

LXII

Community Service in the Netherlands

Josine Junger-Tas

90350

Ministry of Justice The Hague - Netherlands
1983

Community service in the Netherlands

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

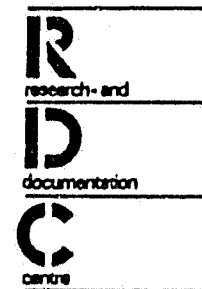
Permission to reproduce this copyrighted material has been granted by

Ministry of Justice
The Netherlands

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Josine Junger-Tas



Ministry of Justice The Hague - Netherlands

CONTENTS

	<u>Page</u>
1. INTRODUCTION	1
2. THE OFFENDERS	4
3. THE DECISION-MAKING PROCESS	7
4. COMMUNITY SERVICE IN PRACTICE	13
5. OUTCOMES OF COMMUNITY SERVICE	18
6. SUMMARY AND CONCLUSION	19

NCJRS

AUG 1 1983

ACQUISITIONS PAPER for the Seminar
Oxford University/RDC
22nd-25th March, 1983

1. Introduction

The Dutch experiments with community service have been to a large extent inspired by the English system of Community Service Orders.

The English system found its origin in a report in 1970 from the Sub-Committee of the Advisory Council on the Penal System, the so-called Wootton-report. The report was a result of the Sub-Committee's efforts to look for alternatives to custodial sentences.

The recommendations contained in the Wootton report led to the Criminal Justice Act of 1972, introducing Community Service as a new sanction ordered by a judge.

The new sanction was applicable to adults only, and was considered appropriate for offenses that could be punished by imprisonment. Community service should be imposed a minimum of 40 hours and a maximum of 240 hours and should be completed within 12 months. The sanction elicited great enthusiasm. The number of persons given community service orders rose from about 1000 in 1974 to about 14.000 in 1978¹⁾ that means from 1% of the total number of sentences in 1974 to 6% in 1978.

The explanation of this enthusiasm probably lies in the fact that all participants in the criminal justice system, as well as the community at large approved of the sanction for different reasons.

To the judicial authorities community service was a sanction in its own right, ordered by a judge and based on certain criteria with respect to the offense and the offender. To the probation service it was essentially a measure of resocialization and rehabilitation concerned in the first place with the best interest of the individual offender.

To the community at large it meant a form of reparation or repayment for some of the losses and damage which members of the community had suffered.

In the Netherlands there has been considerable interest in Community Service as an innovation of the penal system. In 1974 a Committee was installed with the mission "to recommend on the desirability to introduce more diversification in the penal system and if necessary to introduce propositions for supplementing general penal law with other penal sanctions".

In May 1980, and as a result of the recommendations made by the committee, a special Commission was nominated by the Minister of Justice to prepare and set up experiments with community service in a number of court districts.

1) Home Office Statistical bulletin, March 11, 1980.

On the basis of a survey among all-19-court districts in our country, and following intensive contacts between the Commission and both the judicial and probation authorities, 8 court districts have been appointed by the Minister of Justice to participate in the experiments.

The Dutch experiments differ on some essential points from the English Community service system.

First of all the English scheme was set up on the basis of a new law, the Criminal Justice Act of 1972. In the Netherlands no law has been introduced yet.

Community Service is conducted under experimental conditions, but under prevailing law and within the existing legal framework. At the same time an evaluation study has been undertaken by the research center of the Ministry of Justice, which I am supervising. On the basis of that evaluation study, recommendations will be made to the Minister of Justice indicating whether the new measure should be introduced in Dutch penal law, and under what conditions and modalities. The essential difference with your country thus is that we have preferred to conduct a certain number of experiments first and to change the law afterwards.

A second difference is that we have specifically allowed for the possibility that the measure be applied by the judge or by the prosecutor. The Commission proposed to apply the new measure as early as possible in the penal process, dividing a kind of scale running from an unconditional dismissal by the prosecutor to the suspended sentence, or even as a special condition in the case of a non-custodial sentence by the judge. In fact one could say that we were inclined to use community service as a measure of diversion so that the offender could get out the criminal justice system without having a criminal record.

The modalities that were proposed by the Commission are roughly the following:

- unconditional dismissal
- suspension of the decision to prosecute
- conditional dismissal
- suspended sentence
- special conditions in the case of a non-custodial sentence.

A third difference concerns the objectives of the measure. Although in England community service has been devised to form an alternative for imprisonment and to constitute a kind of relief for the overloaded English prisons, this has never been stated as an absolute imperative to the judiciary or to the probation service, and from the beginning there has been quite some ambivalence about in what cases to apply the measure. Right at the start of the introduction of Community Service in 6 experimental probation areas there was disagreement on this issue. In some of the areas it was felt that offenders liable to be put on probation or getting fined were also eligible for community service. Actually it was found that in only half the cases examined, community service did effectively displace a prison sentence²⁾.

We have tried to circumvent this difficulty by stating explicitly that the overruling objective of Community service was to replace prison sentences up to a maximum of 6 months.

Globally four objectives can be distilled from pronouncements of the Minister of Justice and from the guidelines of the Commission.

1. Community service should replace an intended unconditional prison sentence of 6 months or less.
2. Community service should be adequately executed within the time limits agreed upon.
3. Community service should constitute a positive experience for the offender and for the work environment.
4. Reconviction rates of the workers should not compare unfavourably to those of comparable groups of offenders.

Finally whereas in England the maximum number of hours that can be imposed is 240 hours, in the Netherlands this came to be 150 hours, to be completed within 6 months.

But despite these differences there are important dilemma's and problems that have confronted both our countries alike and for which we still don't have ready made solutions. The first of these is of course the question whether Community service really displaces custody; another one is the role of the probation service. But no doubt you will recognize other common problems too.

2) K. Pease a.o.: Community Service assessed in 1976, Home Office Research report, no. 39, 1977.

2. THE OFFENDERS

Community Service was officially introduced in 8 experimental court districts in 1981. The research Center of the Ministry of Justice collected data from february 1981 till may 1982 based on records and on interviews with all parties concerned: prosecutors, judges, probation workers, community agencies and community service workers. Although at this moment not all data have been analyzed, the first of three reports will be published this month³⁾.

In this period 453 cases have been recorded. Of these 4,5% were women. Nearly half of the offenders was between 18 and 24 years old and somewhat more than one third was 25 to 39 years old. This is globally the same age distribution as is shown by the entire population of convicted offenders in 1979⁴⁾.

The only significant difference is the number of 18-20 years old among the community service workers -25%- against 15,5% among the convicted population. This would indicate a preference for younger offenders as most suitable for community service.

Education level is low: one third had followed only primary school, more than half had only a little more.

Two third of the offender group was not working and 88% lived on social security payments. Most of them had hold a job in the past; in general this was an unskilled or very low skilled job.

An important issue is the selection of offenses: in an attitude poll among the judiciary, the probation service and a group of lawyers, before the experiments started, we asked what offenses they considered suitable for community service⁵⁾. Offenses of violence ranked first, traffic offenses (especially drunken driving) came second and property offenses ranked third. But in reality this turned out quite different, and if we compare the first 11 months of the experimental period to the second 5 month period we get even more interesting differences.

3) M.W. Bol, J. Overwater: Dienstverlening - deel I: Totstandkoming en uitvoering, WODC, Ministerie van Justitie, 1983.

4) Source: Central Bureau of Statistics.

5) J. de Hullu: Opvattingen over dienstverlening, WODC, Ministerie van Justitie, september 1981.

Table 1: Type of offenses selected for Community Service

	1 febr. '81 - jan. '82	jan '82 - may '82
Property offenses	57,5%	42,5%
Agressive offenses	7,5%	9,5%
Traffic offenses	15%	27,5%
Property + agression	11%	13%
Drugs + sexual offenses	4%	2,5%
other	5,5%	5%

In the first place the table shows that community service is preferentially applied to property offenders: they constitute the largest group. Second in rank are traffic offenders and third the combination of a property and violent offense; violent offenses as such only rank fourth.

However all along the experimental period there is a shift to less property offenses and to considerably more traffic offenses. Violent offenses cover no more than about 10% of all offenses. Comparing ~~if possible~~ with England there seems to be in the U.K. great stability over the years: about 75% of all community service orders in 1974 as in 1978 are imposed on property offenders and about 11% on violent offenders ⁶⁾.

As in England we hardly find any community service in the case of drugs or sexual offenses, and considerable reticence to impose it on violent offenders.

The category of property offenses covers mostly burglaries, fraud and forgeries, and theft; aggressive offenses were mainly violence against the person (1/3), vandalism and breach of order offenses; two third of the traffic offenses were drunken driving, 20% a combination of drunken driving with some other offense.

All of this is not really very different from what happens in your country except perhaps for the fact that our judiciary seems to have a certain predilection for drunken drivers.

Community service is not reserved for first offenders: 55% of all subjects had already a criminal record. Half of previous offenses were property offenses and one third were traffic offenses.

⁶⁾ Home Office Statistical bulletin, march 1980.

Although many subjects had previous convictions, this did not spoil their chances of eligibility for community service. The same is true for those who were remanded in custody: nearly half of our experimental group spent some time in pre-trial detention, in the majority of cases one to two weeks. This suggests that the category of offenders considered suitable for community service are not petty offenders, nor really serious offenders. They belong to the rather large middle group of not too serious offenders.

3. THE DECISION-MAKING PROCESS

Because of the fact that in our country no law introducing community service as a full fledged penal sanction has as yet been passed, the offender is completely free to accept or refuse the proposal to perform community service.

In fact, however, this rarely happens: in most cases this kind of sanction is preferred to other, in general more disagreeable alternatives, of which prison is of course the worst.

But, as the judge cannot impose the measure, the initiative and a well worked-out plan has to come from the offender. At least this is what is officially stated. In practice half of the proposals come from probation workers and some 25% from lawyers. The offender took the first (step) himself in only 5½% of cases, and together with his probation officer in 4% of cases.

Interestingly enough the prosecutor took the initiative in 3% of cases (13 times).

All this is related to the question whether one wants to consider community service as a measure of diversion or as a penal sanction, or -stated otherwise- as an alternative for a sanction or as another penal sanction. It is fair to say that the Commission introducing and setting up the experiments considered community service essentially as an alternative for a sanction. The guidelines that were presented to the experimental court districts explicitly emphasized the importance of the prosecutors role. The commission proposed that the prosecutor should make a kind of contract with the offender, in which each party acknowledged his obligations. The offender agreed on the type of work, the number of hours and the time limits. The prosecutor agreed on renouncing prosecution on the condition that the community service had been adequately performed.

As you may imagine not all prosecutors agreed to this procedure: to some of them the idea of contracting -which implies equality- with an offender was indeed gruesome, and so they did not apply such a scheme. But others did not see any problems there and accepted what has been officially labeled as an agreement.

One of the problems was that -correctly speaking- one cannot, at the prosecutor's level, speak about "offenders": until guilt proven the person in question is only a suspect. Therefore it was stated that only confessing suspects could be eligible for community service.

How did the prosecutors use their powers, or in other words what modalities of application did they prefer?

I recall the possibilities proposed by the Commission:

1. Unconditional dismissal, independent of successful completion of the work.
2. Suspension of the decision to prosecute.
3. Conditional dismissal with successful completion of the work as only condition.

But manifestly we underestimated the creativity of prosecutors, who have tried out other possibilities as well:

4. Conditional dismissal with some term of probation as an extra condition.
5. The prosecutor agreed not to demand a prison sentence in court if in the meantime community service had been completed successfully.
6. The prosecutor agreed to recommend amnesty at successful completion of community service.
7. The prosecutor agreed not to demand a fine if the order was completed successfully.

The following table shows the decisions taken by the prosecutors. They clearly preferred to dismiss the case if community service had been completed to satisfaction. The second modality most applied was to dismiss the case after completion of the work but with some extra condition -a probationary period-. Suspension of the decision to prosecute was also applied rather frequently. But what came as a surprise to us is that in 14% of cases, the prosecutor just dismissed the case without making sure the work would be completed. We had thought that no prosecutor would want to do this but apparently we were wrong.

Table 2: Modalities of application of Community Service by the prosecutor

	N = 143
Conditional dismissal	30%
Conditional dismissal + probation	24%
Suspension of decision to prosecute	17%
Unconditional dismissal	14%
No demand in court for prison sentence	12,5%
Conditional recommendation for amnesty	2%
No fine	0,5%

We want to stress again the fact that we still have no law, making community service a distinct sanction. This means that prosecutors nor judges are in fact obliged to follow the guidelines issued by the commission. They continue to have full discretion to apply community service as they see fit, within of course the existing legal framework. So what happened is that some court districts faced with the heavy emphasis on displacement of a custodial sentence, claimed that there was only one way to make sure this would happen, and that was to make community service an order by a judge. Treating the case in court one could make sure that a short prison sentence would have been demanded. When at the court session parties agreed to replace imprisonment by community service this was then written down in the report. Three court districts declared from the beginning that they rejected the prosecutor model and would use exclusively the judge-model. The Commission had proposed two different possibilities for court action.

- The suspended sentence.
- Probation with community service as a special condition.

Looking at what happened in reality we may conclude that in the great majority of cases there has been a preference for the suspended sentence. Community service as a special condition of probation was rather exceptional, which is fortunate because it is unlikely that such a sentence means displacement of custody.

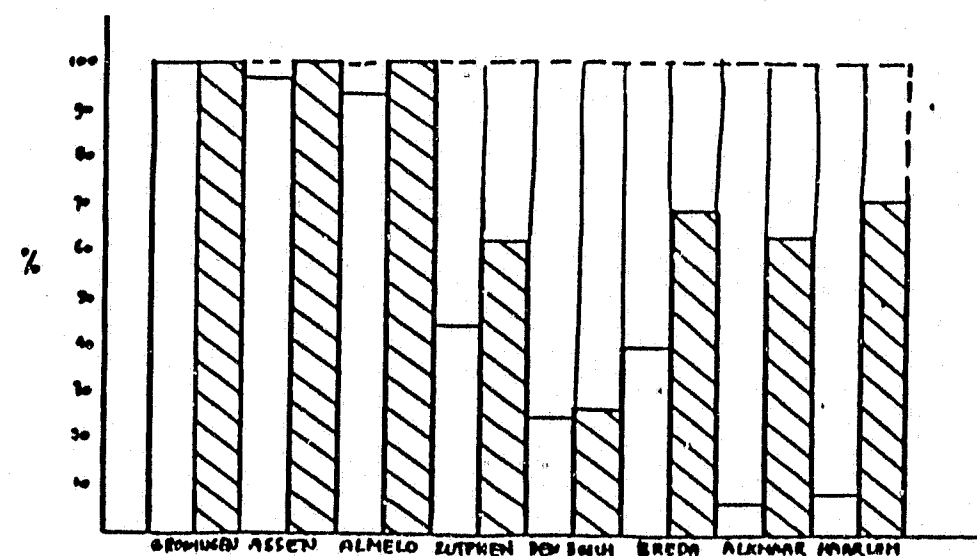
Table 3: Modalities of application of Community Service by the judge

	N = 304
Suspended sentence	88%
Probation + community service	9%
Other, including recommendation for amnesty	3%

Considering the total number of cases we can say that at the end of the experimental period one third of community services have been applied by the prosecutor and two third by the judge. But this is not the whole story. If we consider again the two research periods then we see a clear shift from the prosecutor model towards the judge model.

Figure 1 shows this changing practice.

Figure 1: Proportion of Community Services ordered by a judge in 8 court districts during two experimental periods.



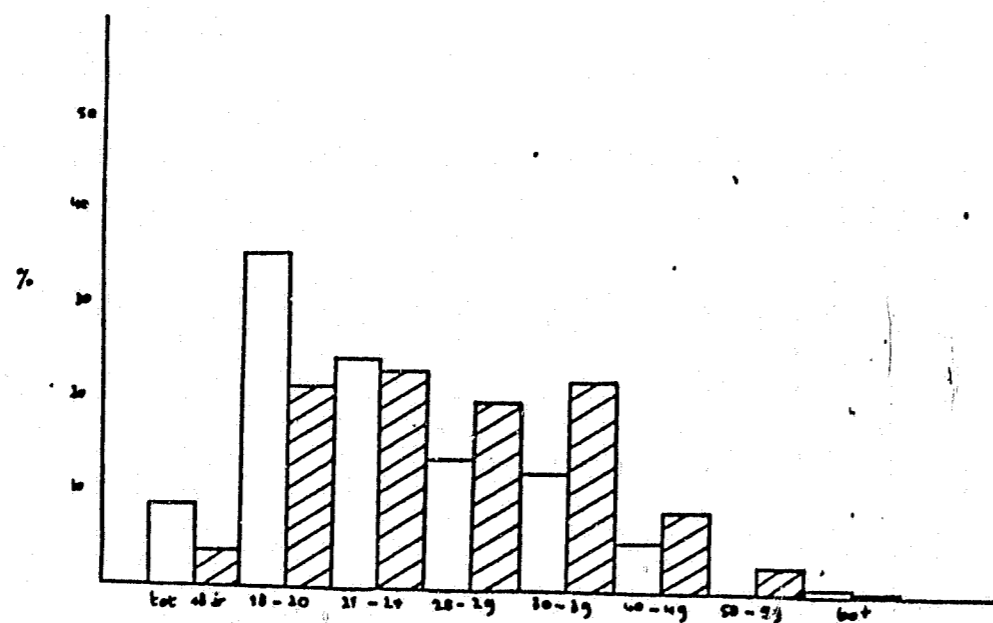
□ Percentage Community Services imposed by court febr. 1981/jan. 1982 (n=148)
 ▨ Percentage Community Services imposed by court jan. 1982/may 1982 (n=305)

* M. Bol, J. Overwater: op cit. p. 19.

The first three court districts have always been applying the judge model but in the others the prosecutor model was quite popular during the first 8 months. After that period we see that in four of the 5 other court districts the number of community services ordered by a judge rose sharply. It looks as if the diversion-option with its implications of discretion and lack of legal safeguards is slowly abandoned in favour of official court procedures.

A last point to examine is whether the cases handled by the court are in any way different from those decided on by the prosecutor. There is a clear difference in age of the offenders: figure 2 shows that the prosecutor offers the possibility of community service to offenders who are on the whole younger than are those whose case is decided on by the judge.

*
Figure 2: Age of offenders according to the decision-making instance



□ Community service imposed by prosecutor

▨ Community service imposed by judge

* M. Bol, J. Overwater: op cit. p. 24.

In part this is an artefact because of the general prosecuting policy. In 1979 one third of all suspects were younger than 21 years and of these 57,5% were dismissed (Source: Central Bureau of Statistics). Nonetheless it is clear that most of the prosecutors cases are among the younger age groups whereas the judges cases are on the average older offenders.

One might conclude that the prosecutors take the view that Community service as some sort of diversion is especially indicated for the youngest offenders.

As far as the nature of the offense is concerned, prosecutors tend to apply community service most often in the case of property offenses (58%) and hardly in the case of traffic offenses (8,5%), whereas at the judges level traffic offenses form nearly one third of all offenses (30,5%). With respect to criminal record one might say that the prosecutors preference for young age had nothing to do with the offenders criminal past: half of their cases were first offenders and the other half had been convicted before.

At the judge level only 25% of all cases were first offenders, but it should be kept in mind that the judge is confronted with an offender population that generally has a more serious delinquent past than those who are handled by the prosecutor.

4. COMMUNITY SERVICE IN PRACTICE

Most of the workprojects were neighbourhoodcentres, clubhouses, hospitals and homes for the elderly. These amount to 60% of all placements. Others included sportclubs, municipal institutions, forestry and nature protection, schools and churches.

More than 40% of the work consisted of repairing-, maintenance and painting, and another 17% of a combination of these with all kinds of add jobs; 14,5% was domestic work and 12% outdoor work in parks or in the woods. At the start of the experiments there has been some unrest in certain circles of the population at the idea that dangerous criminals would push old frail ladies in wheelchairs, or coach upgrowing youngsters in clubhouses: in fact only 5% of all jobs had anything to do with nursing or youthwork (quite aside from the fact that dangerous criminals were altogether out of the game).

Looking at possible relations between age, sex, nature of the offense and nature of the community service, we could not find any: offenders were allocated to all kinds of placements independent of the nature of the offense they had committed.

Concerning the number of hours we recall the Commissions guideline: a minimum of 30 and a maximum of 150 hours. In 15% of cases this guideline was not followed: in half of these the number of hours imposed was less than 30, and in half more than 150 hours.

As we have seen before, only about one third of the offenders held a job: more than half of them executed community service in the evenings or on weekends and about 30% on a part-time basis. But for those who were unemployed community service was a full-time job in about 40% of cases and a free-time job in only 17% of cases. This had some consequences for the number of hours imposed: there was a clear tendency to impose more hours if the offender was unemployed.

As in England the issue of control and reporting back to the judiciary, constituted a serious problem.

Originally the probation service was not very keen on getting a control role in the execution of the new measure. Probation officers claimed their willingness to guide and support the offender if he desired such, but they were reluctant to go any further and they definitely disliked the idea to

be an extension of judicial authorities.

On the other hand the probation service -just like other forms of social and therapeutic intervention- had been under quite some attack the last years: much doubt had been expressed concerning the outcomes of probation in terms of less reconvictions and better social adjustment and some people wondered how useful probation was anyway.

If one adds to these arguments the existing opposition of probationworkers to imprisonment and the contribution they could make to keep people out of prison, then it is clear that there was a certain ambivalence with respect to the new sanction. What was the result of all this?

Table 4: Feed-back to the judiciary on progress of community service

	N = 446
Probation officer	46%
Local C-S-organizer	29,5%
Project-supervisor (or combination)	9%
Offender himself	8%
Lawyer	4%
Unknown	3,5%

I would suggest that it still is not very clear if the probation service collaborates full-heartedly with the community service scheme. It looks as if the probation service is quite willing to initiate proceedings, prepare an acceptable plan and submit this to the judiciary, but is less willing afterwards to function as a controlling agent.

This conclusion is somewhat supported by the fact that in 57% of cases guidance and support was given by a probation officer which means there is more guidance from probation than there is reporting.

Asked why a plan for community service was submitted or accepted, both probation officers and judicial authorities mentioned most frequently: the motivation of the offender, the fact that he himself came with a plan, the presence of a well worked-out proposal and the fact that community service is better for the offender than imprisonment.

In some court districts the C-S-organizer has set up a project pool so that it is easier to select a job for a specific offender. Although there have been fears that it would be extremely difficult to find adequate placements, for offenders these fears have been unfounded up until to this day.

An important development has been the growing use of a tariff-system where an intended prison sentence of a certain length corresponds to a certain number of hours imposed.

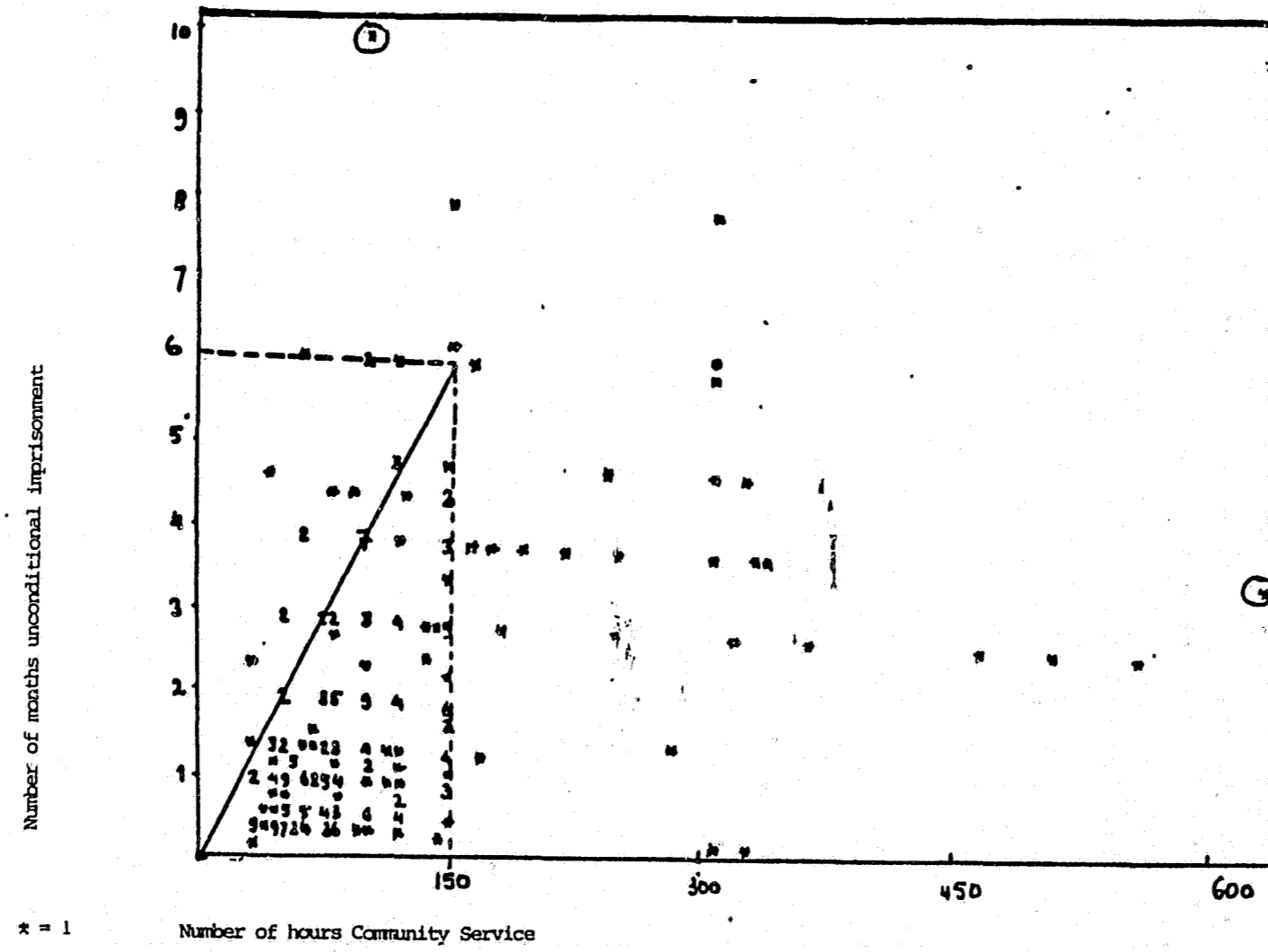
The Commission was not in favour of such a system. She claimed that the essential characteristics of each community service plan resided in the fact that it was geared to the needs and the best interest of the offender, independently of the offense committed. But this is not how the scheme worked out. The more sentencers tend to consider community service as a real sanction the more they tend to establish some proportionality between the seriousness of the offense and the number of hours imposed.

One of the problems was the maximum of 150 hours proposed by the Commission. Many prosecutors and judges felt there was a crying lack of correspondance between 150 hours of community service and a prison sentence of 6 months. One should interpret this in the light of Hollands mild penal climate and the general reluctance to impose long prison sentences. A prison sentence of 6 months is considered a rather long sentence which is not lightly imposed.

So two solutions have been looked for. Some judges were inclined to impose more hours than 150 if they agreed on community service in the case of a rather serious offense (this happened in 7,5% of all cases).

But most authorities reasoned the other way round: more than 60% of them considered that 150 hours corresponds to a maximum of 3 months imprisonment. This is illustrated by figure 3 where the correlations between the intended prison sentence and the number of hours of community service are plotted. If the judiciary had used a fixed, linear tariff-system then all points would have been situated on the diagonal line, but what we see instead is

Figure 3: Relation between number of hours community service and number of days unconditional imprisonment that would have been demanded



that a relatively large number of hours are imposed for relatively short prison sentences. Most of the intended prison sentences do not go beyond 2 months. On the other hand when the intended sentences are 3 months or more, the number of hours increase up to + 300 hours or more.

Of course this is an insufficient basis to make a final judgement on the tariff-system and on displacement of custody. We plan a comparison of the experimental group with a large controlgroup made up of a representative sample of all penal cases entering the lower and higher court during a specific period. This will be reported later on.

5. OUTCOMES OF COMMUNITY SERVICE

Have the different jobs been completed successfully, that is within the time limits and to the satisfaction of the agency who supplied the job?

It appears that this is the case for 89% of all projects, which leaves 11% with an unsatisfactory ending.

Unsuccessful ending was related to age: many of the failures were among the youngest offenders.

Employment was not related to successful completion of the job: relatively as many employed as unemployed failed to complete the work or agreed conditions. Neither was the nature of the offense preceding community service.

But number of hours imposed was related to success or failure: relatively more community services of more than 150 hours failed than when the number of hours was between 30 and 150 (p 0.04).

How well did probation officers and judicial authorities predict success and failure?

When no problems were expected 95% of offenders succeeded. But when expectations were pessimistic 75% of such predictions by probation officers ended successfully and this was true for two thirds of pessimistic predictions by judicial authorities. This suggests that most of the negative expectations were not warranted.

What happened after successful completion of the community service?

All cases handled by the prosecutor were indeed dismissed. But when there had been a court decision the offenders had to reappear in court and were then convicted.

Most of them got a conditional prison sentence with a symbolic probation term of -for instance- one week; one third were sentenced to a fine and 15% got their driving licence taken in.

Much to our surprise 14 offenders got an unconditional prison sentence, but we found that 12 offenders had been in pre-trial detention and the final sentence equalled the detention period. This leaves 2 offenders who still had to serve 3 to 4 months of prison.

Of 44 offenders who did fail the community service agreement, 10 were not prosecuted; about half were convicted and got a custodial sentence ranging from several days to 6 months, with an average of two months.

SUMMARY AND CONCLUSIONS

- The average offender suitable for community service is a young man of about 20 years old, of low socio-economic status.
- Half of the offenses leading to community service were property offenses, nearly 25% were traffic offenses and a little more the 10% were aggressive acts.
- More than half of offenders had been convicted before.
- A clear shift in the application model appeared during the experimental period: in the first period the proportion of the prosecutor model to the judge model was 50-50; at the end of the second period it was 30-70 in favor of the judge model.
- Prosecutors tend to propose community service more frequently to the younger age groups and to first offenders than do judges.
- The modalities most frequently used are the suspended sentence and unconditional dismissal after completion of the work.
- Judges and prosecutors tend to consider 150 hours community service to correspond to about 3 months of prison, and not to 6 months as originally proposed by the commission setting up the experiments.
- The work consisted in the majority of cases of maintenance, repairing, or painting, and all kind of odd jobs mostly in the field of welfare and social work; in general the work had no relation to the nature of the offense committed.
- For about 25% of offenders the work was a full-time job, for another 25% it was a part-time job, and about one third worked on week-ends. There is a tendency to impose more hours on unemployed offenders than on employed ones.
- Until this moment there have been no problems in finding suitable placements.
- Although the probation service has been prepared to give guidance and support to the offender, the matter of reporting back to the judiciary is not yet resolved in a satisfactory way: probation officers report in about half the cases, C-S-organizers in some 30%, and individual solutions are found for the other cases.
- Despite the fact that 30% of probation officers and the judiciary expected some or considerable problems, nearly 90% of community service cases were completed to satisfaction.

- Sex, age, employment, kind of job or nature of the offense were not related to outcome.
- Community services of less than 30 hours and more than 150 hours failed significantly more often than those within the advised range of 30 to 150 hours.
- Half of the failures were due to circumstances beyond the offenders will: family-circumstances, illness, accident.
- In general the judiciary respected the agreement with the offender on the settling of the case: when the conviction included imprisonment this generally equalled the period of pre-trial detention already served.

To this I would like to add some preliminary conclusions.

From the data that have been analyzed so far we may prudently conclude that community service appears to have found its place among the existing sanctions and probably is there to stay. Failures are rare despite the fact that the measure is not used for petty offenders.

But of course there are still many uncertainties and questions. We still don't know whether there is real displacement of custodial sentences. As far as we know this is the case in the three court districts that use only the judge model. The district of Groningen claims that half of the offenders eligible for Community Service -that is those who will get sentenced to a short prison sentence- do indeed get community service. Another court district -Breda- claims this is true for 25% of eligible offenders. We hope these are real numbers, but we will have to wait for further analysis to be sure. In fact I have the impression that displacement of custody is realized in the judge model, but I am far less sure as far as the prosecutor model is concerned.

Another problem continues to be the difference in views between the judiciary and the probation service. The probation service continues to emphasize the rehabilitative and reeducative side of community service, whereas for the judiciary it more and more appears to be a real sanction. This is clearly shown by the development of a tariff-system and the emphasis on a well organized and controlled setting. To my sense this is an important dimension: if we want community service to be a viable alternative for prison, the judiciary must have confidence in the measure and so the probation agencies must give certain guarantees for control and feed-back.

In this respect there is still work to do I think. There are some other problems too. Until today there have been sufficient placements available. One wonders whether this will continue to be the case. Due to the enormous rise in unemployment rates in some court-districts community service must fight against the competition of other volunteers, and placements may become more scarce. The unions also offer some opposition although we have emphasized that relatively speaking the group of community service workers is too small to be a real threat to the job-market. Another worry is the fact that judicial authorities tend to impose more hours on the unemployed than on the employed. This would mean that this group of offenders is punished twice, which would introduce a factor of inequality before the law. On the whole, however, I am moderately optimistic. If we can achieve real displacement of custody -which under certain conditions must be possible- then we will have achieved a major step on the road towards a more humanitarian penal system.

END