's Tasks

In setting up the Community Service program, the Community Service Organizer faces three main tasks. His/her first and most important task is to establish contact with both the statutory and voluntary community service organizations in the area. This contact is intended to select particular areas of need which could be met by work under a CSO, and to arrange for the availability of work placements with particular organizations. Resistance from local organizations must be overcome or bypassed, and a sufficient reservoir of work must be developed to cater to the most optimistic estimate of the flow of offenders through the Community Service scheme. The nature of this task varies from area to area, depending on the cooperation received from local organizations and their willingness to participate in the scheme.

In addition, the Community Service Organizer must undertake a more general public relations role and inform the community at large of the scheme's purpose and potential for success. This includes talks to community groups, regardless of whether they might become participants in the scheme, as well as more general publicity.

The second task is to obtain the cooperation and involvement of the Courts (particularly Magistrates, Judges, and Clerks to the Justices),

colleague probation officers, and other social workers in the community. It is of vital importance to keep probation officers and sentencers informed of the purpose of the CSO and the way in which it operates in their area.

✓ The final task is the appointment of administrative and secretarial staff necessary for the implementation of the CSO.

Consequently, the Organizer needs to maintain an essential balance among these separate but inter-connected tasks. If cooperation deteriorates in any of these three essential tasks, the whole Community Service scheme will be in jeopardy. From the outset, therefore, the Organizer must proceed with the assumption that he/she will work with at least three separate interest groups at different levels using skills that are familiar to the community worker.

✓ In addition to addressing the tasks outlined previously, the Community Service Organizer must determine various aspects of the scheme's operation. Four areas of particular importance include:

- Offender Selection
- Determination of Community Service Hours;
- Types of Community Service Work; and
- Oversight of Community Service Supervision.

Following is an examination of the British experience in dealing with these areas.

#### Offender Selection

Procedures were devised for assessing offenders' suitability for Community Service, and standard forms were circulated to probation officers for completion when offenders were being considered for sentencing. The assessment model designed by Ken Pease and Ian Earnshaw<sup>11</sup> consisted of six specific questions:

- Is the offender likely to get a non-custodial sentence?
- Is there a need for case work?
- Are there medical problems?
- Does the person have unusual working hours?
- Does the person have a history of violent or sexual offenses?
- Does the person have active leisure interests?

If five or more of these questions were answered in the negative, this indicated to the probation officer that the offender was a prima facie candidate for community service.

There are dangers, of course, in too rigid a policy. There is a famous story of a pompous Headmistress who continually justified her decisions by arguing that she had 30 years of experience. Finally, she was asked by an irate parent whether she had had 30 years' experience or one year's experience 30 times! The point is, of course, that unless one widens the selection criteria at some stage, one never knows how good they are. Some Community Service schemes operate open door policies and they certainly have a great deal to offer in the development of rational selection policies, or indeed the rational selection of no selection policy.



However, Community Service Organizers have generally agreed that there were nine personal characteristics which put an offender's suitability for Community Service in doubt:

- No settled home or family commitments;
- Strong addiction to drugs or alcohol;
- Offenses that involve serious or habitual violence or sexual aberration;
- Total lack of motivation;
- Domestic or work commitments;
- Evidence of mental illness or disturbance;
- Physical handicap which cannot be accommodated;
- The existence of problems which indicate a long term need for help; or,
- Unreliability of reporting during a previous probation period.

None of these factors automatically precluded consideration of Community Service. Relative unsuitability in one area could always be compensated for by other favorable characteristics. All Community Service Organizers have insisted that the constellation of factors in each individual case should be considered on its merits. For example, although alcoholics or drug addicts were usually unsuitable, some sign of increased stability in their lives or a decisive change might indicate otherwise. Previous unreliability in reporting, too, was not necessarily regarded as a good predictor of the offender's likely performance on Community Service.

A decision that an offender was unsuitable for Community Service did not usually stem from a fear that the individual would commit another offense while on a work placement; that was a rare occurrence. It was rather the result of an assessment of his likely unreliability or his lack of acceptance of organizations with which he might be placed.

The consideration of these personal characteristics in assessing offenders' suitability for Community Service has inevitably had the effect of reducing the number of serious offenders who could be considered for CSOs. This, of course, did not necessarily lead to the use of Community Service solely for the less serious offender, but it placed an additional pressure on Courts in that direction.

Another aspect of Community Service selection which complicates matters is the variety of roles Community Service Organizers seem to play in the period before an order is made. In particular, the relationship between the Community Service Organizer and the officer writing the Social Enquiry Report may range from virtually no involvement to close collaboration. There are two distinct concerns here. First, probation areas may have as many Community Service selection policies as probation officers, depending upon the autonomy of local probation officers. Second, regardless of the relationship between the Community Service Organizer and the probation officer, problems arise based on individual decisions of probation officers. There

are a number of cases, for instance, which the probation officer would not consider suitable for Community Service, but which the Community Service Organizer would consider suitable. Unless the Community Service Organizer takes steps, therefore, to find out about cases on which Social Enquiries are prepared but not forwarded to him, he is unlikely to learn the scale of the problem. The human consequence is that there are people who never get the chance to be considered seriously for Community Service simply on the basis of a decision by the probation officer who writes the Social Enquiry Report.

Of course, in selecting clients for Community Service, the logical first question is still whether the measure is intended to replace what would otherwise have been an active custodial sentence. Given the key position occupied by the probation officer in bringing about a CSO, the views of individual officers about Community Service in comparison with custody is worth exploring further. A survey conducted by the Home Office Research Unit<sup>12</sup> showed what most probation officers thought about the place of Community Service in the range of sentencing alternatives. Only 61% expressed views which were consistent with the policy of their Chief Probation Officer. And probation officers were evenly divided about whether a suspended sentence should be regarded as a custodial sentence. Given this kind of confusion, it is clear that Community Service will not always and possibly not usually be ordered instead of active custodial sentences.

Similar confusion has been shown in a recent analysis of Magistrates' views about Community Service<sup>13</sup>. An extensive analysis of sentencing practices in selected Magistrates' Courts taken by Young led him to conclude:

It can be inferred from the nature of the difference in the Offender's previous non-custodial experience that the CSO was not being used only as an alternative to imprisonment...While it was sometimes used for serious offenses and offenders with a long history of offending, it was also used for trivial offenses and offenders with minor criminal records, hence its significant difference from imprisonment.

If one accepts the Research Unit estimate that Community Service ✓ diverts from custody in about 50% of cases, does this discussion really matter? Perhaps the first thing to note in this connection is that the official line is still that CSOs are primarily an alternative to custody. In the House of Lords in 1976, Lord Longford asked about the proportion of offenders given CSOs who would otherwise have been given prison sentences. Lord Harris for the Government replied:

It is exceedingly difficult to look into the mind of a Judge or a bench of Magistrates whatever it might be; but in talking to people in the Probation Service who deal with these matters, I think it would be right to say that they would estimate that somewhere between 65% to 80% would have gone to prison and this is another illustration of the extent to which we have already moved.

Longford replied:

The noble Lord gave figures very different from those which have been supplied to me, not from the Government, but from those much concerned with the administration of the schemes. I have been given a figure of half, but really fear that it is less than half. My reason for giving space to this issue is that if the Government fails to recognize the problem, the hope cannot be high for progress in its solution.

This confusion regarding the degree to which Community Service is being used as an alternative to incarceration raises two significant problems. First, Courts which differ in their rationales for ordering Community Service will vary in their treatment of similarly situated offenders. For example, if one Court employs Community Service only as an alternative to incarceration, then the shortest CSO made by this Court will be used instead of a short custodial sentence. Such a Court may order 40 Community Service hours in place of a week's imprisonment. Conversely, a Court taking a broader view of the sentences which Community Service replaces is likely to order a short CSO for those offenders who are not at risk of receiving a custodial sentence. Second, when an offender appears for revocation before a Court different than the one originally ordering the CSO, the revoking Court must pass sentence according to either its own view of Community Service, or its interpretation of the original Court's intentions. To the extent that there are divergent views of Community Service among Courts and difficulties interpreting the intentions of Courts,

there will be further inequity in the use of Community Service. Indeed, evidence of this kind of confusion is described by the Home Office Research Unit.<sup>14</sup> Furthermore, data collected by the Research Unit show that custodial sentences are rarely passed on breaches of CSOs, even when a long CSO is breached after very few hours of work have been done.

#### Determination of Community Service Hours

In trying to resolve the dilemma concerning the use of Community Service relative to custodial sentences, Pease proposed a model of standardized sentencing ranges.<sup>15</sup> According to this model, orders of less than 100 hours should be imposed in cases in which the measure is not an alternative to an active custodial sentence. Orders between 100 and 135 hours would substitute for prison sentences of up to three months; 136 to 170 hours for sentences between three and six months; and more than 205 hours for sentences of nine months or greater. Finally, the maximum CSO allowable - 240 hours - would be regarded as equivalent to a custodial sentence of not less than one year.

Beyond the use of such sentencing guidelines, it was suggested that Courts assess Community Service hours in terms of:

- The gravity of the presenting offense and the previous record of convictions (along with such other matters as would normally be weighed in passing sentence);

- The capacity of the offender to take some regular responsibility for his attendance over an extended period; and,
- The extent of the offender's work, domestic responsibilities, and other pressures he might be facing.

Personal characteristics also sometimes limit the number of hours that an offender can reasonably be expected to perform. For example, shift work, extensive overtime, looking after children, poor physical health, or limited motivation can all reduce the offender's availability for work and restrict the Court's choice of an appropriate number of hours on a tariff basis. Thus, probation officers in Devon and Nottinghamshire were encouraged to comment on the length of the order that the offender would be most likely to manage successfully, and to pay specific attention to characteristics which might limit his availability or motivation for work.

Young<sup>16</sup> has suggested that this type of policy is equivalent to making comments about an offender's means of paying a fine or managing a particular rate of fine repayment. It was, he suggests, a further encroachment on the strict application of the tariff principles. This, in turn, has had the inevitable consequence of reducing the scope of the CSO to act as an alternative to custody, lowering its overall tariff position.

#### Types of Community Service Work

Work done by offenders performing Community Service has been quite varied. Practical manual tasks include building work, painting and decorating, and gardening. These tasks have been carried out in a range of settings, such as projects for the homeless, adventure playgrounds, community centers, old peoples' homes, hospitals, centers for the handicapped, youth clubs, and the private houses of elderly people, single-parent families, or handicapped people. Community Service workers have also engaged in jobs to improve conditions in the countryside, including canal preservation, graveyard clearance, archaeological excavation, work in museums, and work in the National Trust parks. In all these settings, offenders have been asked to use particular skills and to take on supportive personalized work. Finally, a few plans have used workshop facilities for the hard-to-place offenders, involving work such as toy and furniture repair, canoe building, and vehicle maintenance.

Despite this wide variety in types of Community Service work, there seem to be two main variables identified by Community Service staff in analyzing the nature of Community Service tasks: (1) Is the work manual or personalized? and (2) What degree of beneficial contact is provided by the work? Some schemes have been started with a clear bias toward placing Community Service workers in a type of personalized work where they are expected to provide supportive relationships to elderly or handicapped children or young people. Such work has an obvious appeal to probation officers, who tend to believe

that social work can be of considerable therapeutic value to the offender. However, there seems to be some evidence that this type of work is less popular with some offenders. Often offenders find such work unsatisfactory because it is confusing, frustrating, and lacking in clear purpose.

At the other end of the spectrum, a substantial proportion of offenders perform their Community Service work in groups on large scale projects such as conversion and renovation of buildings. The problem with this kind of work is that there is little contact between offenders and beneficiaries, and insufficiently distinct tasks. As a result, offenders find it difficult to see a definite contribution and value in their work.

Community Service survey findings consistently stress the value of providing work in which offenders can:

- See a practical job through from start to finish;
- Value the concrete nature of their own contribution;
- Have substantial contact with the people benefiting from their work; and,
- Consider the beneficiary to be a worthy cause.

Needless to say, finding work which meets all these criteria is often problematic.

Some questions arising in the selection of appropriate job placements are:

- Should organizations for which offenders work be non-profit making (e.g., old people's private homes)?
- Should work be performed for both voluntary and statutory organizations?
- Should the work be of an essential nature for the organization?
- Should we be concerned if the contribution of Community Service changes the behavior of agencies? (e.g., is it proper to allow agencies to define their budgets in terms which take into account an expected contribution of Community Service during a particular financial year?)
- Should Community Service be provided for tasks which otherwise would offer job opportunities for the unemployed?

Clearly, the answers to these questions are not readily available. There are, moreover, an additional set of criteria to be considered in determining the nature of Community Service work: issues of how easily offenders can identify with the job at hand. Obviously, a vital aspect of any CSO is actually getting the offender to complete the order. Finding and negotiating appropriate Community Service work is, therefore, an exacting business. Furthermore, the right kinds of work are clearly a finite resource. The demands in providing a varied selection of work opportunities may prove to be so extensive that Community Service Organizers may not be able to set absolute standards in defining the types of work in which offenders

performing Community Service will be placed. In reality, it may sometimes be necessary to accept less-than-perfect jobs in the hope that the qualities of a supervisor may be able to compensate by providing the extra motivation for the offenders performing these jobs.

As for the allocation of work to individuals, the major emphasis in most Community Service schemes is that the offender is a free moral actor.\* Offenders are asked to choose those roles on the task list which would interest them. (This practice has been mistakenly construed as providing offenders with the final say about their role in performing Community Service).<sup>17</sup> The offender's choice is then taken into strong consideration - along with other factors such as age, presenting offense, degree of motivation, and public risk - in determining an appropriate work site.

Of course there are occasional placements in which the offender's preference cannot be accommodated, as for example, the sex offender who would like to work in a youth club. There are also occasional

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\*Typically, agencies providing work for Community Service also regard offenders as self-directed. Organizations do not require personal dossiers and are usually content with bare, essential details so that they can form uncluttered opinions for themselves. Most organizations have accepted the offender as an ordinary volunteer, not to be differentiated in any way from other members of the serving public.

placements in which the Community Service Organizer's broader perspectives are used against the offender's preference. For example, an offender with a negative self-image may be placed in a task where he is likely to receive much praise. It should be noted that even in these circumstances, the Organizer assumes a rational response from the offender to the new experiences being provided.

#### Oversight of Community Service Supervision

It may be unrealistic and unreasonable to demand similar styles and standards of supervision for different types of Community Service work. However, it is clear that such differences raise acute questions in terms of justice. For example, in the early days, much controversy surrounded the question of whether individual Supervisors had discretion to credit bonus hours for good work. Although officially the issue was resolved by the assertion that no such discretion existed, the fact is that the practice did not cease. In cases in which a Supervisor felt the CSO was excessive, bonus hours were credited to reduce the offender's burden. In other cases work was recorded relative to what was expected of an offender (this was particularly unfair to offenders of whom more work was expected, since less work was recorded). Finally, in cases in which a Supervisor seemed desperate to establish good relationships with his Supervisees, the crediting of bonus hours was seen as a means to that end.

More recently, critical voices have been raised privately indicating that the supervision of Community Service work is, on occasion, not what it might be. Whether or not this type of criticism is justified is beside the point. It is essential that the integrity of Community Service supervision be maintained, both in terms of the actual supervisory operations performed and the public's perception of these operations. Attempts to address this criticism have produced two alternative methods for inspecting on-site supervision.

- Random calls by the Community Service Organizer and his staff to all work sites (a survey of Community Service schemes in two probation regions showed general adoption of this model); or,
- The creation of a special independent agency to supervise all on-site work.

It is hoped that on-site Supervisors and other people directly involved in the Community Service scheme will recognize that these methods are intended to decrease disparity in the ways offenders are treated.

#### Summary

This discussion has attempted to examine the British experience in implementing Community Service. Although various observations may have seemed critical, they should not be taken as indicating disenchantment with the Community Service scheme. By its very nature, Community Service exhibits local variations. However, beyond a

certain point, local variations can become unjust disparities in the sentencing and treatment of offenders. If efforts to correct these inequities in Community Service do not come soon, the opportunity will have been lost to design a sentencing alternative which has a reasoned rather than accidental place in the penal system.

### III. EFFECTS OF THE COMMUNITY SERVICE PROGRAM

#### Reports of the Home Office Research Unit

The Home Office has produced two reports on the six experimental Community Service schemes.<sup>18</sup> From the first report, entitled "Community Service Orders," it appears that up to June 1974, 1,192 persons had received CSOs in the six areas together. Of these, 307 had been successful, 114 unsatisfactory and the remainder were still running. The measure was primarily imposed for property crimes, although it was used for a handful of crimes against persons in each area.

An interesting feature was the length of the previous criminal record of those offenders ordered to perform Community Service. Three to four previous convictions were typical in each area. Moreover, of the 757 CSO cases on which full criminal records were available, 159 had already served at least one custodial sentence; 120 had served between two and four custodial sentences; and 43 had been inside five or more times.

The Home Office Research Unit's final observations in the initial report are a superb illustration of official caution punctured by irresistible enthusiasm. Along with an unconditional assertion that experience shows the scheme is viable, there were doubts expressed about the underlying philosophy of Community Service, the



restricted impact of the scheme on the prison population, the reliability of certain Supervisors, and Community Service Officers' knowledge of the types of offenders and kinds of work suitable for Community Service. Nonetheless, the researchers felt more optimistic than their list of doubts implied, and indicated that at the least, Community Service was an exciting departure from traditional penal treatment.

The results of the second survey published in June 1977 were sobering. Six-hundred and seventeen CSO cases had been matched against a control group of offenders who had been recommended for Community Service, but who had subsequently received other dispositions. (Although the method of selection used by the authors was far from ideal, practical considerations did not allow an appropriate alternative). Comparison of reconviction rates showed that 44% of the Community Service cases had been reconvicted within a year of completing their sentence, as opposed to 33% of the non-Community Service cases.

These figures, however, must be regarded with caution. It must be borne in mind that they relate only to the six pioneering areas at a time when no Court or probation officer had any experience on which to rely in selecting cases for which the CSO should be used, or the types of tasks to be performed. Certainly the report provides no basis for any competent statistical generalization.

In addition, the expansion of the scheme throughout the country has been so gradual that, in many areas, its introduction is still too recent for data about recidivism to be available. The authors of the report themselves do not go beyond the negative conclusion that there was no evidence for any reduction in reconviction rates following Community Service. They further cautioned that their findings were limited by the small size of the samples, as well as by the dubious comparability of the controls.

The Home Office Research Unit attempted to infer the displacement effect of Community Service from a study of current sentencing factors.<sup>19</sup> Penal measures were considered for the following groups of offenders:

- Those who were sentenced for their original offense following a breach of the Community Service requirements;
- Those who were referred by the Courts for Community Service assessment but who subsequently received another sanction; and,
- Those who were recommended for Community Service on the initiative of a probation officer but who subsequently received another sanction.

Based on data from these groups, the authors estimated that 45% - 50% of those offenders given a CSO were displaced from custody.

Young<sup>20</sup> suggests that this estimate is of questionable validity. First, as the authors admitted, the precise rationale for passing

custodial sentences on offenders who are in breach of Community Service is not always clear. Custodial sentences may be imposed in these circumstances because such a sentence would have been ordered originally in the absence of the CSO. However, it is equally plausible that custodial sentences are ordered here because an offender's failure to take advantage of the CSO is itself seen as warranting a custodial sentence. Second, when the Court initially asks for a CSO but subsequently imposes a prison sentence, this decision may be made because the case is considered by the probation officer or the bench to be too grave for Community Service. In other words, there are cases in which Community Service has been explicitly rejected as a substitute for imprisonment. Thus the ordering of a prison sentence after a request for a CSO assessment, or after a CSO recommendation, does not provide evidence that Community Service is being used as an alternative to imprisonment. Indeed, these data can be used equally as well to infer the opposite.

Despite the on-going question of the extent to which Community Service is being employed as an alternative to incarceration, the use of Community Service has continued to expand. By 1978, 15,000 offenders had been given CSOs, representing 3% of all indictable offenses in Petty Sessional Divisions and Crown Courts. Seventy-five percent of all CSOs were ordered by Magistrates' Courts while 25% were given by Crown Courts.<sup>21</sup>

Concerning the offenses for which CSOs are being ordered, 50% are for the handling of stolen goods or theft, 25% are for burglary, and 5% - 10% are for violent offenses against persons. As for the conviction records of these offenders, 12.5% were known to have no previous convictions, and 40% were known to have served a prior custodial sentence.

Regarding completion rates in 1978, 75% of the offenders performing Community Service completed their orders satisfactorily. Ten percent were terminated for failure to comply with the requirements of the order, and 10% were terminated for the commission of a new offense. Of the 15,000 CSOs terminated in 1978, 4% (600) had been breached at some time but were allowed to continue; half of these orders were eventually completed and half were subsequently terminated for other reasons.

#### Variations Among Courts

While these aggregate statistics provide a rough overview of the current practice of Community Service throughout the United Kingdom, they do not reflect the significant variations among Courts in the ways in which CSOs are used. Although comparative research examining different Courts' CSO operations is largely absent, a survey by Young<sup>22</sup> does offer some insight in this area. The following table

illustrates the use of sentencing options in five probation areas covering six selected Magistrates' Courts:

TABLE I  
The use of each selected sentence by each court

	Prison Sentences	Community Service Orders	Suspended Sentences	Probation Orders	Detention Centre Orders	Total
Ipswich	67 28.9%	22 9.5%	44 19.0%	85 36.6%	14 6.0%	232 100%
Peterborough	31 15.3%	32 15.8%	47 23.2%	90 44.3%	3 1.5%	203 100%
Nottingham	182 19.3%	162 17.2%	204 21.7%	363 38.6%	29 3.2%	940 100%
Medway	44 17.4%	58 23.1%	64 25.4%	75 29.8%	11 4.4%	252 100%
Bedford	41 22.4%	13 7.1%	51 27.9%	69 37.7%	9 4.9%	183 100%
Cambridge	51 24.2%	21 10.0%	61 28.9%	76 36.0%	2 0.9%	211 100%
Total	416 20.6%	308 15.2%	471 23.3%	758 37.5%	68 3.4%	2021 100%

$\chi^2 = 71.4$  with 20 degrees of freedom;  $p < .0001$

It is important to note that an analysis of the cases handled by these six Courts did not bear out any significant differences among them in terms of offense types or offender characteristics. Thus, differences in the sentencing practices of these Courts, as evidenced by Table 1, cannot be attributed to variations in the types of cases handled by each Court.

On the contrary, Table 1 clearly indicates that similarly situated offenders are receiving significantly different sentences, based on the Court hearing the case. The severe Courts - Ipswich, Medway, and Bedford - resorted to custodial sentences at a much earlier point

in the offender's criminal career and in far less serious cases than the lenient Courts - Peterborough, Nottingham, and Cambridge. Consequently, the severe Courts made earlier use of the CSO and suspended sentence, and were less inclined to use the probation order in serious cases. Most of the offenders receiving a CSO in Peterborough, Nottingham, and Cambridge, therefore, would most probably have been imprisoned on a tariff basis in the other three Courts of Ipswich, Medway, and Bedford.

Although the degree to which these data reflect the precise sentencing practices of other Courts in the United Kingdom is unknown, obviously this information highlights considerable disparity among Courts with respect to the types of offenders given CSOs. While some of these offenders are similar to those individuals sentenced to imprisonment, other offenders receive CSOs at a stage where a custodial sentence would be highly unlikely. This naturally leads to much ambiguity about the use of Community Service.

There are increasing signs that the CSO is being indiscriminately applied. No consensus exists among probation areas or Courts concerning the types of offenders for whom Community Service is appropriate, the reasons for which the CSO should be imposed, or the way in which the CSO should be administered. At the same time, however, the initial "wait and see" approach has been replaced by a widespread belief in the ability of the CSO to serve a variety of penal functions. As a result, the effect of Community Service on reducing imprisonment has been blurred.

If disparities in the use of Community Service are to be minimized, the tariff location of the CSO must be clarified. Essentially, this involves a re-examination of the objectives, policies and practices of the CSO relative to those of the remaining sentencing options available to the Courts. Nebulous objectives and inconsistent policies or practices do not provide a consistent framework within which to employ Community Service, and undermine attempts to use a consistent criterion in assessing the success of the CSO. In addition, failure to clarify the objectives, policies, and practices of the CSO increases the possibility that present enthusiasm for the sentence will give way to pessimism. Furthermore, while no single objective of Community Service should be pursued to the exclusion of all others, there must be priorities. If several objectives are pursued without regard to their relative priority, conflict will arise in the resolution of particular issues relating to one or another of these objectives. The repeated occurrence of this type of conflict fosters discontent among those who believe that success in accomplishing one objective is being undermined by the need to cater to another objective. This circumstance inevitably leads to disillusionment among sentencers, probation officers, and the community.

#### Decisions Needed Now

Now is the time to make changes in the use of Community Service. There is a greater opportunity in developing principles to govern

the use of a new sentence than in attempting to restructure the use of a sentence which is already firmly established. Once roles and objectives are entrenched, the formulation of new policies will not easily shift them.

How will the decisions made now about Community Service affect the use of this measure in the next ten years? The 1979 Community Service Organizers Conference spelled out four possible scenarios predicting the ways Community Service could develop in the future based on existing conditions and choices:<sup>23</sup>

#### "Bureaucratization"

- Faced with the mounting problems of generating enough work which is sufficiently varied, Community Service Units become directly involved in work provision.
- Community Service Unit staff move out of the probation office and effectively amalgamate with councils of voluntary service.
- As a result, the nature of these agencies changes, such that they become over-cautious and begin discriminating against welfare groups, self-help activities, etc.
- The infiltration of the voluntary sector by the Probation Service confuses the distinction between work which would otherwise not be done with work which would have provided paid employment.
- Local authorities define for the councils of voluntary service the types of work which would otherwise not be done.

- Local authorities prune housing maintenance staffs, leaving only those staff members necessary for the completion of urgent work. All other work is deferred to Community Service workers. Naturally, this increases the appeal of Community Service to local taxpayers. Local authorities and their staffs become more involved in the supervision of Community Service, and the Courts begin spreading the use of Community Service to anyone appearing before them with a full set of limbs.
- The present requirement that a probation officer's report must be considered before an order can be made by the Court is replaced by legislation requiring a brief medical examination - to determine if the offender is fit for work - prior to sentencing.

#### "Probationization"

- A hidden caseload of social "casualties" is developed by the Community Organizer who is, after all, a probation officer.
- These "casualties" are over-indulged -- desirable work placements are arranged, absences are ignored, bonus credits are given, etc.
- The number of CSOs given declines in the 80s as sentencers become aware of the manner in which the orders are being carried out.

- Community Service becomes decentralized and loses its focus on task completion -- "time spent looking for a job" and "discussion time with Community Service Unit staff member" are counted as Community Service hours.
- By 1990, the number of Probation Orders exceeds the number of CSOs for the first time since 1980.
- Probation and Community Service account for less than 3% of all sentences for Court-indictable offenses.
- By 1995, the "New Criminal Justice Act" is passed, authorizing "work and discipline orders" by which offenders convicted of an imprisonable offense can be ordered to perform between 40 and 240 hours of work - under the supervision of police officers.

#### "Penalization"

- The shortage of work leads to a decrease in the availability of work suitable for Community Service. As a result, most Community Service work entails garbage collection, beach clearing, and other impersonal tasks.
- As Community Service work becomes less appealing, probation officers run into greater enforcement problems. Staffs are under pressure and a purge develops. For a period of years the number of CSO breaches is greater than the number of new orders.
- Finally an equilibrium is reached. However, probation officers and clients feel the measure is unjust, and thus

recommendations decline. CSOs are only recommended when offenders are in danger of receiving exceptionally long sentences.

- Community Service eventually assumes a minor role in the range of sentencing options. People with lengthy criminal records are given orders to work hard on impersonal tasks; and rates of breaching are high, resulting in many cases being brought back to Court for another sentence. Morale among Community Service Unit staffs is low and turnover of staff is high.

Unfortunately, these projections are not idle reflections on what the future might hold. Elements of all three scenarios currently exist in the different probation areas simultaneously. The primary reason for this wide variation in the use and operation of Community Service is the great amount of discretion which is left to those individuals implementing the Community Service scheme in each probation area.

#### "Standardization"

The final scenario attempted to conceptualize the best circumstances in which an offender could receive and complete his/her CSO.

- The Social Enquiry Report would be available to the Court.

- The Community Service Organizer would be consulted on all cases for which the Social Enquiry Report recommended Community Service.
- If the Court acted on this recommendation, the offender would be told why Community Service was being ordered (including mention of whether Community Service was being ordered as an alternative to another sentence).
- The CSO would be written up in the form of a contract, stipulating the precise conditions which the offender would have to meet; the specific actions for which the offender would be considered to be out of compliance; the methods by which non-compliance would be handled; and the Community Service Unit's responsibilities to the offender throughout his completion of the order.
- In cases when an offender was considered to be out of compliance, the breaching Court would understand what the original order meant (i.e., there would be no discrepancies among Courts in terms of their methods for handling breaches).
- And finally, the experience of work would not, in itself, be degrading.

As the title of this last scenario suggests, the core aspect of this prediction involves a consistent approach in the use of Community Service across all Courts.

Two Community Service standards developed in the southwestern portion of the United Kingdom, which support the need for consistency, emphasize effectiveness and control, and the helping process.

Concerning effectiveness and control,<sup>24</sup> the first standard indicates that:

- Enforcement should be realistic and honest.
- There must be quick follow-up after the Court decision so that the offender is aware of his obligations and the consequences of failure.
- Community Service schemes and criteria in all areas should be comparable and uniformly enforced.
- Work should be recorded efficiently.
- Work sites should be visited regularly by the Community Service Organizer or his staff.
- Absenteeism should be dealt with quickly and any Court action should be speedy.
- There should be a clear breach policy.
- Discipline should be firm.
- Loss of leisure time should be strictly enforced.
- Credibility with all agencies should be maintained.
- There should be extensive monitoring of all aspects of the Community Service scheme.

Many of these standards are quite firm and clear and there should be no great difficulty in measurement. While others are more open to interpretation, as a package they offer a sound basis for administering a sentence like Community Service.

Concerning the helping process,<sup>25</sup> the second standard indicates that:

- Offenders need to know what Community Service signifies before orders are made so that the sentence has meaning.
- Work should be worthwhile - it should be constructive and should give benefit.
- Good service should be given to beneficiaries.
- There should be a wide variety of work available.
- The work should improve offenders' employability; it should increase the prospects of getting a job and holding it.
- Workers should be matched to their work.
- The pace of work should allow time for lessons to be internalized.
- Confidentiality is crucial.
- There should be an awareness of the feelings of a Community Service worker placed in a strange and demanding situation.

Clearly, the only scenario in which Community Service continues to be a viable sentencing alternative is the last one, *Standardization*. Effective standards, such as those described here can be devised to ensure consistency in the use of Community Service across all areas. Indeed, these standards must be devised and monitored if disparity in CSO sentencing and administration is to be reduced. Establishing a consistent Community Service framework through standardization is the only way of achieving a balance between the desire to carry out the Community Service sentence effectively, and the aim to make the order constructive and purposeful.

#### Summary

The primary basis for devising and applying thorough standards for Community Service is the need to ensure equity in the use and administration of the CSO. Such standards will enhance the quality of service to clients and Courts while promoting good management of individual Community Service schemes. In other words, effective standards for the CSO will provide the capability to control, develop, measure, and justify what is actually being accomplished through Community Service. Although applying standards is a complicated business - requiring decisions about the quality and types of standards necessary - standardization is the only foundation on which to build a viable sentencing option. The future success of Community Service rests on our ability to develop a consistent and reasonable framework within which to use this sanction.

#### REFERENCES

1. United Kingdom Prison Department Statistics (published annually).
2. Ibid.
3. \_\_\_\_\_ "The Sentence of the Court," (London: Her Majesty's Stationery Office, 1964), Cmd 2852.
4. The Advisory Council on the Penal System, Non-custodial and Semi-custodial Penalties, Chairman: Baroness Wootton (London: H.M.S.O., 1970).
5. Pease, K. et.al. "Community Service Orders," Home Office Research Study No. 29 (London: H.M.S.O. 1975).
6. Ibid.
7. Flegg, I. et.al. Community Service Consumer Survey 1973 - 1976. Nottingham; Probation and After-Care Service.
8. West, J.S.M. "Community Service Orders," Control Without Custody? King, J.F.S. and Young, W.S. (eds) (Cambridge: Institute of Criminology, 1976).
9. Flegg, I. et.al. (1973 - 1976) op. cit.
10. Young, W. Community Service Orders. (London: Heinemann, 1979).
11. Pease, K. et.al. (1975) op. cit.
12. Ibid.
13. Ibid., and Pease, K. et.al. "Community Service Assessed in 1976," Home Office Research Study No. 39 (London H.M.S.O., 1976).
14. Ibid.
15. Pease, K. and McWilliams, W. "Community Service by Order" (Edinburgh: Scottish Academic Press, 1980).
16. Young, W. (1979) op. cit.



17. Harding, J. "The Offender and the Community," Social Work Today, 5(16): pp 478 - 81, 1979.
18. Pease, K. et.al. (1975 and 1976) op. cit.
19. Pease, K. et.al. (1976) op. cit.
20. Young, W. (1979) op. cit.
21. Home Office Statistical Bulletin, Issue 3/80.
22. Young, W. (1979) op. cit.
23. Pease, K. and McWilliams, W. (1980) op. cit.
24. Untitled paper edited by Bruce Seymour (Staff Development Unit, South Western Region, Regional Staff Development Office, Albion Chambers Annexe, Small Street, Bristol, BSL 1BZ).
25. Ibid.

\* United States Government Printing Office:1980--341-233/1504

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