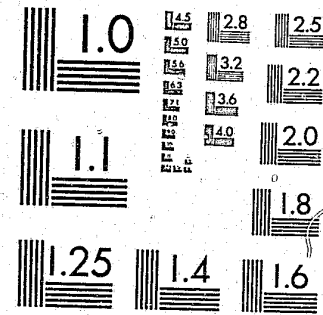


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COMMUNITY SERVICE ORDERS IN NEW ZEALAND : THREE RESEARCH REPORTS

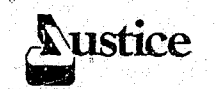
Use of Community Service Orders :
Offenders, Offences and Sentence
Julie Leibrich

Survey of People Connected with the
Community Service Sentence
Julie Leibrich, Burt Galaway, Yvonne Underhill

Criminal history and reconvictions of
two sentence groups : Community Service
and Non-Residential Periodic Detention.
Julie Leibrich

Study Series No. 11

Planning and Development Division
Department of Justice
Wellington
New Zealand
MARCH 1984



ISSN 0110-5779

PREFACE

The sentence of community service has two unique features which distinguish it from all other criminal sanctions in New Zealand.

It is the only sentence in which a part of the responsibility for the supervision of an offender serving a sentence is given to people within the community. Known as community service sponsors, these groups or individuals provide unpaid work or service assignments and supervise their completion by offenders. There is some flexibility in the administration of the sentence to allow sponsor and offender to settle how this will be done. Secondly, it is the only sentence for which the consent of the offender is obtained before the sentence is imposed.

The research reported here gives a very detailed description of the operation of the sentence of community service and constitutes an invaluable reference resource for any discussion of this sentence.

The research is in three parts. First is an account of the characteristics of those sentenced to community service. In the second part the researchers report the views of District Court Judges, officers of the probation service responsible for the administration of the sentence, and offenders sentenced to community service. They also report the views of community service sponsors and thus document for the first time the experience in New Zealand of people in the community who accept responsibility for the supervision of offenders. In the third and final part of the report the principal author, Dr Julie Leibrich discusses the validity of the use of recidivism measures as indices of the effectiveness of criminal sanctions.

The report is the work of three authors. Dr Leibrich is a research officer of the Planning and Development Division of the Department of Justice. Professor Burt Galaway was a National Research Advisory Council Senior Research Fellow with the Department of Justice during 1982/83 and during that time assisted with the evaluation of community service as one of a number of assignments he was involved in. He has now resumed his position at the School of Social Development at the University of Minnesota. Yvonne Underhill, as an advisory officer in the Planning and Development Division until August 1983, was the third member of the research team. She is now studying on a scholarship at the East-West Centre in Hawaii.

G.L. Simpson
(G.L. Simpson)
Director Planning and Development

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On behalf of myself and co-authors Burt Galaway and Yvonne Underhill, I wish to thank the many people who have contributed to this research.

I am particularly grateful to Bryony Walker for her invaluable assistance and to Prue Oxley for her continued support throughout this work. I also thank Jocelyn Fergusson and the librarians for their interested help, Margaret Long for her editing advice, Tony Scott for his patient art-work, and Janice White, Marie Takarangi, Alice Forster and the other typists for sharing their skills with such understanding. I am grateful too, to the many other staff of the Justice Department who have helped in data collection and preparation, and with the many administrative tasks involved in such research; especially Mavis Harrison, Renee Geller, Joanne Stocker and Hec Whinnie.

Our thanks also go to the staff of the Probation Division for their support and especially to those probation officers who arranged so many interviews and who made our journeys easier. We are also grateful to the probation officers, sponsors, offenders and judges who gave time to share their ideas and experiences with us.

Several other people not connected with the Justice Department also made important contributions to this work. I thank Clare Salmond of the Epidemiology Unit, Wellington Hospital, for her expert guidance in design and analysis, also Grant Pittams and Chief Inspector Hamilton of the Police Department and Senior Chief Traffic Officer Phil Wright of the Ministry of Transport for their help with the measures of offence seriousness. Finally, I wish to thank Doug Harvie for his continued involvement and interest in this research.

Julie Leibrich
Department of Justice
Wellington
New Zealand

Burt Galaway
University of Minnesota
Duluth
U.S.A.

Yvonne Underhill
East-West Centre
Hawaii
U.S.A.

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Study I

Use of Community Service Orders : Offenders, Offences and Sentence

by
Julie Leibrich

STUDY I: USE OF COMMUNITY SERVICE ORDERS : OFFENDERS, OFFENCES AND SENTENCE

- JULIE LEIBRICH -

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CHAPTER 1 INTRODUCTION

The aim of this study was to provide some background information about people sentenced to community service in New Zealand; their offences, the length of sentence given, and the use of additional sentences.

The community service sentence was introduced on 1 February 1981 by the Criminal Justice Amendment Act 1980. Community service of not less than eight and not more than 200 hours may be imposed on any person convicted of an offence punishable by imprisonment, provided certain conditions are met. The sentence must be appropriate given the offender's character, personal history, and any other relevant circumstances. The offender must understand the purpose and effect of the sentence and consent to its imposition; and suitable service must be available. The sentence is administered by the Probation Division of the Department of Justice. In 1981, 1,772 community service sentences were imposed; and 1,991 in 1982.

For the interested reader, not concerned with detailed results, a summary of the main findings is given in Chapter 4, and diagrams to highlight these are provided throughout the text.

CHAPTER 2 METHOD

2.1 Sample

The population studied consisted of any person who received a community service sentence during the first 21 months of its use - from 1 February 1981 to 31 October 1982. A one in two random sample (N=1534) was drawn from this population.

There are 35 probation districts in New Zealand, each administering the community service sentence in its own area. Offenders in the sample came from all parts of the country and the number sentenced to community service in each probation district is shown in Figure 1. Auckland, Wellington, Christchurch, Rotorua, Hamilton and Dunedin each had at least 100 offenders in the sample. The number of people in the sample sentenced in each of the 21 months in the sample period is shown in Figure 2, for women and men separately.

2.2. Procedure

Information about court appearances resulting in convictions was obtained from the Wanganui computer database. The information was the date of birth, sex and ethnic background of the person; the sentence date; name of court; prosecuting agency; plea; counsel used; charges; length of sentence; additional sentences (probation, disqualification from driving, fine); and special orders attached to the sentence. Ethnic group information is only recorded in arrest cases (and not summons). The accuracy of ethnic group information was checked during the offender interviews reported in Study II where one out of 54 people described themselves differently from the Wanganui classification.

This information was extracted for any court appearance at which a person received a community service sentence during the sample period. Where a person had more than one such court appearance during that period (4% of the total sample) only their first court appearance was used in the analysis. The probation district in which each person was sentenced was identified from the court name.

Figure 1
THE NUMBER OF OFFENDERS
IN THE SAMPLE FROM EACH
PROBATION DISTRICT (N=1534)

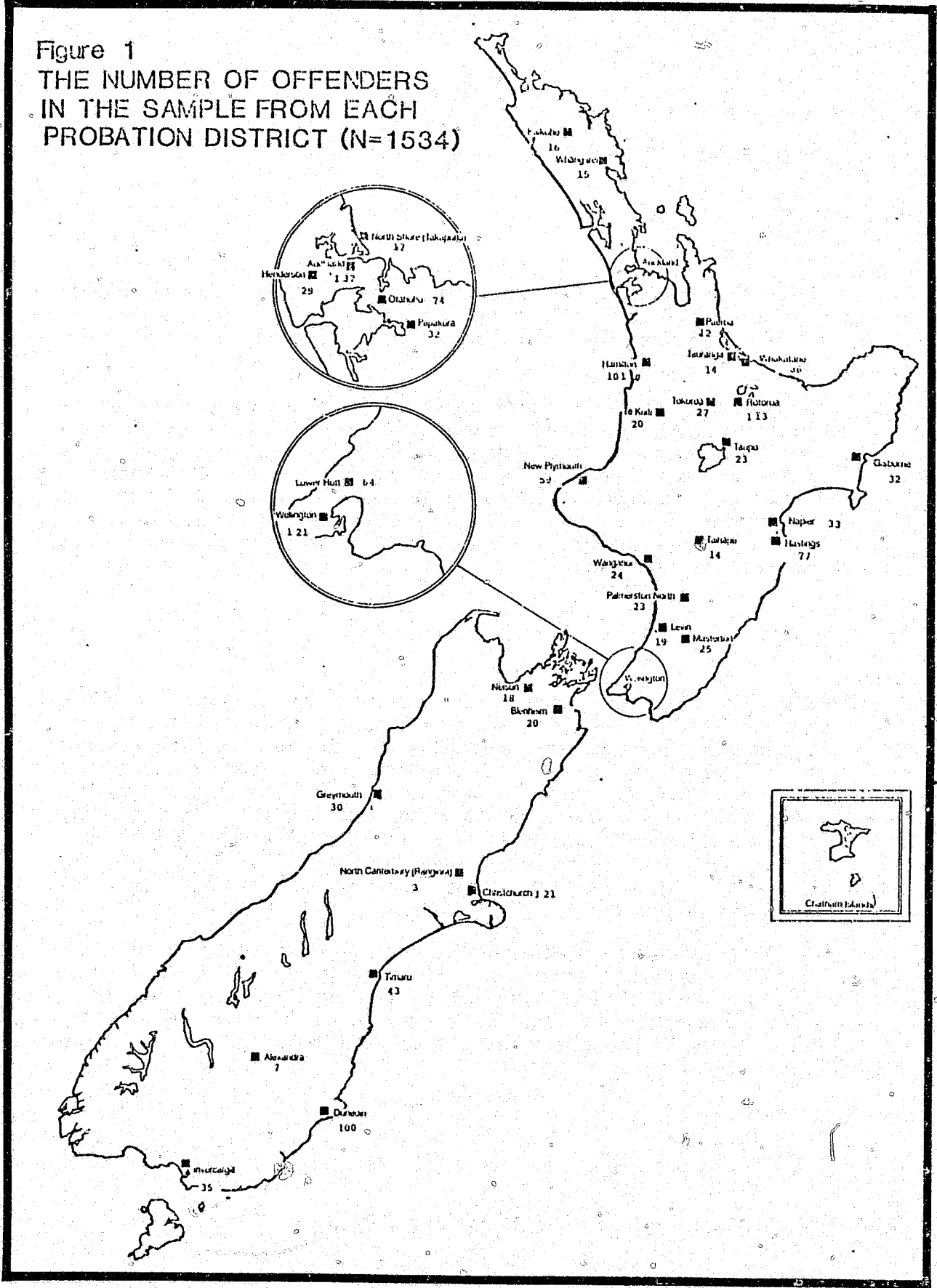
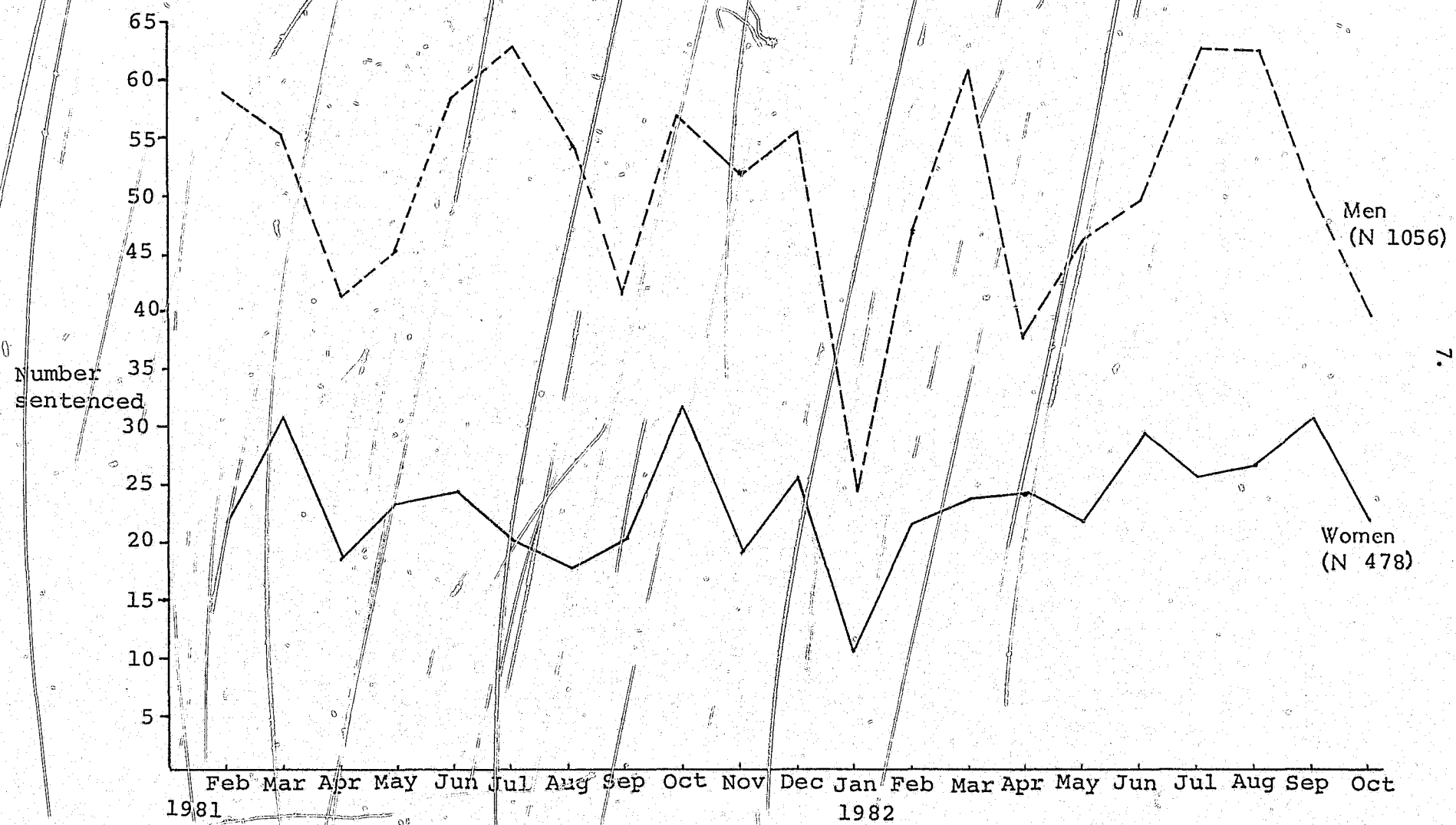


FIGURE 2. NUMBER OF PEOPLE IN THE SAMPLE SENTENCED TO COMMUNITY SERVICE EACH MONTH IN THE SAMPLE PERIOD.¹



Note 1: This was a 1 in 2 sample.

2.3 Analysis

A descriptive analysis was made of the information about the offender, offence and sentence recorded at the court appearance resulting in each person's first community service sentence.

Deciding how to group people according to their ethnic background is an important but difficult question. The most commonly used groupings in New Zealand are Maori/Non-Maori (N.Z. Justice Statistics, 1980); European/Non-European (Reinken, Salmond & de Lacey, 1983); or Non-Maori New Zealander/Maori/Pacific Islander/Other (Study Series No. 5, 1979). All these divisions and terms can lack sensitivity and be offensive. One group may appear to be singled out above all others, a term may not be acceptable to many people to whom it is applied, or a group may be artificially created - such as Pacific Islander where many supposed members may not accept such a grouping and may not identify with it or with other 'members'. Where to draw boundaries in groupings is also a problem. 'Pacific Islander' has been included both with 'Maori' (Study Series No. 4, 1979), and with 'Non-Maori' (N.Z. Justice Statistics, 1980).

The problem is further complicated since the boundaries drawn between ethnic groups usually reflect economic and power differences between those groups - the underlying factors which are likely to be most directly related to any differences in outcome between the groups. Therefore inappropriate groupings may mask actual differences.

While being aware of these concerns, it was also important in the present study to be able to compare the specific community service sample with the official Justice Statistics available in New Zealand. Therefore a grouping of Maori/Non-Maori was finally adopted, where all groups except those defined as Maori on the Wanganui database were included in the latter category.

A person may face a number of charges at a court appearance resulting in one sentence of community service. They may have several charges brought against them for one distinct offence and they may have committed several different offences during one criminal event. They may also be charged with offences related to more than one event. Fifty nine percent of the sample had only one charge, 34% had between two and five charges; 7% had more than five charges with 64 as the maximum. Thirty-one percent of the sample had been convicted of more than one distinct offence, (20% convicted of two offences, 7% of three and 4% of up to 6 distinct offences). Where a person was convicted of more than one distinct offence, one offence was identified as being their main offence for use in the analysis.

Offences are described on the Wanganui database either according to a police classification which includes Police Department prosecutions (79% for the present sample) and prosecution by bodies such as the Justice Department and Social Welfare Department (3%) or according to a classification provided by the Ministry of Transport (MOT) which is used for their own prosecutions (18%).

For police classified offences, a seriousness rating scale was used which was derived from a small pilot study of relative offence seriousness for urgency of police clearance conducted by the Police Department. The complete seriousness scale used is given in Appendix A and further information about the pilot study is available on request. This scale was used both to choose the main offence when there was more than one and also to attach a seriousness rating to each person's main offence, when it was a police-classified offence, so that some rough estimate of the seriousness of offences might be given. Although the urgency with which the Police Department clear a particular offence is only one estimate of the seriousness of an offence, their scale was judged to be the best available measure since it had a detailed direct correspondence with the majority of offence classifications on the Wanganui database.

For MOT classified offences ad-hoc seriousness ratings were drawn up for this study by a senior member of the MOT for the purpose of choosing the main offence where a person had more than one. However this scale was not used to describe offence seriousness in the analysis. Rather than use two separate seriousness scales within the study or combine them, MOT prosecutions were excluded from analyses involving the seriousness of offences.

For analysis of the seriousness scale, the non-parametric equivalent of the t-test (t) to compare two means, the Mann-Whitney U test (MWU) was always used. In other cases where the assumptions underlying the t-test were not met by the data, the results were checked by the Mann-Whitney U, but where conclusions were the same the more common t-test was reported. The chi-square test (χ^2) was used to compare the difference between proportions; analysis of variance (F) or the Kruskal-Wallis test (K-W) to compare several means; and either Pearson (r) or Spearman (rho) to examine correlation. The accepted level of significance was set at $p < .05$ throughout; all non-significant findings are also reported.

CHAPTER 3 OFFENDERS, OFFENCES AND SENTENCE

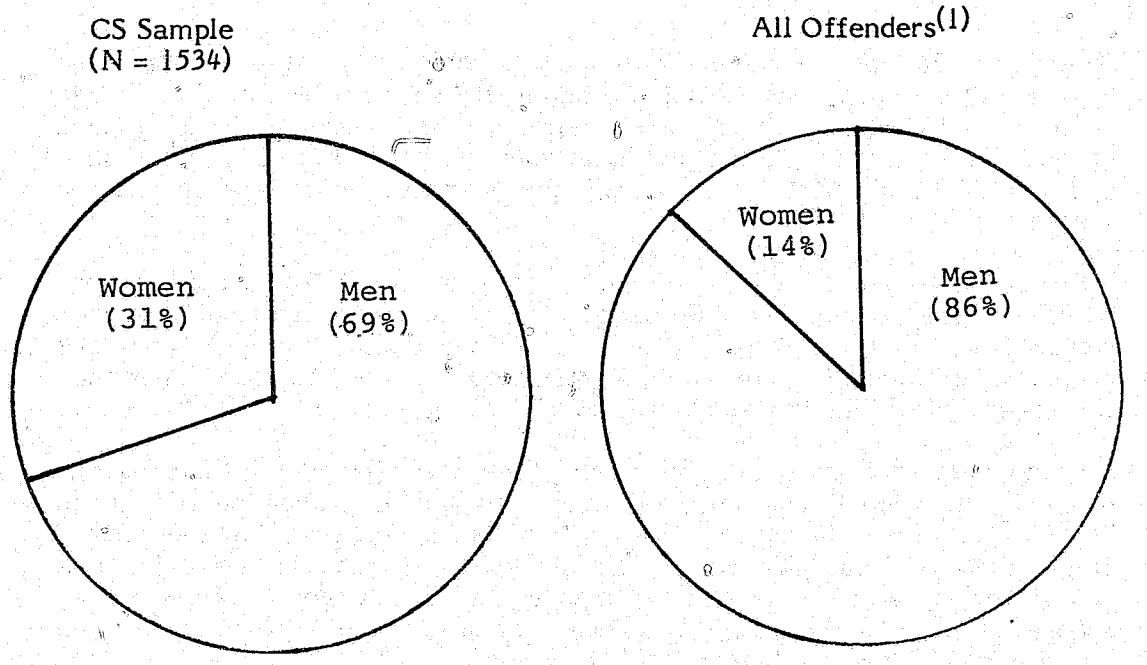
3.1 The Group

The group studied was 1,534 people who received a community service sentence between 1 February 1981 and 31 October 1982.

3.2 Sex, Age and Ethnic Group

A proportionately greater number of women (31%) were sentenced to community service than would be expected given that only 14% of all offenders⁽¹⁾ are women, as may be seen from Figure 3. The sex distribution of offenders given each of the main sentences used in New Zealand is shown in Table 1. It may be seen that only probation has a higher proportion of women than community service (32%) and that women are rarely given custodial sentences.

FIGURE 3 : SEX OF COMMUNITY SERVICE SAMPLE AND ALL OFFENDERS



Note (1): Figures for all offenders were taken from N.Z. Justice Statistics 1980. District Court figures only were always used, and only arrest cases for information about age and ethnic group.

TABLE 1: SEX DISTRIBUTION BY TYPE OF SENTENCE (1980)

SENTENCE	Women %	Men %
Detention Centre ⁽¹⁾	0	100
Periodic detention ⁽²⁾	4	96
Imprisonment	7	93
Borstal training	14	86
Fine	14	86
Convicted and discharged	16	84
Order made	26	74
Convicted and order to come up for sentence	28	72
Probation	32	68

Note (1): Not available for women
 Note (2): Limited availability for women

Over half (57%) of the people sentenced to community service were under 25 years old. People sentenced to community service were similar in age to all offenders, but proportionately more of them were in the 20-29 age range than the general population⁽²⁾, as may be seen in Figure 4. The mean age was 25.9 years (S.D. = 9.5 years); the youngest person was 15 and the oldest was 70.

Information about ethnic group was available for 1211 people in the sample. Forty-one percent of the people sentenced to community service were Maori which, as may be seen from Figure 5, is higher than the proportion of Maori offenders in general (33%), and considerably higher than the general New Zealand population (9%).

The information on age, sex and ethnic group was studied for the presence of any association between these factors. A higher proportion of women were Maori (50%) than men (37%), ($X^2 = 18.57$, degrees of freedom (df) = 1, $p < .0001$). This difference is similar to that found for all offenders, where 45% of women are Maori compared to 32% of men. There was no difference in mean age either between women and men ($t < 1$) or between Maori and Non-Maori offenders ($t < 1$).

Note (2): New Zealand Census, 1981

FIGURE 4: AGE IN COMMUNITY SERVICE SAMPLE, ALL OFFENDERS, AND NEW ZEALAND POPULATION

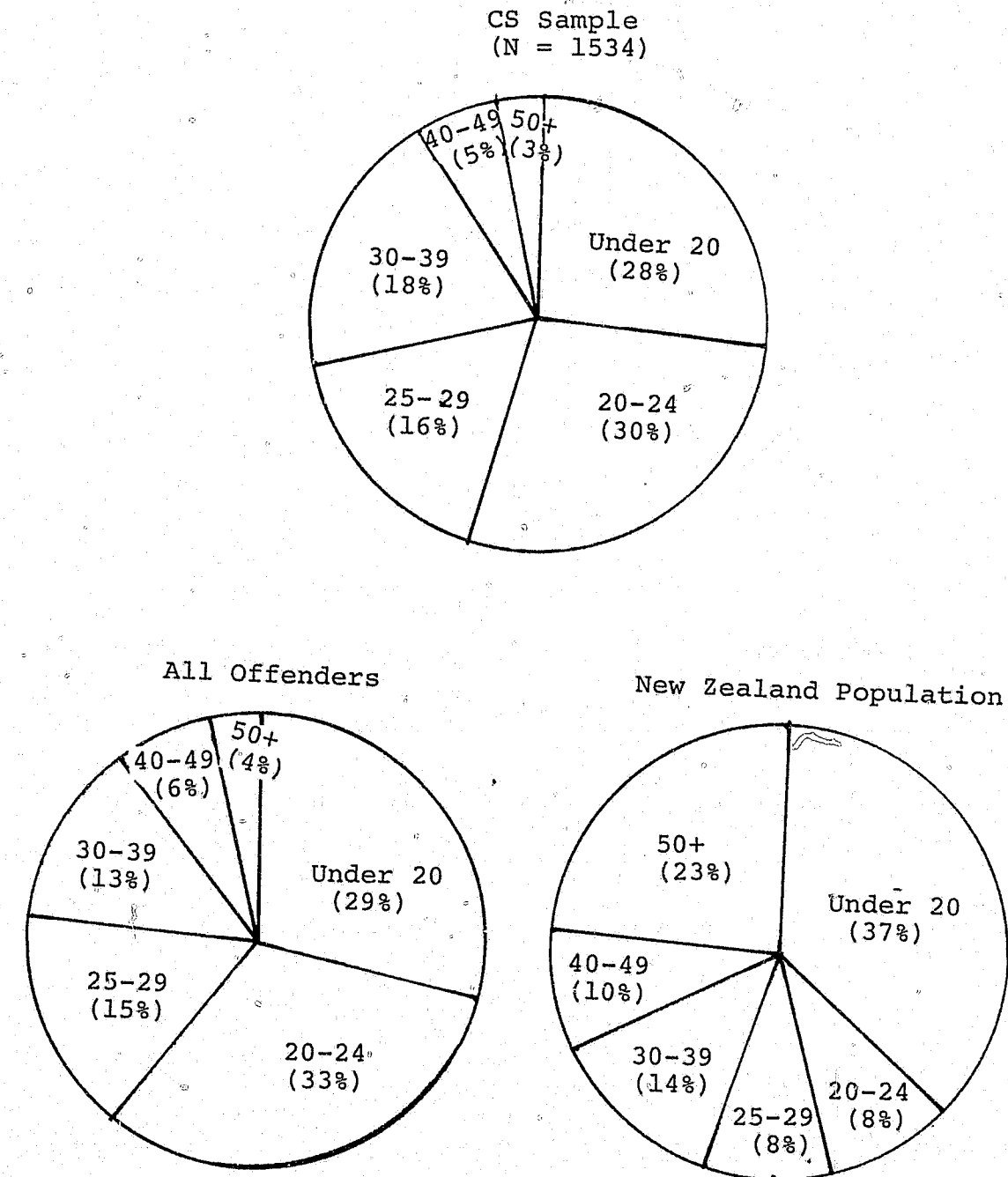
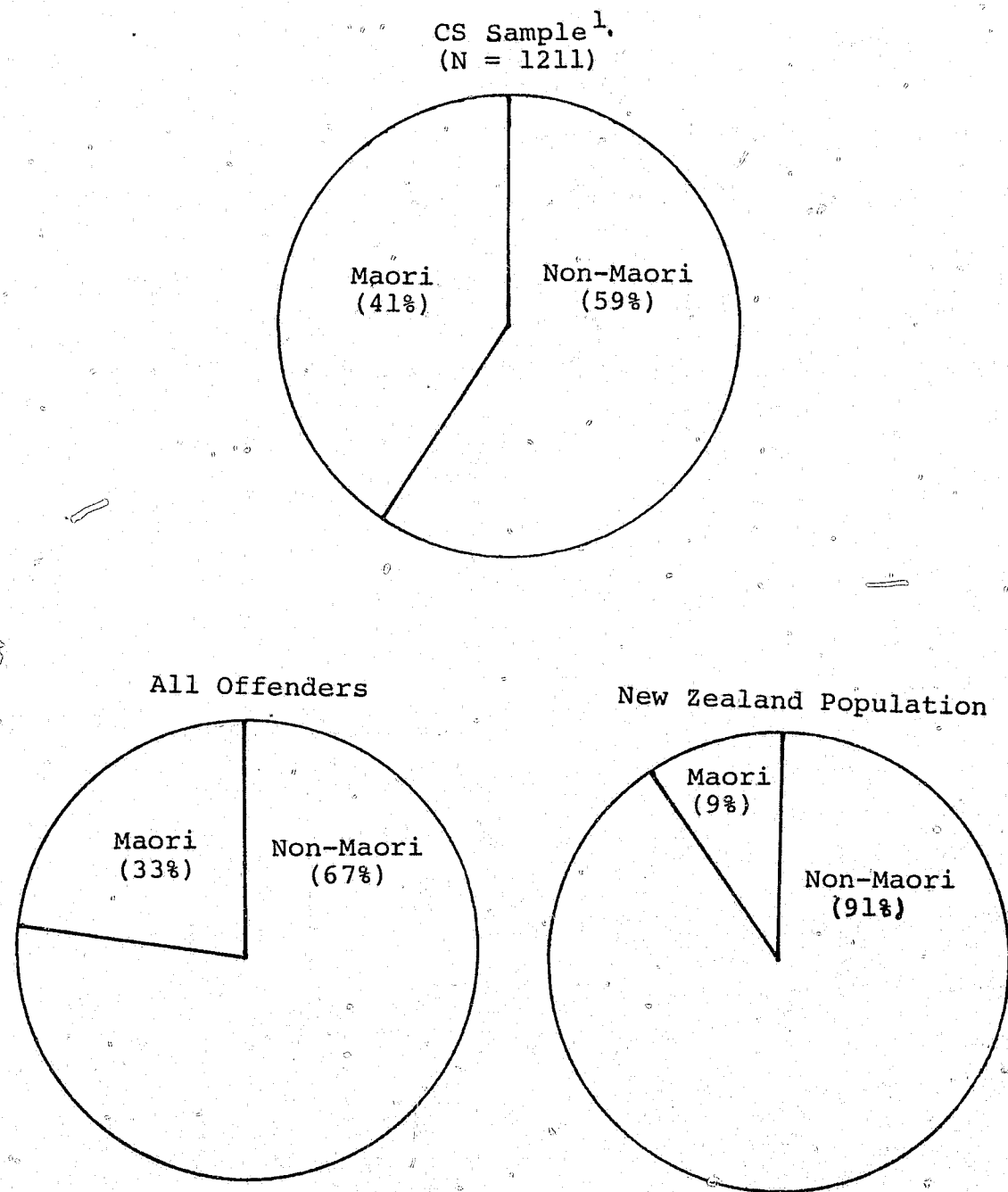


FIGURE 5: ETHNIC BACKGROUND OF COMMUNITY SERVICE SAMPLE, ALL OFFENDERS, AND NEW ZEALAND POPULATION

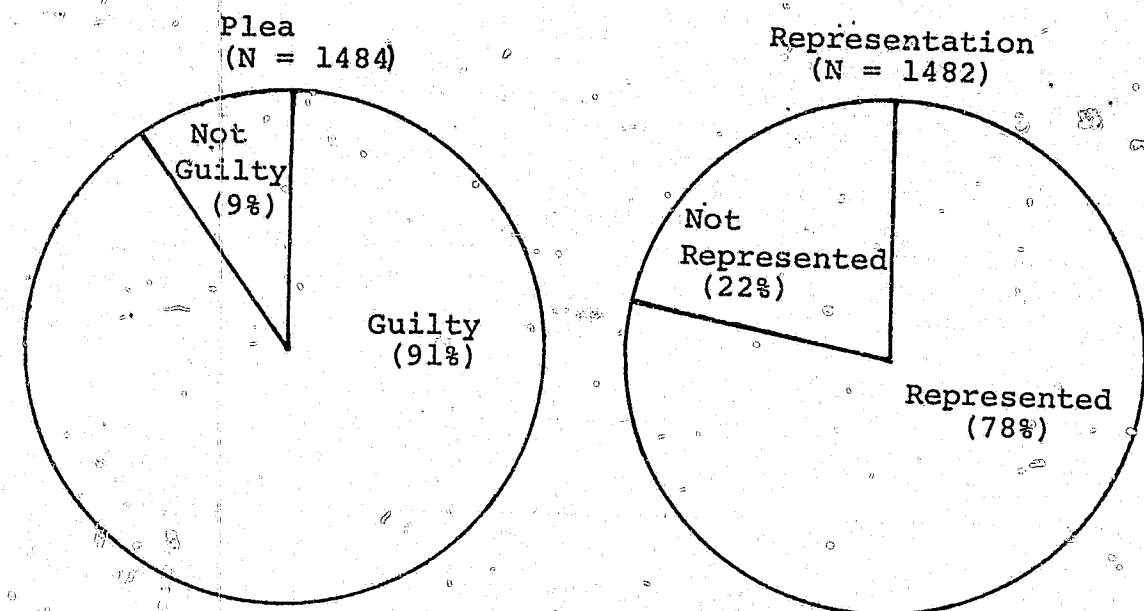


Note 1: Arrest cases only

3.3 Plea and Representation in Court

Most people (91%) pleaded guilty to all or some of the charges for which they were finally convicted of an offence; 9% pleaded not guilty, as is shown in Figure 6. Most people (78%) were represented in court; 22% were not represented.

FIGURE 6: PLEA AND REPRESENTATION FOR COMMUNITY SERVICE SAMPLE.¹



Note 1: Data unavailable for pleas (50) and for representation (52)

Women pleaded guilty slightly, though significantly, more often than men; 93% compared to 89%, ($X^2 = 6.70$, $df = 1$, $p < .01$). People who pleaded guilty were slightly, but significantly, younger than those who pleaded not guilty ($t = 3.88$, $df = 1482$, $p < .001$): a mean age of 25.7, (S.D. = 9.2) compared to 28.9, (S.D. = 9.6). There was no significant difference between the proportion of Maoris and Non-Maoris who pleaded guilty ($X^2 = 2.61$).

Women and men were equally likely to be represented in court ($X^2 = 1.34$). However those represented were slightly, but significantly, older than those who were not represented ($t = 2.30$, $df = 1480$, $p < .05$): a mean age of 26.2 (S.D. = 9.3) compared to 24.9 (S.D. = 8.9). Maoris were significantly less likely to be represented in court (74%) than Non-Maoris (82%), ($X^2 = 10.32$, $df = 1$, $p < .01$).

Whether or not a person pleaded guilty was not related to whether or not they were represented ($X^2 < 1$).

3.4 Type of Offence

Offences may be classified into four general groups: Against the Person, Against Property, Against Justice, and Traffic offences. The largest number of main offences were against property (55%), with traffic offences (27%) the second most common group followed by offences against the person (16%) and offences against justice (2%). Figure 7 shows the proportion of people convicted of each group of offences, for the total community services sample and for women and men separately.

There was a significant association between the type of offence and sex of the offender ($X^2 = 43.22, df = 3, p < .0001$). This was that women were convicted of proportionately fewer traffic offences and offences against the person than men; (these were the only significant associations). There was a significant association between the type of offence and ethnic group of the offender ($X^2 = 25.46, df = 3, p < .0001$). This was that Maoris were convicted of proportionately fewer offences against the person than Non-Maoris; (this was the only significant association). Property offenders were the youngest of the four groups (mean age = 24.7 years, S.D. = 8.4) and traffic offenders were the oldest (mean age = 29.0 years, S.D. = 11.0); ($F = 21.92, p < .0001$). Table 2 gives an age breakdown of each offence group.

TABLE 2: AGE GROUP BY TYPE OF OFFENCE

AGE	Person		Property		Justice		Traffic	
	%	No.	%	No.	%	No.	%	No.
Under 20	23	57	35	300	10	3	16	66
20 - 24	36	91	27	232	48	11	29	118
25 - 29	17	43	15	130	22	5	17	69
30 - 39	19	47	15	130	14	3	24	97
40 - 49	4	11	5	39	-	0	8	34
50 and over	1	2	2	17	4	1	7	28
TOTALS	100	251	100	848	100	23	100	412

FIGURE 7: OFFENCES OF COMMUNITY SERVICE SAMPLE, AND WOMEN AND MEN SEPARATELY

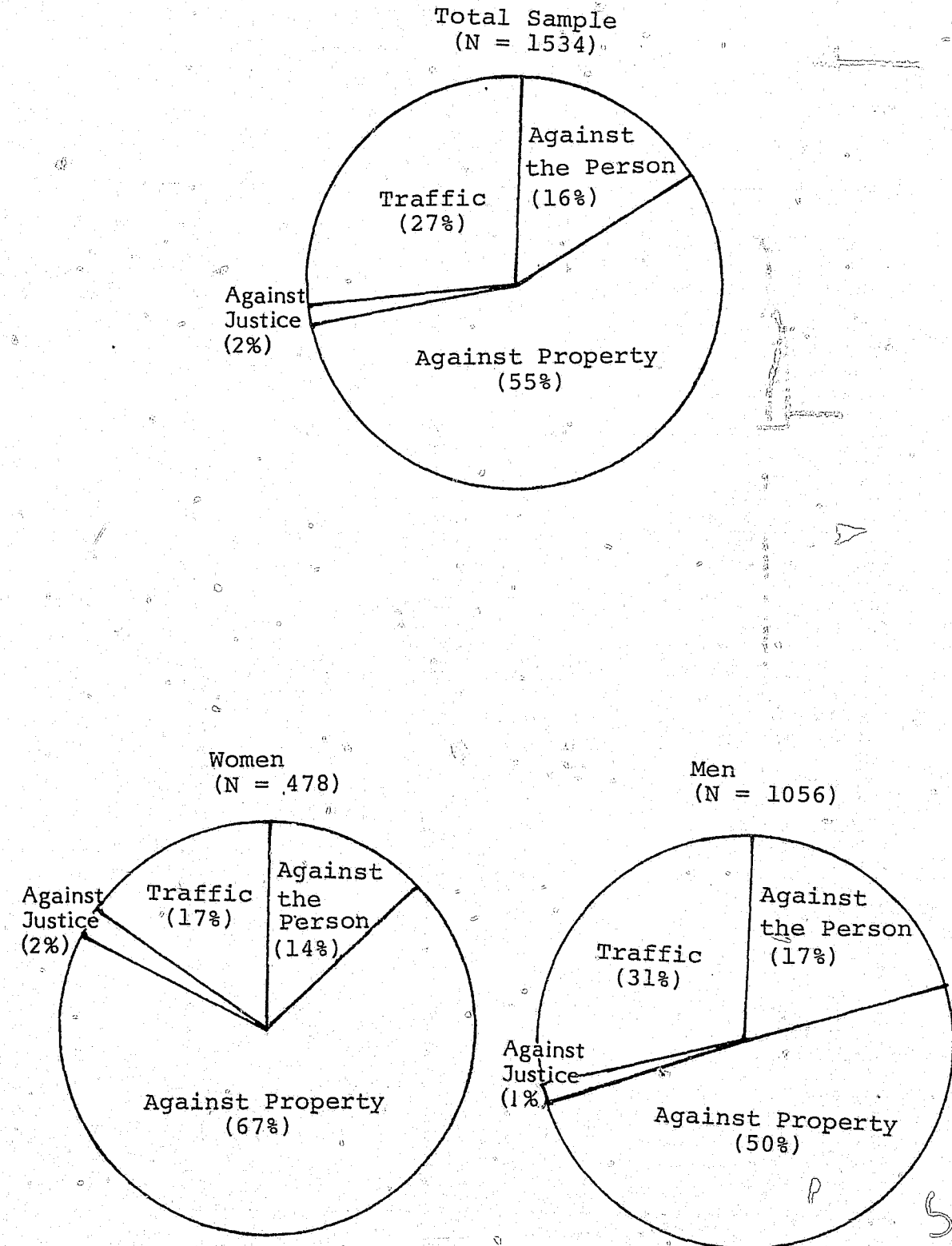


TABLE 3 : OFFENCES COMMITTED BY PEOPLE SENTENCED TO COMMUNITY SERVICE

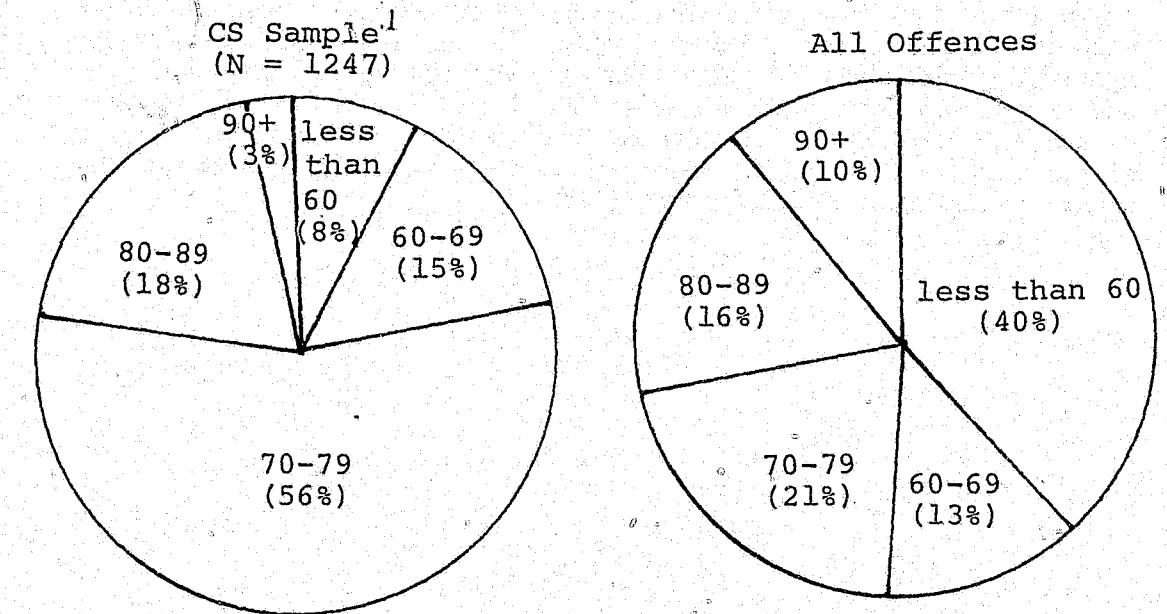
OFFENCE	OFFENDERS			
	Convicted of this as a main offence		Whose convictions included this offence	
	%	No.	%	No.
AGAINST THE PERSON	16.4	251	17.3	374
Violence	7.0	(107)	6.9	(149)
Kidnapping		1		1
Robbery		5		5
Grievous Assaults		4		6
Serious Assaults		41		44
Minor Assaults		42		66
Intimidation and Threats		11		23
Group Assemblies		3		4
Sexual	0.4	(6)	0.3	(6)
Sexual attacks		1		1
Sexual affronts		1		1
Immoral Behaviour		4		4
Drugs and Anti-social	9.0	(138)	10.1	(219)
Drugs - not cannabis		12		11
Drugs - only cannabis		102		147
Gaming		1		1
Disorder		22		59
Family Offences		1		1
AGAINST PROPERTY	55.3	848	56.5	1222
Dishonesty	49.9	(766)	51.3	(1111)
Burglary etc		154		218
Car Conversion etc		68		109
Theft		253		316
Receiving		61		105
Fraud		229		363
Property Damage	3.5	(53)	2.8	(60)
Property Destruction		48		55
Endangering		5		5
Property Abuse	1.9	(29)	2.4	(51)
Trespass		18		24
Littering		3		3
Animals		1		1
Firearms		7		23
AGAINST JUSTICE	1.5	23	1.6	35
Administration of Justice		21		32
Miscellaneous		2		3
TRAFFIC	26.9	412	24.6	533
Driver Condition		292		359
Driving Manner		55		69
Driver Licence Offences		54		84
Miscellaneous		11		21
TOTALS	100	1534	100	2164

A more detailed description of the offences for which people were sentenced to community service is given in Table 3. The number of people convicted of each offence when all their offences (not just the main offence) were included in the analysis is also shown. Since the more complete analysis added little information only the main offence was used in subsequent analyses. Offences related to dishonesty (theft, fraud, burglary, car conversion and receiving) were the largest single sub-group of main offences with half of the offenders being convicted of crimes of dishonesty. However driving while under the influence of alcohol or drugs (driver condition) was the single most common offence.

3.5 Seriousness of Offence

A seriousness rating was attached to every police-classified offence (as described in Chapter 2 page 9). A complete list of police-classified offences and their respective seriousness ratings is given in Appendix A. It may be seen that in the scale used, the minimum possible seriousness rating was 13; the maximum possible was 98. Over all offences, the ratings given, tended to be more often in the higher range of numbers. (The scale was positively skewed with a mean of 63, a median of 68, and standard deviation of 22).

FIGURE 8: SERIOUSNESS RATINGS OF OFFENCES IN COMMUNITY SERVICE SAMPLE COMPARED WITH ALL OFFENCES



Note 1: M.O.T. prosecutions (287) excluded

The seriousness ratings of the community service group offences are shown alongside the seriousness ratings of all offences, in Figure 8. The community service group were convicted of more serious offences; although less than half (47%) of all offences had a seriousness rating of 70 or more, over three-quarters (77%) of the community service group offences were rated 70 or more.

Men were convicted of slightly but significantly more serious offences than women (MWU, $Z = 2.60$, $p < .001$). The median rating for men was 73.20, compared to 72.95 for women. Similarly, non-Maoris were convicted of slightly but significantly more serious offences (median = 73.31) than Maoris (median = 72.92), (MWU, $Z = 5.82$, $p < .0001$). These differences, although statistically significant were clearly minimal in a scale which ranges from 13-98. The seriousness of an offence was not related to a person's age ($\rho = .02$).

3.6 Length of Sentence

A person may be sentenced to between eight and 200 hours of community service. Just over half of the offenders (54%) were sentenced to between 51 and 100 hours of community service, as can be seen from Figure 9 which shows sentence length for the total sample and for women and men separately. The mean sentence length was 89 hours (S.D. = 40). The shortest sentence was 10 hours and the longest was 200 hours.

Women received significantly shorter sentences than men; 81 hours compared to 92 hours ($t = 5.13$, $df = 1532$, $p < .0001$). There was no relationship between sentence length and ethnic group ($t < 1$) nor between sentence length and age ($r = .06$).

There was no significant difference in the average sentence length given for each of the four general offence types. The mean length for offences against the person was 84; against property was 89; against justice was 98; and for traffic offences, the mean was 90, ($F = 1.75$, n.s.). However Table 4 shows the variation in the mean sentence length given for more specific offence types. There was no association between sentence length and the seriousness rating of an offence ($\rho = .08$).

FIGURE 9: HOURS OF COMMUNITY SERVICE SENTENCE FOR TOTAL SAMPLE AND WOMEN AND MEN SEPARATELY

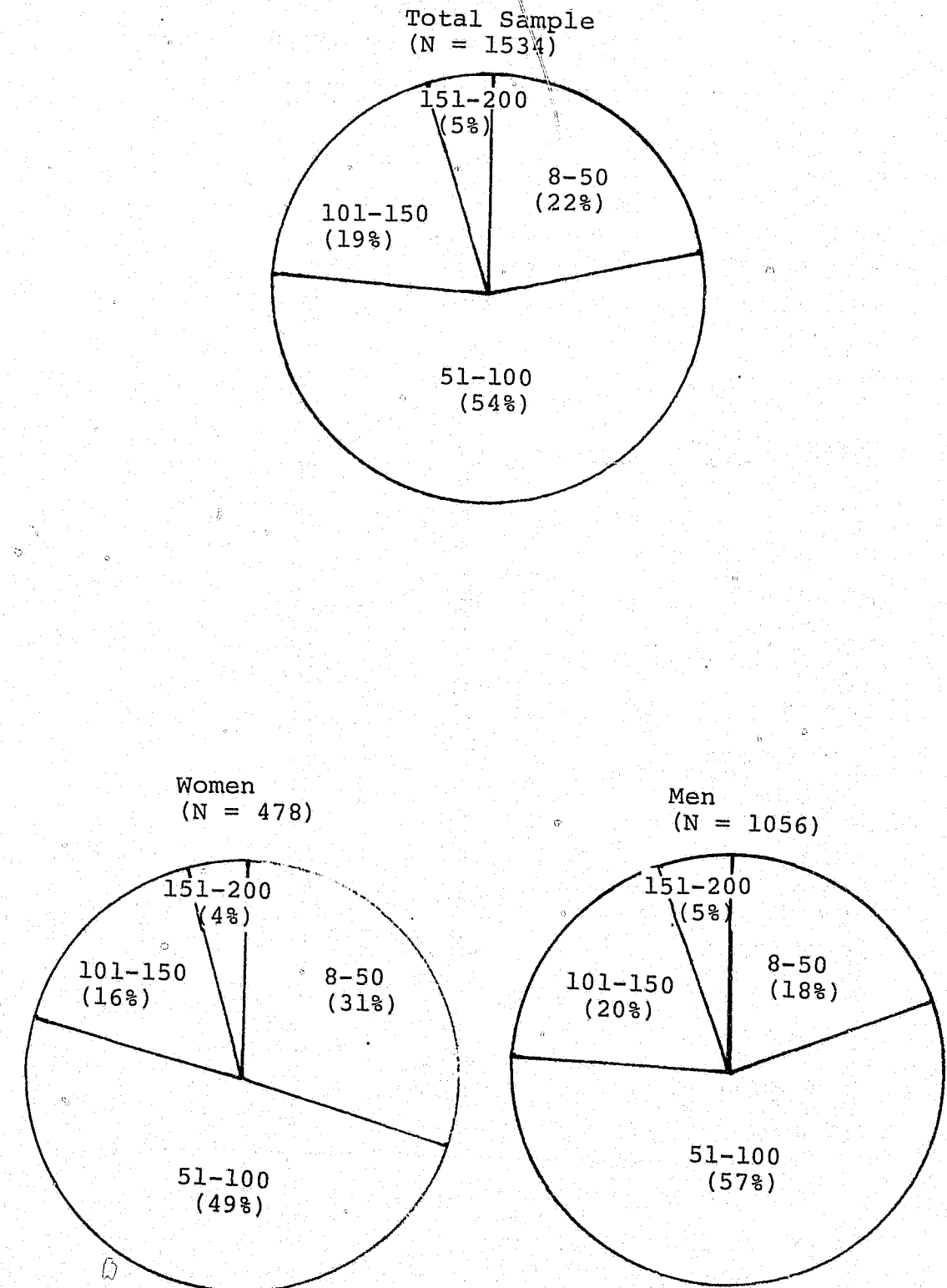


TABLE 4: AVERAGE SENTENCE LENGTH FOR EACH TYPE OF OFFENCE

OFFENCE	AVERAGE SENTENCE LENGTH	
	Mean	Standard deviation
AGAINST THE PERSON	84	41
Violence	(81)	39
Kidnapping	50	-
Robbery	104	71
Grievous Assaults	112	57
Serious Assaults	80	32
Minor Assaults	70	40
Intimidation and Threats	101	27
Group Assemblies	93	12
Sexual	(113)	53
Sexual attacks	100	-
Sexual affronts	50	-
Immoral Behaviour	132	54
Drugs and Anti-social	(85)	42
Drugs - not cannabis	108	46
Drugs - only cannabis	89	41
Gaming	72	-
Disorder	59	33
Family Offences	40	-
AGAINST PROPERTY	89	41
Dishonesty	(89)	40
Burglary etc	92	39
Car Conversion etc	88	39
Theft	86	40
Receiving	93	38
Fraud	90	42
Property Damage	(91)	42
Property Destruction	91	40
Endangering	96	61
Property Abuse	(91)	51
Trespass	87	45
Littering	62	28
Animals	30	-
Firearms	123	62
AGAINST JUSTICE	98	45
Administration of Justice	93	41
Miscellaneous	150	71
TRAFFIC	90	37
Driver Condition	99	37
Driving Manner	100	39
Driver Licence Offences	100	44
Miscellaneous	72	39

3.7

Additional Sentences

Just over half of the offenders (52%) received an additional sentence with a few receiving more than one, as may be seen from Table 5.

TABLE 5: TOTAL SENTENCE

SENTENCE	%	No.
Only community service	48	736
Plus probation	21	318
Plus disqualification	24	371
Plus fine	2	23
Plus probation & disqualification	4	59
Plus probation and fine	1	5
Plus disqualification & fine	1	20
All three	1	2
TOTALS	100	1534

Just over a quarter of the offenders (27%) were sentenced to probation as well as the community service sentence. Seventy-five percent of them were sentenced to 12 months or less, 18% to over 12 months and up to 18 months and 7% over 18 months and up to 24 months.

Women received an additional sentence of probation proportionately more often (32%) than men (22%), ($X^2 = 15.41$, $df = 1$, $p < .0001$). Similarly Maoris received additional probation proportionately more often (33%) than Non-Maoris (25%), ($X^2 = 8.68$, $df = 1$, $p < .01$). There was also an association between length of probation sentence and the sex of the offender ($X^2 = 11.21$, $df = 2$, $p < .01$). Proportionately more of the 24 month probation sentences were given to women; (there were no other associations). Similarly there was an association between length of probation sentence and the ethnic group of the offender ($X^2 = 7.48$, $df = 2$, $p < .05$). Proportionately more of the 24 month probation sentences were given to Non-Maoris; (there were no other associations). (An unexpected pair of findings, given that more women than men were Maori, as shown above). People who got additional probation were slightly but significantly younger than those who did not: a mean age of 24.3 years (S.D. = 8.1) compared to 26.5 years (S.D. = 9.5); ($t = 4.07$, $df = 1532$, $p < .0001$). However age was not significantly related to length of probation sentence ($F < 1$).

Table 6 shows the use of probation for different offence groups. There was a significant association between the type of offence and whether or not a person received additional probation ($X^2 = 68.61$, $df = 3$, $p < .0001$). Proportionately more property offenders were given probation than expected overall and proportionately fewer traffic offenders and offenders against the person and justice. There was no significant association between getting additional probation and the seriousness rating of an offence (MWU, $Z = 1.40$), nor between the length of probation sentence (12 months or less, over 12 months and up to 18 months, over 18 months) and the seriousness rating of an offence (K-W, $H(1)$).

TABLE 6 : TYPE OF OFFENCE AND USE OF ADDITIONAL PROBATION

OFFENCE GROUP	Given Probation		Not Given Probation		Totals	
	%	No.	%	No.	%	No.
AGAINST PERSON	22	54	78	197	100	251
Violence	22	23	79	84		
Sex	33	2	67	4		
Drugs and anti-social	21	29	79	109		
AGAINST PROPERTY	33	278	67	570	100	848
Dishonesty	33	255	67	511		
Property Damage	38	20	62	33		
Property Abuse	10	3	90	26		
AGAINST JUSTICE	9	2	91	21	100	23
TRAFFIC	12	50	88	362	100	412
TOTALS		384		1150		1534

Just over a quarter of the offenders (29%) were disqualified from driving as well as receiving a sentence of community service. The median length of disqualification was 12 months, with the shortest period 3 months, the longest over 5 years. Sixteen percent of those who were disqualified were

already disqualified at the time of the sentence and their sentences were cumulative with the previous disqualification. As would be expected, the relationship between disqualification from driving and other variables directly reflected the relationship between traffic offences and other variables, and is therefore not reported.

Very few offenders (3%) were fined. The median fine was \$300 with the smallest being \$20 and the largest \$2,500. Women were significantly less likely to be fined than men, 1% compared to 4%, ($X^2 = 9.79$, $df = 1$, $p < .01$). However there was no association between ethnic background and being fined ($X^2 = 0$), nor any relationship between age and being fined ($t = 1$). There was a significant association between type of offence and whether or not a person was fined ($X^2 = 17.52$, $df = 1$, $p < .001$). A higher than expected proportion of people who were convicted of offences against the person were fined; (there were no other significant associations). The offence seriousness ratings of people who were fined were higher than those who were not fined (MWU, $Z = 2.84$, $p < .05$).

People who got probation had slightly but significantly longer community service sentences than those who did not, a mean of 92 hours (S.D. = 40) compared to 88 hours (S.D. = 40), ($t = 1.96$, $df = 1532$, $p < .05$). However there was no significant difference in the length of community service between those who got fined and those who did not ($t = 1.31$), or between those who were disqualified or those who were not ($t = 1.71$).

Special orders were attached to the sentence in 11% of cases and these are shown in Table 7 where it may be seen that return of property was the most common order. (Information about restitution was not available).

TABLE 7 : ORDERS MADE BY THE JUDGE IN CONJUNCTION WITH THE COMMUNITY SERVICE SENTENCE

ORDER	%	No.
Return of property	58	97
Suppression of name of defendant	21	35
Order for destruction of property	8	14
Forfeiture of property	5	9
Part of fine to complainant	2	3
Others	5	8
TOTALS	100	166

CHAPTER 4 SUMMARY

Almost one in three of the people sentenced to community service were women although only one in seven offenders are women. More Maoris (41%) were sentenced to community service than would be expected given that 33% of all offenders are Maori. People given this sentence were mainly young, with over half of them (58%) under 25 and less than 10% over 40, which is quite similar to the general offender population.

Most people (91%) had pleaded guilty at the court appearance in which they received community service, with women tending to plead not guilty less often than men. Over three-quarters of the group (78%) had been represented in court. However Maoris were less likely to be represented than Non-Maoris.

Over half the offences (55%) for which people were sentenced to community service were property offences, with traffic offences (27%) the second most common group; followed by offences against the person (16%) and against justice (2%). Women were convicted of proportionately fewer traffic offences and fewer offences against the person than men. Maoris were convicted of fewer offences against the person than Non-Maoris. Property offenders were the youngest offence group and traffic offenders the oldest.

The community service group had been convicted of the more serious offences amongst the police-classified offence list. Men were convicted of slightly more serious offences than women, and Non-Maoris were convicted of slightly more serious offences than Maoris.

The average sentence length was 89 hours, with approximately a quarter of the group (24%) being given over 100 hours of community service. Women received shorter sentences than men. There was no difference in the average sentence length given for each of the four main offence groups, nor was sentence length related to the seriousness ratings attached to specific offence types.

An additional sentence of probation, disqualification or fine was given to just over half (52%) of the group. Probation was given to approximately a quarter of them (27%), and most of these had supervision for a year or less. Women were given additional probation proportionately more often than men, and more of them were given longer periods of supervision. Maoris received probation proportionately more often than Non-Maoris, but fewer of them were given the longer periods of probation. People who were sentenced to probation were younger than those who were not and had slightly longer community service sentences. Proportionately more property offenders were given probation than expected and proportionately fewer person, state and traffic offenders. Additional probation sentences were not associated with more serious offences.

Over a quarter of the people sentenced to community service (29%) were also disqualified from driving, with the average period of disqualification being one year. One out of every six people disqualified was already disqualified at the time of sentencing. Very few people (3%) were also fined and the average fine was \$300. Women were less likely to be fined than men and fines were most commonly used in the case of offences against the person.

STUDY II : SURVEY OF PEOPLE CONNECTED WITH THE COMMUNITY
SERVICE SENTENCE

- JULIE LEIBRICH, BURT GALAWAY, YVONNE UNDERHILL -

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CHAPTER I INTRODUCTION AND METHOD

- JULIE LEIBRICH -

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1.1 INTRODUCTION

A survey of the experiences and opinions of people directly connected with the community service sentence was conducted during April and May 1983. The purpose of this survey was to gain a general picture of how the community service scheme is operating from the point of view of those who administer, receive, and make the operation of this sentence possible. Interviews were conducted in seven probation districts with a sample of probation officers, offenders, community sponsors, offenders and judges who were connected with each area. The structured interviews were designed to gather information about the day-to-day experiences of the scheme, and to draw out opinions about the aims of such a sentence, its benefits and possible improvements.

1.2 SURVEY DESIGN

There were several possible sampling frames for such a survey - for example a random sample at a particular point in time of all judges, probation staff, offenders and sponsors; a random sample of all community service sentences during a certain time span with interviews conducted with all the people concerned.

Intuitively it seemed useful to talk to 'sets' of people who experienced the sentence within the same geographic area - probation officers, sponsors and offenders and judges within a particular probation district. However unless sufficient numbers of interviews were carried out in a national random sample, district-to-district variation could cause apparent group-to-group differences. Time and staff resources precluded a large national sample since this would have involved too much travelling.

Therefore it was decided to make a probation district the interview unit and to interview a random sample of each respondent group within the district. Random sampling of probation districts themselves was not used because it was unlikely that any representativeness could be achieved given the small population of 35 districts. Therefore districts were selected.

A list of the 35 probation districts was drawn up with information about the approximate size of the population served, the geographic area covered, the number of probation office staff, the number of community service sentences administered in a two-month sample (Lee, 1982), and the type of district - mainly urban, mainly rural or mixed. The choice of districts was a compromise between keeping within the staff and time limits set for the study and choosing a sufficient number of districts to provide a reasonably representative sample of them all. The final study group consisted of seven probation districts - Auckland, Dunedin, Gisborne, Invercargill, Levin, Lower Hutt and Nelson. An eighth district - Rotorua - had to be dropped from the survey because of travel difficulties due to a storm. The selection of the eight districts was an attempt to form a group which, seen as a whole, would share a sufficient frequency and range of characteristics to provide a

general picture of community service. Equally important was the attempt to get direct information from as many participants of this sentence as possible. The fact that Rotorua, a district with a large Maori population, had to be dropped from the survey unfortunately altered the group picture. This resulted in the percentage of Maoris in the sample of offender respondents (24%) being lower than the expected percentage (41%) based on the figures in Study I of this report.

1.3 SAMPLE AND RESPONSE RATES

1.3.1 Probation Officers

The probation officer population was all probation officers in the seven probation districts. Every district probation officer and community service supervisor or probation officer with the major responsibility for community service was included in the sample. A one in two random sample of the remainder of probation officers was also included.

The probation officer response rate was extremely high with 42 out of the 43 in the sample (98%) completing interviews. One person was on holiday at the time of the survey.

1.3.2 Sponsors

The sponsor population was defined as all those sponsors who had been used in the past year by each district probation office for any offender sentenced in one of the courts served by that district probation office. A one in four random sample of sponsors was taken from this population.

Interviews were held with 65 of the 80 sponsors in the sample (81%). Five organisations could not be contacted; in five cases the 'link' person who had had experience with the scheme had since left the organisation. It was impossible to set a suitable interview time in three cases and two sponsors were unwilling to take part (unfortunately, we did not manage to find out why).

1.3.3 Offenders

The offender population was defined as any person who had been sentenced to a community service sentence in a court attended by one of the selected district probation offices during an eight-month period and who served their hours in that probation district. The sample period ended a month before interviews took place and the sample included people who were still serving their hours and who had completed them. A one in two random sample was taken from this population.

Sixty-eight offenders out of the sample of 146 (47%) took part in the survey. Forty-four could not be contacted, 16 were not willing to be interviewed, nine did not turn up for an arranged interview, and in nine cases it was impossible to set a suitable time for an interview.

Good response rates are extremely difficult to obtain in surveys of offenders given community service. Other surveys of people given this sentence achieved similar response rates to the present study; 48% (Flegg, 1976); 37% (Pease et al, 1975). Hermann was forced to abandon the planned sample of a one-year follow-up survey because she was able to contact only one in every 10 potential subjects: "tracing a large proportion of the subjects proved to be difficult due to the transient nature and youthfulness of the sample" (1981, page 2).

However, the low response rate for the offender group presents a problem in terms of the representativeness of the data collected. We cannot assume that the non-respondents possess the same characteristics as the respondents. The absence of data on those offenders who were in the designated sample may well have resulted in a bias in the survey. Perhaps offenders who were unwilling to take part or who could not be contacted had a greater number of negative experiences with the sentence leading to an under-reporting of such events. Perhaps they were younger members of the sample, or had language difficulties.

Although it is impossible to minimise any non-response bias which may be present, we were at least in a position to compare the respondent and non-respondent groups on a number of measures for which information was available: age; sex; ethnic group; length of community service sentence; additional sentences for the offence (fine, disqualification, probation); the offence for which the person got community service; sentence status at the time of the survey (current or terminated); if current, the number of hours left; if terminated, the type of termination - hours completed or another reason; how long since the person was sentenced; and the number of placements arranged. Tables 8, 9 and 10 present this information.

Each of the measures summarised in the tables was tested for the presence of a statistically significant difference between the respondent and non-respondent groups, (α was set at .05 throughout). Respondents were older than non-respondents ($t = 2.42$, $df = 144$, $p < .05$) the mean age of respondents was 27.7 years and of non-respondents was 24.2 years. More respondents than non-respondents were currently serving the sentence (Chi-square test = 7.72, $df = 1$, $p < .01$) and had been sentenced more recently to community service than the non-respondents (Mann - Whitney U test, $Z = 2.22$, $p < .05$). Of those who had terminated the sentence, all of the respondents had completed the hours, whereas almost a quarter of the non-respondents terminated for another reason, (Chi-square test = 4.19, $df = 1$, $p < .05$). In all but one case the termination was the result of reconviction for further offences. There was no statistically significant difference between the groups on any of the other measures recorded. The fact that non-respondents were younger, had been sentenced less recently, and had not always successfully completed the sentence should be borne in mind when reading the results of the offender's interviews.

TABLE 8 : AGE, SEX, ETHNIC GROUP, SENTENCE LENGTH AND ADDITIONAL SENTENCES FOR RESPONDENTS VS NON-RESPONDENTS

INFORMATION	Respondents (N=68)	Non-Respondents (N=78)
AGE ⁽¹⁾	25 (17-63)	21 (17-48)
SEX		
Female	26% 18	32% 25
Male	74% 50	68% 53
ETHNIC GROUP ⁽²⁾		
Maori	24% 13	27% 17
Non-Maori	76% 41	73% 45
HOURS OF SENTENCE ⁽¹⁾	99 (25-200)	81 (10-200)
ADDITIONAL SENTENCES		
Fine	3% 2	8% 6
Disqualification	28% 19	31% 24
Probation	19% 13	17% 13

Note (1): Median (and range) given

Note (2): Ethnic group in arrest cases only: Respondents (N=54), Non-respondents (N=62). Respondents were asked about their ethnic background. In only one case was there any discrepancy between the respondent's description and the information on the Wanganui database.

TABLE 9 : WEEKS SINCE SENTENCED AND NUMBER OF PLACEMENTS, SENTENCE STATUS, HOURS LEFT, TYPE OF TERMINATION, FOR RESPONDENTS VS NON-RESPONDENTS

MEASURE	Respondents (N=68)		Non-Respondents (N=78)	
WEEKS SINCE SENTENCED ⁽¹⁾ AT TIME OF SURVEY	23 (2 - 47)		25 (2 - 47)	
NUMBER OF PLACEMENTS ⁽¹⁾ ARRANGED	1 (0 - 3)		1 (0 - 3)	
SENTENCE STATUS				
Current	N=51 (75%)		N=40 (51%)	
Hours left ⁽¹⁾	57 (5-185)		70 (0-185)	
Terminated	N=17 (25%)		N=38 (49%)	
Persons with hours completed	17 (100%)		30 (79%)	
Persons with hours not completed	0 (-)		8 (21%)	

Note (1) : Median (and range) given

TABLE 10 : MAIN OFFENCE OF RESPONDENTS VS NON-RESPONDENTS

OFFENCE	Respondents		Non-respondents	
	%	No.	%	No.
AGAINST PERSONS	16	$\frac{11}{5}$	15	$\frac{12}{8}$
Violence		1		0
Sexual		5		4
Drugs and Anti-social				
AGAINST PROPERTY	47	$\frac{32}{30}$	58	$\frac{45}{40}$
Dishonesty		2		3
Property Damage		0		2
Property Abuse				
AGAINST JUSTICE :	2	$\frac{1}{1}$	3	$\frac{2}{2}$
TRANSPORT :	35	$\frac{24}{24}$	24	$\frac{19}{19}$
TOTALS	100	68	100	78

1.3.4 Judges

The population of judges was defined as those judges who had chambers in a court attended by each probation district or, in the case of a court where no judge had his chambers, the two most recently visiting judges. A one in two random sample of this population was taken. Eleven out of 14 judges (79%) took part in the survey. In three cases it was impossible to set a suitable interview time.

1.4 INTERVIEW PROCEDURE

Each district was visited during April and May 1983 by a team of three interviewers. Responsibility for the different groups of respondents was shared so that one person had primary responsibility for developing the structured schedule and conducting the interviews of probation staff and judges, one person had this responsibility for offenders, and one for sponsors. A backup person from the team was assigned for each group of respondents mainly to cover interview overload periods.

The interviews with probation officers, offenders and sponsors were arranged through the district probation officer, usually by the probation officer with primary responsibility for community service in the area. Judge's interviews were arranged with the help of the list judge for each district.

The probation officers in the sample were drawn from staff lists at head office. In the case of offenders, the names of all those sentenced in the identified courts were drawn from data held on the Wanganui computer and then modified by information from the probation district concerned about whether or not the hours were performed in the same district. In the case of sponsors, a list was requested from each district office of all sponsors used in the past year.

The three sample lists were sent to each district. An interview was requested with each probation officer in the sample. In the case of sponsors, a standard introductory letter requesting an interview was sent through the local probation officer who followed this up two or three days later to set a time, if possible, for an interview. In the case of offenders, a similar letter was accompanied by a stamped addressed reply card to be returned to the local probation office stating whether or not they were willing to be interviewed. No further approach was made if the offender was not willing. However where a card was not returned, attempts to set up an interview were made by the probation officer and then finally by the interview team at the time of the visit.

Each interview took approximately one hour and was usually held during the day-time. Judges were interviewed in their chambers and probation officers and the majority of offenders at the district probation office. Some offenders were interviewed at home and in two cases offenders were interviewed in prison. Nearly all sponsors were visited at work or home to conduct the interview. In two cases an interpreter was used to conduct offender interviews. In one case the interview with a probation officer was conducted by phone.

1.5 DATA ANALYSIS

Each set of interviews was analysed separately by each author except for the questions on the aims of community service. In order that later comparison across groups of respondents could be made, all the aims mentioned by all four interview groups were pooled at first in order to develop general categories of aims. (These were benefit to the offender, benefit to the community, community-offender integration, punishment, and the provision of an alternative sentence). Each author then classified each aim in their particular interview set into each of these categories and one author adjusted the classifications for consistency across the sets.

An attempt was made to reduce any bias which might come from the different experience of respondents in answering questions about the aims of community service. Respondents less used to talking about the aims of a sentence, or less articulate about them (sponsors and offenders) might need more statements about the same underlying concept than other, better versed, respondents (judges and probation officers). It also seemed possible that some concepts may involve more elaborate expression than others - e.g. aims which fall into a 'punishment' category might be stated more economically than aims which relate to 'benefiting the offender'. The more nebulous idea might be expressed in two or three separate but related aims by a respondent - resulting in that particular idea category having an artificially inflated total. Therefore an additional analysis of aims presented the number of all respondents who mentioned at least one aim in each general category (i.e. only one aim per category was counted).

1.6 QUESTIONNAIRE DEVELOPMENT

A questionnaire was designed for each group of respondents. Some questions were common to each group. Others dealt with each individual group's specific area of experience. The questionnaire gradually evolved with input from many sources. A pool of questions was collected from some existing questionnaires in the same research area (Bradshaw, unpublished; Harris, 1979; Oxley, in press; Polonoski, 1980), and from suggestions invited from colleagues in the Planning and Development Division and Probation Division of the Department of Justice. Earlier open-ended interviews with sponsors and probation officers also provided questions as did general discussion amongst the interview team. After many revisions and a small test of the questionnaires in the Wellington Probation District, final versions were produced and are presented in Appendix B, page 215.

Originally as well as the questionnaires there was a set of identical questions for every respondent concerning the place of community service on the tariff, the criteria for the appropriateness of offenders for this sentence, and the relative importance of each aim of penal policy expressed in the Report of the Penal Policy Review Committee (1981). Since we came to have serious doubts about the validity of these questions, (for example the various interpretations of the term 'rehabilitation') the data were not finally reported. However the questions and relevant notes are available on request.

CHAPTER 2 INTERVIEWS WITH PROBATION OFFICERS

-BURT GALAWAY-

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2.1 DESCRIPTION OF RESPONDENTS

2.1.1 Type of Probation Officers

Interviews were completed with 42 probation officers. They included 24 probation officers (PO), five senior probation officers (SPO), seven district probation officers (DPO), one community service supervisor (CSS), and five probation officers assigned responsibility for community service (POCS) in districts where a community service supervisor was not assigned.

For purposes of data presentation the senior probation officers and district probation officers have been combined into a single group (SPOs & DPOs) because they perform predominantly administrative or supervisory functions; the community service supervisor and the probation officers carrying community service responsibilities have also been collapsed into a single category (PO/CSS). They perform similar duties although community service supervisors work full-time on the administration of the community service sentence and are found in larger districts whereas probation officers with community service responsibilities perform community service on a part-time basis, perform other types of probation functions, and are usually found in the smaller districts. For one district the district probation officer performed the community service functions; this person has been included with the district and senior probation officers. Probation officers were treated as a distinct group.

Table 11 below presents the distribution of probation officers by the collapsed groups and shows the mean years of experience in probation work for each group; as a total group the probation officers had a mean of over seven and a half years experience in probation work.

2.1.2 Involvement with the Community Service Sentence (Q: 1,2)

The probation officers varied considerably regarding the extent of their involvement with the community service sentence. They were asked if a series of activities related to the community service sentence was part of their present work as a probation officer. When the response was yes, they were asked for their best estimate of how many times in the last three months they performed the activity. The information from this question is summarised as Table 12.

TABLE 11: TYPE OF PROBATION OFFICER AND MEAN YEARS' EXPERIENCE IN PROBATION WORK

TYPE	%	No.	Mean Yr's Experience
Basic and Merit Grade Probation Officers (PO)	57	24	4.4
Senior and District Probation Officers (SPO and DPO)	29	12	15.0
Community Service Supervisor (CSS) and Probation Officers doing Community Service (PO/CS)	14	6	6.3
TOTALS	100	42	7.7

Most of POs and a majority of the DPO/SPOs reported referring offenders for community service assessments and making recommendations about community service in probation reports as part of their present work. Comparatively few, however, reported that the other community service activities are part of their present work; these few were located in probation districts which did not have a CSS and for which the community service functions were spread among the probation officers.

All CSS/POCSs reported that their present work includes the activities of recruiting community service sponsors, arranging for placements, deciding if offenders have completed community service, resolving problems which may occur between offenders and community service sponsors, and initiating breach proceedings.

TABLE 12: COMMUNITY SERVICE SENTENCE ACTIVITIES WHICH ARE PART OF PRESENT WORK AND NUMBER OF TIMES PERFORMED IN LAST THREE MONTHS

ACTIVITY	PO				SPO & DPO				CSS & POCS			
	%	No.	Mean & (Range)		%	No.	Mean & (Range)		%	No.	Mean & (Range)	
Refer offenders for community service assessments	88	21	4 (0-13)		58	7	1 (0-4)		-	0	-	-
Conduct community service assessments ⁽¹⁾	13	3	2 (2-2)		25	3	2 (0-4)		83	5	55 (5-100)	
Make recommendations about community service in probation reports	83	20	3 (0-13)		67	8	1 (0-4)		67	4	3 (1-6)	
Recruit community service sponsors	13	3	1 (1-2)		17	2	2 (0-3)		100	6	6 (1-19)	
Arrange placement between offenders and sponsors	29	7	1 (0-3)		50	6	4 (0-8)		100	6	30 (3-75)	
Decide if an offender has completed community service	8	2	1 (1-1)		17	2	3 (3-3)		100	6	30 (3-105)	
Resolve problems which may occur between offender and the community service sponsor	33	8	1 (0-2)		17	2	2 (1-2)		100	6	5 (1-15)	
Initiate breach proceedings when an offender does not complete community service	8	2	0		17	2	1 (0-1)		100	6	4 (0-12)	

Note (1): Community service assessments, as such, are not done in one district; consideration of community service included in probation reports only.

2.2 ELIGIBILITY FOR THE SENTENCE-OFFENDERS

Placing an offender with a sponsoring organisation involves three sets of activities: determining if the offender is appropriate for community service, determining if the offender consents to community service, and placing the offender with a suitable sponsor.

2.2.1 Determining Offender Appropriateness

Two patterns emerged, from among the seven probation districts visited, regarding how the decision on appropriateness was made. In some districts this decision was made by POs, subject to supervisory review of their work, as part of the process of preparing reports for the court. In these districts the PO may have given specific attention to community service when requested to do so by the court or consideration of community service may emerge from the social assessment of the offender.

The second pattern was for the decision regarding appropriateness to be made by CSSs or POCSSs. The CSSs may receive a request to conduct a community service assessment either directly from the court or from the PO responsible for the probation report. The six CSSs and POCSSs estimated that about 40% of their referrals for assessments came from courts and about 60% from POs. If the request comes from the court, the CSS prepares a brief report of the assessment which is provided to the court. If the request comes from the PO, the CSS notifies the PO of the offender's appropriateness for community service and this information is transmitted back to the court as part of the probation report.

All levels of probation officers were involved in decisions regarding the offender's appropriateness for community service. Some probation officers meet this question directly in conducting community service assessments. Others must make an initial decision in regard to a referral for an assessment, and administrative or supervisory staff face this question in their day to day supervision of POs.

2.2.2 Criteria for Appropriateness (Q : 6, 6.1, 6.2)

Inquiries were made as to what was taken into account in deciding if an offender is appropriate for community service.

Several patterns emerged from the responses to this open-ended question. In some cases an offender was deemed appropriate for community service because of inappropriateness or lack of availability of other penalties - lack of periodic detention for women, the offender worked on Saturday or lived too far away from a periodic detention centre, the offender would not be in a position to pay a heavy fine (single parents were frequently given as an example of this), or the offender was one for whom association with other,

more hardened, offenders working on periodic detention might be detrimental. Second, because of the unstructured nature of community service, indications that the offender would be reliable in completing this sentence were sought. A variety of indicators were offered including stable employment history, stable accommodation, community ties, responsibly completing other community sentences, and showing up for appointments on time during the remand period. Third, an offender without an extensive criminal history but who had committed a fairly serious offence (excluding crimes of violence) was generally viewed as appropriate for community service, especially if the offence was sufficiently serious that the offender would probably be sentenced to either periodic detention or prison.

Some of these patterns emerged more clearly when the probation officers were asked to identify three things that they thought would make an offender really appropriate for community service and, conversely, three things that they thought would make the offender really inappropriate for community service. Information regarding the three things which would make an offender really appropriate is given in Table 13 and which would make an offender really inappropriate is given in Table 14.

Forty percent of the responses in the really appropriate group related to indicators of personal or social stability such as good employment history, stable domestic situation, reliability, community ties, successfully completed previous community sentence, age or personal maturity, or ability to fit into a voluntary organisation.

Indicators of personal and social stability were most frequently cited by the CSS/POCSSs, secondly by the P.O.s, and least frequently by the SPO/DPOs. Willingness and motivation constituted 20% of the really appropriate responses, items related to the criminal history or the criminal offence 18%, skills and interests or abilities to offer the community 9%, feelings of contrition or indications that the offender will benefit from the sentence 9% and other factors that would make a person really appropriate constituted 4% of the really appropriate responses.

Thirty-seven percent of the responses regarding really inappropriate factors related to an absence of indicators of personal or social stability and an additional 19% identified an alcohol problem, a drug problem, or a personality problem. Fifteen percent of the responses answering what would make an offender really inappropriate for community service related to unwillingness or lack of motivation, 15% to the nature of the offence or criminal history (a serious offence or history), 5% to the offence not being sufficiently serious, 4% to the offender seeing the sentence as a soft option, and 5% to lack of available placement or a lack of skills that the offender might need in a placement.

A person most appropriate for community service was seen as one who had some indication of personal or social stability, was motivated to do the sentence, had interest or abilities to offer the community, who had committed a moderately serious offence (neither too serious nor too minor), and who did not have an extensive criminal history.

TABLE 13: WHAT PROBATION OFFICERS THOUGHT WOULD MAKE AN OFFENDER REALLY APPROPRIATE FOR COMMUNITY SERVICE

ITEMS	PO		SPO & DPO		CSS & POCS		Total	
	%	No.	%	No.	%	No.	%	No.
INDICATORS OF PERSONAL AND SOCIAL STABILITY	41	29	31	11	56	10	40	50
Good employment history		6		0		2		8
Stable domestic situation		2		3		2		7
Dependable, reliable		7		5		5		17
Good report from previous community sentences		2		1		0		3
Community ties		3		0		1		4
Age and personal maturity		4		0		0		4
Able to fit into a voluntary organization		5		2		0		7
WILLINGNESS AND MOTIVATION	24	17	14	5	17	3	20	25
OFFENCE AND CRIMINAL HISTORY	17	12	23	8	11	2	18	22
Moderately serious offence		5		4		1		10
Short criminal history		2		2		0		4
Facing real threat of prison		5		2		1		8
SKILLS, INTERESTS OR ABILITIES TO OFFER THE COMMUNITY	7	5	17	6	-	0	9	11
FEELINGS OF CONTRITION, WILL BENEFIT FROM SENTENCE	7	5	11	4	11	2	9	11
Feels regret		1		3		0		4
Likely to benefit from sentence		4		1		2		7
OTHER	4	3	3	1	6	1	4	5
Not appropriate for other community sentences		2		1		0		3
Placement available		1		0		1		2
TOTALS	100(1)	71	100(1)	35	100	18	100	124

Note (1): One respondent identified only two items

TABLE 14: WHAT PROBATION OFFICERS THOUGHT WOULD MAKE AN OFFENDER REALLY INAPPROPRIATE FOR COMMUNITY SERVICE

ITEMS	PO		SPO & DPO		CSS & POCS		Total	
	%	No.	%	No.	%	No.	%	No.
SOCIAL INSTABILITY; NOT DEPENDABLE	32	23	40	14	50	9	37	46
Poor employment record		5		0		1		6
Lack of stable accommodation or domestic situation		4		2		1		7
Not reliable		4		5		1		10
Difficulty with previous community sentence		3		4		2		9
Young, immature		3		0		1		4
Will not fit in with voluntary organisation		3		1		0		4
Other		1		2		3		6
ADDICTION OR PERSONALITY PROBLEM	21	15	17	6	11	2	19	23
Drug or alcohol problem		8		2		1		11
Personality problem		7		4		1		12
UNWILLING OR LACK OF MOTIVATION	17	12	11	4	11	2	15	18
SERIOUS OFFENCE OR CRIMINAL HISTORY	14	10	17	6	11	2	15	18
OFFENCE NOT SERIOUS	4	3	6	2	6	1	5	6
OFFENDER SEES AS SOFT OPTION	7	5	-	0	-	0	4	5
PLACEMENT NOT AVAILABLE; LACKS SKILLS	4	3	6	2	6	1	5	6
OTHER	-	0	3	1	6	1	2	2
TOTALS	100(1)	71	100(1)	35	100	18	100	124

Note (1): One respondent identified only two items

2.2.3 Consent (Q: 5)

The statute requires that an offender's consent be secured before a sentence of community service is imposed. All of the probation officers with direct involvement in the community sentence reported that they secured consent. The process was one of explaining to the offender what the community service sentence was, what it involved, that consent was required, and then asking the offender straight away if he or she consented. When a PO referred an offender to a CSS for an assessment, consent was secured twice. The PO would secure consent before making the referral and the CSS would also secure the consent of the offender. The fact that the offender had consented was noted in reports which went back to the court either in the form of a community service assessment report or as part of a probation report.

2.3 ELIGIBILITY FOR THE SENTENCE-SPONSORS

Two patterns emerged in arranging placements. In some districts the offender was expected to take most of the responsibility for finding a suitable sponsor. In those districts the CSS or POCS responsible worked with the offender to identify possible sponsors, directed the offender to make initial contact with these organisations, and then followed-up. An alternative pattern was to assume that the probation office had the responsibility for finding sponsors in which case time was spent in recruiting and screening sponsors who were then matched with offenders for community service.

2.3.1 Determining Sponsor Suitability (Q: 9, 9.1)

POs are not generally involved in determining whether a sponsor is suitable; this responsibility is assigned to the CSS/POCS. Only four of the POs were involved in the process sufficiently to express a view of who they considered to be a suitable sponsor. Information regarding what is sought from sponsors was secured primarily from the CSS/POCSs and SPO/DPOs. A total of 46 suggestions were received from four POs, 12 SPO/DPOs, and five of the six CSS/POCSs. One of the CSS/POCS indicated that the sponsors were always selected by the offender and in only one situation had the CSS/POCS been unhappy with the offender's selection. The CSS/POCS suspected possible criminal activity by the sponsor but this was checked out with the police who had no such information and the placement was allowed to go ahead.

Table 15 presents the things taken into account when deciding if a sponsor is suitable for community service. The ability to provide adequate supervision and the type and quantity of work available are the major considerations. Organisations are sought which can provide the offender

with genuine work of sufficient quantity to permit completion of the community service sentence and which will provide adequate, supportive supervision for the offender. Other factors considered include the potential for the sponsor to provide a beneficial experience for the offender, the attitude towards offenders, understanding of the community service sentence, and expectations of offenders.

TABLE 15: THINGS TAKEN INTO ACCOUNT IN DECIDING IF A SPONSOR IS SUITABLE FOR COMMUNITY SERVICE

ITEMS	Total Responses ⁽¹⁾ (N=46)		Probation Officers ⁽²⁾ (N=21)	
	%	No.	%	No.
Able to provide supervision and communicate with offenders	24	<u>11</u>	52	<u>11</u>
Type and quantity of work available	28	<u>13</u>	52	<u>11</u>
Type of organisation		3		
Work that meets a genuine need		5		
Enough work to last through placement		3		
Location and facilities		2		
Will service and contact with sponsor help the offender?	13	<u>6</u>	24	<u>5</u>
Attitude and expectation toward offenders	22	<u>10</u>	29	<u>6</u>
Understanding purpose of the community service sentence	13	<u>6</u>	24	<u>5</u>
TOTALS	100	46		

Note (1): A total of 46 responses made by 21 officers.

Note (2): The number of officers who made at least one response in a category.

2.3.2 Securing Suitable Sponsors (Q : 7, 9.1)

The process of securing suitable sponsors is largely one of recruiting suitable organisations rather than screening organisations interested in serving as sponsors. Of the 19 probation officers indicating that they were involved in finding suitable sponsors, 14 said they had never turned down a person or organisation as a sponsor. Five of the six CSS/POCSs and the P.O.s with primary responsibility for the recruitment of sponsors, said they had. The reasons cited for turning down sponsors, in the few cases where this had occurred, were that the sponsor would exploit the offender, would be unable to provide adequate supervision, the offence occurred while the offender was a representative of the organisation that wished to sponsor the community service (this organisation itself would have been quite acceptable for another offender), the sponsor was a collective farm in which the service provided by the offender would have accrued to the personal benefit of the owners, and a potential sponsor who perceived their role as providing a punitive experience for the offender.

2.4 ARRANGING THE PLACEMENT

Eighty-one percent of the POs, 75% of the SPO/DPO and all of the CSS/POCS indicated that they knew a specific placement had been arranged at the time of sentencing rather than having a general idea that a suitable placement was available. A few of the respondents qualified their answers with phrases such as "usually" or "most of the time" but, even with these qualifications, indicated that the aim was to have a specific placement available when the offender went back to court.

2.4.1 Making the Match (Q : 8)

Twenty-five of the probation officers interviewed had some involvement in matching an offender to a sponsor. Fifty-two percent (13) of these reported that they always involved the offender in the process of deciding if a sponsor is suitable for the offender, 24% (6) reported that they usually did and another 24% (6) reported that they sometimes involved the offender in this decision. None indicated that they never involved the offender in this decision. The CSS/POCSs were equally divided with half saying they always involved the offender and half saying they usually involved the offender.

Involving the offender in the process of determining if a sponsor is suitable was accomplished in different ways. For the POs this was primarily a matter of discussing with the offender various possible sponsors as well as the offender's interest and skills in preparation for a referral to the CSS/POCS. Two of the 11 POs who found this question applicable to their service, however, indicated that they asked offenders to check out their possible interest with potential community service sponsors. Four of the

six CSS/POCSs involved the offender by discussing potential sponsors with the offender and securing the offender's agreement that a sponsor would be suitable; in some cases interviews were requested, especially if this was part of the expectation of the sponsor. Two examples of this type of response:

"Ask offender if they feel they can work with a particular sponsor; suggest placement depending on their interest; some organisations require an interview."

"I have a list of organisations; I go over the list and discuss with the offender. Let the offender select one in which he or she is interested. I then discuss with him or her my views and we reach a consensus. The offender meets the sponsor after sentencing."

Two of the six CSS/POCSs reported that they involved the offender in a process of identifying and finding their own community service sponsor. An example of this is:

"At assessment interview I say it is the offender's responsibility to find a placement. I give them a letter of introduction, tell them to read the booklet about community service, think about what is available, and after they have decided what is available and where they would like to do their service, I ask them to front up personally and go out and ask for a placement."

Five of the eight DPO/SPOs involved directly in the community service sentence also reported that they preferred, whenever possible, to have offenders find their own placement. One, for example, noted that "I get the offender to find their sponsor; they make the initial contact and once they have located a sponsor they ask the sponsor to call me." The other three DPO/SPOs talked about involving the offender in the sense of sharing information and involving them in a discussion concerning an appropriate sponsor for them.

2.5 ADMINISTRATION (Q : 12)

Implementing the community service sentence involves the accomplishment of tasks or activities by the judge, probation officer, community sponsor, or offender. The probation officers were read a series of 14 tasks and asked if they thought that the tasks should be done by the judge, CSS/POCS, sponsor, or offender. If the probation officer named more than one person, they were encouraged to choose one by asking who they thought should be finally responsible for that task. Unfortunately this question did not provide a distinction between the tasks that should be performed by POs and CSS/POCSs. The information is presented in Table 16. Where a probation officer could not answer for one of the tasks the percentages are adjusted.

TABLE 16: PROBATION OFFICERS' VIEWS OF WHO SHOULD BE RESPONSIBLE FOR COMMUNITY SERVICE ACTIVITIES

TASK	Judge	Probation Officer	Sponsor	Offender
	%	%	%	%
Decide if an offender should be considered for CS (N=37)	49	49	2	-
Decide if an offender is appropriate for CS (N=40)	10	90	-	-
Find a suitable placement (N=40)	-	83	-	17
Explain to the offender the purpose of CS (N=38)	5	95	-	-
Explain to the offender how CS works (N=38)	-	100	-	-
Find out if the offender consents to the sentence (N=40)	17	83	-	-
Organise the hours (N=40)	-	38	57	5
Give tasks to the offender (N=40)	-	5	95	-
Decide if the quality of the offender's service is OK (N=39)	-	18	82	-
Keep a record of the hours (N=40)	-	33	67	-
Discuss with offender any problems with doing CS (N=39)	-	79	21	-
Attempt to resolve disagreements between offender and sponsor (N=40)	-	100	-	-
Start breach proceedings if necessary (N=40)	-	100	-	-
Give evidence at breach proceedings if necessary (N=40)	-	90	10	-

Among the probation officers there was reasonable consensus that the probation officer should be responsible for deciding whether an offender was appropriate for community service (90%), finding a suitable placement (83%), explaining to the offender the purpose of community service (95%), for explaining to the offender how community service works (100%), finding out if the offender consented to the sentence (83%), discussing with the offender any problems with doing community service (79%), attempting to resolve disagreements between offender and sponsor (100%), starting breach proceedings if necessary (100%) and giving evidence at breach proceedings if necessary (90%). Seventeen percent of the probation officers thought the offender should be responsible for finding a suitable placement and 17% thought the judge should be responsible for finding out if the offender consented to the sentence. There was also general agreement that the sponsor should be responsible for giving tasks to the offender (95%), for deciding if the quality of the offender's service is OK (82%), and for keeping a record of the hours completed (67%). Eighteen percent of the probation officers thought the probation officer should be responsible for deciding if the quality of the offender's service was acceptable and 33% thought the probation officer should keep a record of the hours completed.

There were only two areas in which the probation officers, as a group, were divided in their views. Nearly half thought the judge should decide if an offender should be considered for community service and nearly half thought that this task should be performed by the probation officer. There was also a difference of view regarding who should organise the times the offender would perform the service. Thirty-eight percent of the probation officers thought this should be the responsibility of the probation officer and 57% indicated that this should be the responsibility of the sponsor.

2.6 ENFORCEMENT (Q: 10, 11)

Within the probation districts, responsibility for initiating breach proceedings fell primarily to the CSS/POCS. Only one of the POs and one of the SPO/DPOs reported having initiated breach proceedings in the last year. In contrast, four of the six CSS/POCS reported that they had initiated breach proceedings in the last year. When a respondent indicated that they had initiated a breach proceeding they were asked to recall the two most recent proceedings and queried regarding the outcome of these proceedings. This exercise resulted in recall of 10 individuals who had been returned to court because of failure to complete the community service, although a distinction was not made between individuals returned on breach and individuals returned with a request for a substitute sentence. Three of the offenders requested or were granted a remand, during which they completed their community service hours. All three of these probation officers were satisfied with this response because it resulted in a completion of the sentence although one expressed dissatisfaction that it was necessary to go to this extreme to secure compliance with the sentence. Two offenders absconded and have not appeared for their breach hearings, one pleaded not guilty to the breach and the issue has not yet been

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Explain to the offender how CS works (N=38)	-	100	-	-
Find out if the offender consents to the sentence (N=40)	17	83	-	-
Organise the hours (N=40)	-	38	57	5
Give tasks to the offender (N=40)	-	5	95	-
Decide if the quality of the offender's service is OK (N=39)	-	18	82	-
Keep a record of the hours (N=40)	-	33	67	-
Discuss with offender any problems with doing CS (N=39)	-	79	21	-
Attempt to resolve disagreements between offender and sponsor (N=40)	-	100	-	-
Start breach proceedings if necessary (N=40)	-	100	-	-
Give evidence at breach proceedings if necessary (N=40)	-	90	10	-

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There were only two areas in which the probation officers, as a group, were divided in their views. Nearly half thought the judge should decide if an offender should be considered for community service and nearly half thought that this task should be performed by the probation officer. There was also a difference of view regarding who should organise the times the offender would perform the service. Thirty-eight percent of the probation officers thought this should be the responsibility of the probation officer and 57% indicated that this should be the responsibility of the sponsor.

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Within the probation districts, responsibility for initiating breach proceedings fell primarily to the CSS/POCS. Only one of the POs and one of the SPO/DPOs reported having initiated breach proceedings in the last year. In contrast, four of the six CSS/POCS reported that they had initiated breach proceedings in the last year. When a respondent indicated that they had initiated a breach proceeding they were asked to recall the two most recent proceedings and queried regarding the outcome of these proceedings. This exercise resulted in recall of 10 individuals who had been returned to court because of failure to complete the community service, although a distinction was not made between individuals returned on breach and individuals returned with a request for a substitute sentence. Three of the offenders requested or were granted a remand, during which they completed their community service hours. All three of these probation officers were satisfied with this response because it resulted in a completion of the sentence although one expressed dissatisfaction that it was necessary to go to this extreme to secure compliance with the sentence. Two offenders absconded and have not appeared for their breach hearings, one pleaded not guilty to the breach and the issue has not yet been

resolved, and one was to be resentenced on the original charge but resentencing had not occurred at the time of the interview. For the remaining three, in which there was a final disposition, the matter was withdrawn for one case, one offender was fined \$130.00, and one was re-sentenced to serve one month in prison. The probation officer for the offender in which the breach charge was withdrawn was dissatisfied with this outcome; the two for whom other penalties were imposed reported they were satisfied with the outcome because they thought the penalty was appropriate given the breach and the nature of the original charge.

2.7 AIMS (Q : 3, 3.1, 3.2)

Each probation officer was asked, "What are the aims of community service?", each was asked to select the most important aim, and whether they thought each aim was being accomplished. The 110 aims mentioned were classified and are presented in Table 17. Thirty-four percent (37) of the aims related to providing the courts with an alternative sentence, 21% (23) related to community service as an alternative to a custodial sentence and 13% (14) as an alternative to some other non-custodial sentence. Nineteen percent (21) of the aims related to benefiting the offender, 17% (19) to benefiting the community, 21% (23) to community offender integration, 5% (5) to punishing the offender, and 5% (5) to miscellaneous.

Table 18 summarises the thoughts of probation officers on whether the community service sentence is accomplishing the aims they have identified. Generally the probation officers are optimistic that the aims are being accomplished although frequently with qualification - the "yes, but" response. Highest optimism is expressed regarding achieving benefits for the community. Use as an alternative sentence was thought to be accomplished in approximately half the cases, although more so in relation to non-custodial than custodial sentences.

Tables 19 and 20 show the distribution of main aims and degree of accomplishment by type of probation officer. The distributions closely parallel that of all aims.

The same pattern emerges in Table 21 which shows the proportion of probation officers who reported at least one aim in each of the major categories. Two-thirds of the probation officers reported an alternative sentence aim and over 40% reported aims in each of the categories of benefit to the community, benefit to the offender, and community-offender integration. There is little difference among groups of probation officers regarding the aims of the community service sentence.

TABLE 17: AIMS MENTIONED BY PROBATION OFFICERS

AIM	PO		CSS/POCS		SPO/DPO		Total	
	%	No.	%	No.	%	No.	%	No.
BENEFIT TO THE COMMUNITY	15	<u>9</u>	18	<u>3</u>	21	<u>7</u>	17	<u>19</u>
Paying back		8		1		3		12
Doing work (no reference to reparation)		1		2		4		7
BENEFIT TO THE OFFENDER	22	<u>13</u>	24	<u>4</u>	12	<u>4</u>	19	<u>21</u>
Discipline/routine		0		2		0		2
Developing new work skills/interests		2		1		1		4
Mixing with different people		1		0		0		1
Personal growth		9		1		2		12
Minimise disruption in life		1		0		1		2
COMMUNITY - OFFENDER INTEGRATION	20	<u>12</u>	18	<u>3</u>	24	<u>8</u>	21	<u>23</u>
PUNISH THE OFFENDER	7	<u>4</u>	-	<u>0</u>	3	<u>1</u>	5	<u>5</u>
ALTERNATIVE SENTENCE	32	<u>19</u>	35	<u>6</u>	35	<u>12</u>	34	<u>37</u>
Specifically custodial		12		4		7		23
Other		7		2		5		14
MISCELLANEOUS	3	<u>2</u>	6	<u>1</u>	6	<u>2</u>	5	<u>5</u>
TOTALS	100	59	100	17	100	34	100	110

TABLE 18: WHETHER AIMS MENTIONED BY PROBATION OFFICERS WERE THOUGHT TO BE ACCOMPLISHED

AIM	ACCOMPLISHED?								Total	
	Yes		Yes, But		No		Don't know			
	%	No.	%	No.	%	No.	%	No.	%	No.
BENEFIT TO THE COMMUNITY	63	12	32	6	5	1	-	0	100	19
Paying back		5		6		1		0		12
Doing work (no reference to reparation)		7		0		0		0		7
BENEFIT TO THE OFFENDER	33	7	38	8	14	3	14	3	100	21
Discipline/routine		1		1		0		0		2
Developing new work skills/ interests		1		1		1		1		4
Mixing with different people		1		0		1		0		2
Personal growth		2		6		1		2		11
Minimise disruption in life		2		0		0		0		2
COMMUNITY - OFFENDER INTEGRATION	35	8	39	9	9	2	17	4	100	23
PUNISH THE OFFENDER	80	4	20	1	-	0	-	0	100	5
ALTERNATIVE SENTENCE	51	19	27	10	22	8	-	0	100	37
Specifically custodial		7		9		7		0		23
Other		12		1		1		0		14
MISCELLANEOUS	60	3	20	1	-	0	20	1	100	5
TOTALS	48	53	32	35	13	14	7	8	100	110

TABLE 19: MAIN AIMS OF PROBATION OFFICERS

AIM	PO		CSS/POCS		SPO/DPO		Total	
	%	No.	%	No.	%	No.	%	No.
BENEFIT TO THE COMMUNITY	24	5	-	0	11	1	17	6
Paying back		4		0		0		4
Doing work (no reference to reparation)		1		0		1		2
BENEFIT TO THE OFFENDER	24	5	40	2	22	2	26	9
Discipline/routine		0		1		0		1
Developing new work skills/ interests		1		0		1		2
Mixing with different people		1		0		0		1
Personal growth		3		1		1		5
COMMUNITY - OFFENDER INTEGRATION	19	4	40	2	11	1	20	7
PUNISH THE OFFENDER	-	0	-	0	11	1	3	1
ALTERNATIVE SENTENCE	33	7	20	1	44	4	34	12
Specifically custodial		5		0		2		7
Other		2		1		2		5
TOTALS	100	21	100	5	100	9	100	35(1)

Note (1): Seven probation officers were unable to select a main aim.

TABLE 20: WHETHER MAIN AIMS OF PROBATION OFFICERS WERE THOUGHT TO BE ACCOMPLISHED

AIM	ACCOMPLISHED?								Total	
	Yes		Yes, But		No		Don't know			
	%	No.	%	No.	%	No.	%	No.	%	No.
BENEFIT TO THE COMMUNITY	33	2	66	4	-	0	-	0	100	6
Paying back		0		4		0		0		4
Doing work (no reference to reparation)		2		0		0		0		2
BENEFIT TO THE OFFENDER	22	2	33	3	22	2	22	2	100	9
Discipline/routine		0		0		0		1		1
Developing new work skills/ interests		0		1		0		1		2
Mixing with different people		1		0		0		0		1
Personal growth		1		2		2		0		5
COMMUNITY - OFFENDER INTEGRATION	-	0	71	5	14	1	14	1	100	7
PUNISH THE OFFENDER	100	1	-	0	-	0	-	0	100	1
ALTERNATIVE SENTENCE	66	8	17	2	17	2	-	0	100	12
Specifically custodial		3		2		2		0		7
Other		5		0		0		0		5
TOTALS	37	13	40	14	14	5	9	3	100	35(1)

Note (1): Seven probation officers were unable to select a main aim.

TABLE 21: PROBATION OFFICERS' AIMS IN GENERAL CATEGORIES

AIM	PO	CSS/POCS	SPO/DPO	Total ⁽¹⁾	
	(N=24) %	(N=6) %	(N=12) %	(N=42) %	No.
Benefit to the Community	38	50	50	43	18
Benefit to the Offender	46	33	33	41	17
Community - Offender Integration	46	33	50	45	19
Punish the Offender	17	-	8	12	5
Alternative Sentence	67	67	67	67	28
Miscellaneous	4	17	17	10	4

Note (1): Percent of probation officers who gave at least one aim in this category. See Chapter 2, page 39 for details of this analysis.

2.8 AN ALTERNATIVE SENTENCE (Q: 4)

One way to assess whether the community service sentence is serving as an alternative to some other penalty, is to examine the reasons probation officers recommend community service as a penalty compared to other penalties. Eighty-six percent (36) of the probation officers interviewed indicated that they made sentencing recommendations in reports to courts, 7% (3) did not make sentencing recommendations, and for another 7% (3) the question was not applicable because these probation officers did not prepare reports for the courts. When sentencing recommendations were made, the respondents were asked to recall the two most recent offenders for whom they recommended community service. The 36 probation officers who reported that they made sentencing recommendations to the court were able to recall 60 offenders for whom community service was recommended. The courts accepted the recommendation for 88% (53) of the offenders, did not accept the recommendation for 10% (6) and for another 2% (1) the probation officer did not know the outcome of the case. Of the six offenders for whom the court did not accept the probation officer's recommendation for community service, two were sentenced to prison, three to periodic detention, and one was fined \$400.00.

Another effort was made to get at the place of community service in the tariff and how it relates to other penalties. This was achieved by asking the probation officers to recall the two most recent offenders for whom they had recommended community service and for whom the court had ordered community service and then securing views as to what the penalty would have been had community service not been available. The probation officers were able to recall 62 cases - frequently they referred to their notes to ensure they were thinking of the most recent two cases. The judgement of these staff were that 37% (23) of the offenders would have gone to prison, 40% (25) would have gone to periodic detention, 19% (12) would have been fined, and 3% (2) would have been placed on probation had the community service sentence not been available.

2.8.1 Community Service and Probation (Q : 13.1)

Probation officers were not likely to combine community service and probation in their recommendations. For 77% (60) of the offenders recommended for community service, the probation officers did not recommend probation; probation was recommended for 23% (14) of these offenders. This may, however, be somewhat of an underestimate of the combining of sentences because some of the offenders were on probation at the time that the community service sentence was imposed and, for at least two persons the probation officer volunteered that, although probation had not been recommended, the court chose to combine probation with community service. For eight of the 14 cases for whom the probation officers recommended probation in addition to community service, the probation officers thought probation was necessary to provide help to the offenders with problems they were experiencing in their lives. For the other six cases the probation officers thought some supervision was required. For two offenders supervision was necessary to collect restitution which had been ordered in addition to community service, in one case the probation officer reported the need to convince the judge that the offender would be supervised in order to forestall a likely sentence of imprisonment, and for the other three, offender supervision was to increase the likelihood that the offender would complete the community service sentence or to make breach easier should the sentence not be completed.

2.8.2 Community Service versus Periodic Detention (Q : 13.2)

Probation officers were asked what makes them decide to recommend community service rather than periodic detention. This question produced 72 responses from 37 probation officers. A wide range of reasons were suggested including inability of the offender to do periodic detention on Saturday mornings, ability of the offender to work without supervision, concern that some types of offenders may be negatively influenced by association with other offenders doing periodic detention, lack of

availability of periodic detention in the area where the offender lives, skills the offender has to offer the community, indications that the offender has learned a lesson and will benefit from the community service, past history of successfully completing community-based sentences, and medical conditions that might preclude periodic detention.

The issues of the seriousness of the offence and the criminal history were particularly problematic. Twelve percent of the responses indicated a non-serious criminal history and 10% of the responses indicated that the current offence should not be serious; conversely another ten percent of the responses indicated they would see a serious offence, serious criminal history or having previously done periodic detention as indicators for recommending community service instead of periodic detention. These inconsistencies reflect differing views on whether community service should be placed in the tariff as a less serious penalty than periodic detention or as a more serious penalty than periodic detention but less severe than prison.

2.8.3 Community Service Versus a Fine (Q: 13.3)

There is greater consistency on the part of probation officers regarding the basis for recommending community service rather than a fine. Fifty-four responses were received from 36 probation officers. Fifty percent (27) of the responses indicated that financial circumstances of the offender formed the basis of this decision and 26% (14) of the responses related to views that the fine would not be a sufficient penalty for the offender given the nature of the offence. Twenty four percent (13) could not be classified.

2.8.4 An Alternative to Imprisonment (Q: 19)

Probation officers were asked, "do you see reducing the number of persons in prison as an aim for community service?". Forty officers replied. Seventy percent (28) of the probation officers reported reducing the number of persons in prison as an aim. This view is somewhat more frequently reported by the POs (75%) and CSS/POCSs (75%) than by the SPO/DPOs (58%). While reporting this as an aim for the community service sentence, several of the respondents who answered 'yes' offered qualifying comments indicating views that the aim was not being accomplished.

2.9 THE BENEFITS

Probation officers were asked an open-ended question on what they perceived to be the benefits of community service for the offender and for the community.

2.9.1 Benefits for the Offender (Q : 16)

Thirty-nine probation officers provided 84 responses to this question. Two groups of benefits related to receiving a less intrusive or less destructive sentence: sixty one percent of the probation officers perceived a benefit to the offender as staying out of prison or avoiding the more destructive elements of other sentences such as periodic detention. Other groups of benefits related more to the offender's sense of personal fulfilment. Thirty-three percent of the probation officers noted benefits to the offender of a sense of satisfaction or self-worth from making a contribution to the community, 21% thought the offender would benefit from a sense of having paid back the community, and 33% thought the offender would benefit from doing something enjoyable or developing new interests. Thirty-six percent of the probation officers thought the offender would benefit from meeting new people or from association with non-offenders and 8% thought he/she would benefit from having an experience with a handicapped or disadvantaged person. Twenty-three percent commented that the flexibility of the sentence was a benefit to the offender in as much as the sentence could be completed without interfering with work or family commitments. One respondent commented that the sentence was flexible in the sense of not placing a strain on the offender's financial commitments as would a fine.

2.9.2 Benefits for the Community (Q : 16)

Forty of the probation staff offered 60 responses in regards to the question of the benefits of community service to the community. The provision of unpaid service resulting in needed work being done was perceived as a benefit by 70% of the probation officers. Forty-five percent thought that the community would benefit from receiving more accurate information about offenders and from the opportunity to relate to and understand offenders, 20% perceived a benefit from the community taking responsibility and being involved in the rehabilitation of offenders, 20% thought the credibility of the justice system would be increased or the community would see persons as making amends, and 15% perceived a benefit to the community in reducing costs. Several of the probation officers qualified their comments regarding community benefits by indicating that the benefits went to the specific sponsor rather than the community at large.

2.10 GENERAL IMPRESSIONS

2.10.1 Satisfaction (Q : 14, 14.2, 14.3, 15.0)

Each probation officer was queried regarding their satisfaction with the type of offenders being referred to community service, the type of community service opportunities available, and the way in which the community service sentence was enforced in their district. The information is presented in Table 22 and indicates overall satisfaction with these aspects of the community service sentence implementation. Eighty-three percent of the respondents were satisfied with the type of offenders being referred to community service, 83% with the type of community service opportunities available, and 85% with the way in which the sentence was being enforced. The seven persons who were dissatisfied with the type of offender being referred to community service thought the sentence was being applied too selectively and should be available to a broader range of offenders. One indicated that it was not being "applied adventuresomely enough" and another indicated that it "tends to be more articulate and socially organised offenders who are not a serious risk of total loss of liberty" who were receiving community service. Four of the seven specifically mentioned that they did not think community service was being used for persons who would otherwise go to prison.

The seven probation officers who were dissatisfied with the type of community service opportunities available all indicated that more sponsors were needed and five made specific suggestions. One thought sponsors were needed from which the offender would gain more benefits and suggested specifically Outward Bound and skill-development types of opportunities, one thought sponsors were needed for a more hardened and difficult offender, one wanted more sites for the young Maori offender, and two probation officers thought more sponsors were needed for male offenders.

Four of the six persons dissatisfied with the way the sentence was being enforced in the district indicated that the breach proceedings should be instituted more quickly and two expressed dissatisfaction that the penalty available for breach is not sufficient.

2.10.2 What is Liked Most (Q : 17)

An open-ended question, "what do you like most about the community service sentence?" produced a wide array of responses. Probation officers thought that community service provided a flexible sentencing option which could be personalised to the needs of individuals and which might enable some offenders to remain in the community rather than going to prison. It was liked because it was seen as a humane and sensible penalty which required the offender to take some responsibility for engaging in constructive acts and provided the offender with the opportunity to experience satisfaction from doing so. The penalty further involved opportunities for bringing the offender and the community together.

TABLE 22 : SATISFACTION WITH IMPLEMENTATION OF THE
COMMUNITY SERVICE SENTENCE

	PO		SPO/DPO		CSS/POCS		Total	
	%	No.	%	No.	%	No.	%	No.
<u>With type offenders being sentenced to CS</u>								
Satisfied	79	19	100	12	67	4	83	35
Dissatisfied	21	5	-	0	33	2	17	7
TOTALS	100	24	100	12	100	6	100	42
<u>With type of CS opportunities available</u>								
Satisfied	77	17	92	11	83	5	83	33
Dissatisfied	23	5	8	1	17	1	17	7
TOTALS	100	22	100	12	100	6	100	40
<u>With way in which completion of sentence is enforced</u>								
Satisfied	87	20	100	12	50	3	85	35
Dissatisfied	13	3	-	0	50	3	15	6
TOTALS	100	23	100	12	100	6	100	41

2.10.3 Improvements (Q : 18)

Each probation officer was asked "In what ways could the community service sentence be improved?". This question produced 59 suggestions from 39 staff. Two staff were satisfied with the sentence and did not see any improvements that could be made. One person was very dissatisfied with the sentence but did not see any possible way that it could be improved.

The responses were grouped into four categories as shown in Table 23: changes relating to administrative and staffing issues, changes to keep community service from being a soft option, provide more or a greater variety of sponsors, educate judges and make community service available for more serious offenders.

Fifty-four percent of the probation officers suggested more staff or changes in administration as a way to improve the community service sentence. A request for more officers was the most common suggestion to reduce the caseloads of the CSSs, permit more time for recruitment and development of sponsors, and to permit more time for planning placements. One probation officer noted that the administration of the community service sentence was thrust on top of already existing caseloads. One PO and one SPO/DPO suggested that probation officers might not be needed for the administration of the sentence and suggested recruiting other persons from the community to act as CSSs. Four POs, but none of the SPOs/DPOs or CSS/POCS, suggested a greater role for POs in the administration of the sentence. One suggested that POs could administer the sentence themselves if they had smaller caseloads, one suggested greater involvement of the PO in planning placement of offenders with sponsors, one suggested that the court should be sure the PO had made arrangements for placement before sentencing, and one recommended that probation should be tied in with the community service sentence in order to provide supervision for completion. Three probation officers suggested the need for liaison and communication among offenders, sponsors, and the supervisor. Finally, one SPO/DPO and one CSS/POCS recommended more standardisation in administration to provide consistency. Contrasted with this, however, one SPO/DPO and one PO suggested less standardisation to permit flexibility at the local level.

Thirty-three percent of the probation officers thought that the community service sentence could be improved through more and/or a greater variety of sponsors. Most of the comments were of a general nature but some specific suggestions were made: "more sponsors for Maori and Polynesian offenders especially placements where these offenders could work in groups" and "more sponsors who would be able to take offenders during evenings and weekends." None of the CSS/POCS identified this as an area for improvement although it was identified as such by 44% of the POs and 30% of the SPO/DPOs.

TABLE 23 : WAYS THE COMMUNITY SERVICE SENTENCE COULD BE IMPROVED

SUGGESTION	PO (N=23)		SPO/DPO (N=10)		CSS/POCS (N=6)		Total ⁽¹⁾ (N=39)	
	%	No.	%	No.	%	No.	%	No.
	Changes in administration	52	12	70	7	33	2	54
More staff		4		3		1		8
Different type of staff		1		1		0		2
Greater role of probation officer		4		0		0		4
More liaison and communication		2		1		0		3
More standardisation of administration		0		1		1		2
Less standardisation of administration		1		1		0		2
More and/or greater variety of sponsors	44	10	30	3		0	33	13
To change soft option perception with clearer expectation for offenders, simpler breach procedures, and/or more severe penalty for breach.	22	5	50	5	50	3	33	13
Increase judicial understanding of aims; make sure sentence is used more serious offenders and for all socio-economic groups	30	7	20	2	50	3	31	12

Note (1): Percent and number of probation officers who made this suggestion

Thirty-three percent of the staff, including half of the SPO/DPOs and half of the CSS/POCS, thought the community service sentence could be improved through steps to remove its image as a soft option. The most frequent suggestion had to do with breach: simplify the procedures (especially permitting breach before the expiration of 12 months) and increase the breach penalty. Those who used the breach penalty made more severe and consistent remarks that it should be the same penalty as the breach of periodic detention - up to three months' imprisonment. Other suggestions included more structure in the placement plan, requirements that the person sentenced to community service do service as recommended in the plan, and the authority to provide probation reports in conjunction with breach proceedings. Thirty-one percent of the probation officers were of the view that the aims of the community service sentence were not clearly understood by the judges. There were two aspects of this. Some of the probation officers commented on the need to be sure the sentence was being used for more serious offenders who might otherwise go to prison. Some thought judges did not perceive the sentence as appropriate for persons of lower socio-economic backgrounds and/or from minority backgrounds.

Overall the respondents believed the sentence could be improved if more sponsors were available, breach proceedings and penalties were tightened, additional staff resources were made available to ensure more thorough planning and liaison in the administration of the sentence, and steps were taken to use the sentence for more serious offenders and to ensure that it was available to persons of lower social economic and minority backgrounds.

2.11 ISSUES

The 42 probation officers interviewed held a wide range of views regarding the aims of the community service sentence, offenders who would be appropriate for the sentence, and the way in which the sentence should be administered. The research suggests a series of issues for consideration.

1. Should the community service sentence be perceived as a penalty to be used primarily as an alternative to some other penalty which may not be appropriate in a given case, or should it have wider application to a specified class of offences or offenders? This is a key issue. There appeared to be a pattern of perceiving the community service sentence as a penalty which is used when other more preferred penalties (quite frequently periodic detention) are not available or not thought to be appropriate because of circumstances of the individual offender.
2. What is the proper place of community service in the tariff? The more specific issue is, should the community service sentence be seen as falling between periodic detention and prison or should it be seen as falling between the fine and periodic detention? If community service is seen as a less serious sentence on the tariff, it is unlikely to be used as a specific alternative to imprisonment.

3. What are the characteristics of the offender or of the offence which would make an offender appropriate for community service? A wide range of views have been expressed on this topic which requires attention if greater consistency is to be achieved in the recommendations of probation officers regarding the community service sentence. Is the sentence being recommended too selectively and, conversely, might it be useful for a broader range of offenders?
4. Should the administration of the community service sentence be changed? Over half the probation officers suggested a need for changes in administration as a way to improve the sentence. A request for more officers to reduce the caseload of community service supervisors and probation officers with responsibility for community service was the most common suggestion.
5. Should the practice of encouraging offenders to take an active role in finding their own community service sponsor be encouraged? This practice places more responsibility on the offender and should result in greater commitment on the part of the offender to complete the community service. A great deal might be gained by review of the districts where these procedures are used to determine the extent to which offenders are able to locate sponsors, the nature of any problems or difficulties that have emerged, and how these have been dealt with as a basis for further decisions regarding encouraging further use of these.
6. What should be looked for in a community service sponsor? The need for more sponsors and a greater variety of sponsors was expressed by probation officers. A balance needs to be found between providing a helpful experience for the offender, necessary and useful work that the offender can do, and to foster closer links between community groups and the justice system.
7. Should the way the sentence is viewed and used be changed? Several probation officers felt it was seen as a soft option and that offender expectations could be made clearer and breach proceedings simpler, and that community service could be used for more serious offenders.

CHAPTER 3 INTERVIEWS WITH COMMUNITY SPONSORS

- JULIE LEIBRICH -

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3.1 DESCRIPTION OF RESPONDENTS

3.1.1 Type and Size of Organisations (Q : 18)

Sixty-five sponsors were interviewed. Organisations which accepted offenders on community service varied greatly in type and size. Thirty-two percent (21) were day and residential centres for people needing special care or facilities - hospitals, rehabilitation hostels, centres for the disabled, emergency accommodation homes. In many cases the community work of these groups extended to private homes. Nineteen percent (12) of the sponsors were special interest groups, including conservationist organisations, political concern groups, and Maori cultural organisations. Seventeen percent (11) were sporting and recreational groups, 15% (10) were schools and pre-school centres, 9% (6) were service groups, and 8% (5) were churches.

Both paid staff and voluntary help were used by 54% (35) of the organisations. Twenty-one percent (14) used only paid staff whereas 25% (16) depended entirely on volunteers. Of those who had paid staff (75%), the median number of full or part-time staff was five. Fourteen sponsors had only one paid staff member; five had over 50. Volunteer help varied between those organisations who had a small (under 10) but regular core of volunteers (25 sponsors), those who had larger more variable groups of helpers (11 sponsors), and those who used very large (over 100) networks of people on an irregular basis (15 sponsors).

3.1.2 Recruitment to the Community Service Sentence (Q : 4,5)

Sponsors were asked how they had first become aware of the scheme. An approach by the probation service or the offender was the first contact with the community service scheme for 22% (14) of the organisations. However the majority had already been generally aware of the scheme before their involvement. Forty-six percent (30) had read about it in newspapers or leaflets or had seen something about it on posters or T.V. Nineteen percent (12) first knew about it through work-related links with the Justice Department or because they had used people on periodic detention or probation with community work. Fourteen percent (9) of the organisations had heard about the scheme through other community groups.

Sponsors were also asked how they had become involved with the scheme. Sixty-six percent (43) of the organisations had been asked by the local probation officer in charge of community service if they would be willing to take part in the scheme. However, in 23% (15) of the cases the first approach to the sponsor was made by an offender seeking a placement, or a close friend or relative of an offender. Only 11% (7) of the sponsors made the first approach to probation, and of these four had some professional links with the Justice Department.

3.1.3 Experience with the Community Service Sentence (Q : 1,2,3,6)

The sponsor's degree of experience with the sentence varied a great deal. The community service scheme had been in operation for 28 months at the time of the survey. Sponsors had been involved for a mean of 16 months. The newest sponsors had been recruited only one month before; there were several "old-timers" - who had been involved for over two years.

The 65 sponsors were served by a total of 202 offenders. Forty-two percent (27) of the sponsors had had experience with only one person on community service, 22% (14) with two, 23% (15) with three to five, and 14% (9) with six or more.

Sponsors were asked to recall their most recent offenders - a maximum of three each. Twenty-nine percent (36) of the 124 people recalled were known or known of by their subsequent sponsor - 11 were directly associated with the sponsor organisation, four were personal friends, 21 were known of through family, friends or the community.

An attempt was made to assess the general level of contact between sponsors and the local probation office. Respondents were asked what contact they had had with the probation office during the previous month. Sixty-eight percent (44) of sponsors had had some contact. This was mostly by phone, although in 21 cases there was also personal contact with a probation officer in the last month. There was very little correspondence apart from the standard introductory forms and monthly sheets which sponsors fill in to record the hours of service given.

3.1.4 Reasons for Involvement with the Sentence (Q : 14)

Sponsors were asked why they had become involved with the scheme. Twenty-five percent (16) of them said they became sponsors because they had jobs which needed to be done. Twenty-two percent (14) felt they were involved because they could 'help offenders' by being sponsors. Eleven percent (7) gave mutual benefit as the reason for agreeing to become a sponsor. Twenty-eight percent (18) of sponsors said that they had become involved with the scheme because of the strength of their relationship with the probation service. Some had built up links as a result of using periodic detainees. Others mentioned professional or friendship links with the probation service. Several of these sponsors mentioned a desire to give specific support to the community service scheme. Fifteen percent (10) of the sponsors accounted for their involvement in the scheme in terms of their general commitment to being involved in the community.

3.2 ARRANGING THE PLACEMENT

3.2.1 Eligible Offenders (Q : 7, 11)

Some questions in the interview explored the sponsor's requirements or reservations about what kind of people they would accept to do community service. Seventy-one percent (46) of respondents did not believe that "anyone at all" would be suitable and sixteen of these said they had told the probation officer the type of person they wanted. However 29% (19) said they would try anyone at all on the scheme.

Sponsors expressed a variety of reservations - 13 sponsors specifically did not want violent or sex offenders; eight mentioned dishonesty as being an undesirable characteristic; four sponsors did not want anyone with psychological or addiction problems. One sponsor felt tattoos were not acceptable.

Over half the comments related to positive requirements. Thirteen sponsors looked for general, positive personality characteristics - 'nice', 'responsible', 'motivated', 'friendly'. Eight sponsors sought specific job skills; 11 wanted people who were particularly appropriate for or interested in their organisation - e.g. single parent, Maori, accepting of handicapped people.

When asked directly if they had ever rejected anybody, 15% (10) of the sponsors reported that they had. In seven cases this was because of the lack of appropriate work or supervision. In only three cases was the offender thought to have some unacceptable personal characteristics.

3.2.2 Prior Knowledge of the Offender (Q : 8,9,10)

Most sponsors had met the offender before the placement was finalised. However the degree to which they were informed about the person prior to the meeting varied greatly.

Eighty-two percent (53) of the sponsors had met 'the most recent offender' before the placement was finalised. Certain questions were limited to information about 'the most recent offender' to avoid any bias which might result from a respondent's recalling the most memorable offender. Questions referring to 'the most recent offender' are identified within the text.

The sole source of information about the offender was the probation officer in 82% (53) of the cases. In eight cases the person was known in the general community or information about them came through their family or friends. In the four remaining cases the sponsor had already met the offender before the connection with community service.

An attempt was made to find out how much the 61 sponsors, who did not already know the offender personally, knew about them before they met. They were asked if they had information about the offender's personal circumstances, their offence, any previous convictions and their psychological state. Thirty-three percent (20) of these sponsors reported that they knew nothing or virtually nothing about the offender before they met them. Most, however, had some information. Fifty-two percent (32) had been given some details of the offenders personal circumstances, 57% (35) had been told the offence, 23% (14) had some idea if the offender had previous offences, and 28% (17) knew something about the person's psychological state.

All 65 sponsors were asked what they felt they needed to know about a person on community service. There was considerable variation about what and how much sponsors felt they needed to know. Eighteen percent (12) said they did not want to know anything at all: 'I take them on face value', 'I accept them as I find them'. The majority, however, did feel they needed some information. Twenty percent (13) needed only particularly relevant information, such as the assurance that they would be alerted to any special difficulties - 'if it's relevant to the organisation'; 'if I can't trust them near drugs'; 'if there is a medical problem'. Twenty-three percent (15) wanted to know one specific piece of information - either the offence or work skills or home circumstances. Thirty-nine percent (25) of the sponsors wanted a more complete picture, including the offence and personal circumstances and background - 'anything is helpful'; 'I want to know as much as possible'.

3.3 THE SENTENCE IN OPERATION

3.3.1 Hours Served (Q: 13)

Various arrangements were made for when people would serve their hours. Set times were arranged for the 'most recent offender' in 68% (44) of placements. In 19 of these the hours were set by the sponsor, in eight by the offender, and in 17 cases by negotiation between both - often with the involvement of the probation service. Out of the 44 placements where times were set, 27 were during the day between Monday to Friday and 13 were weekend or evening hours. In four cases offenders had agreed to do their hours over an intensive residential period (three at camps and one at a site some distance from his home town).

No regular hours had been set for the offender in 32% (21) of placements, although sometimes there was an agreement to do a certain minimum number of hours per month. Several sponsors trusted the person with keys if they needed to come to a building at odd hours. In two cases the people were able to work from their own homes.

3.3.2 Service Performed (Q: 17)

There was a considerable variety of service given to the community by the 'most recent offenders', as may be seen in Table 24. Forty-two percent (27) of them did cleaning or maintenance work. In several cases, however, the more specific skills of an offender were used to the benefit of the sponsor - for example sports training, mechanical repairs, knitting, carving. When asked about the exact task that the most recent offender did, many sponsors volunteered additional comments about the high standard of the service given. (One offender had not begun the work at the time of interview, but the task had been arranged).

TABLE 24 : TYPE OF SERVICE PERFORMED

MAIN TASK	Women	Men
Mainly cleaning, housework, gardening	8	9
Maintenance, painting, concreting, carpentry etc	2	9
Playcentre help - playing with children, making tea	3	3
repairing toys etc		
Sports club work - ground preparation for teams, skiff maintenance, bar duties	-	4
Motor mechanic repairs	-	3
Cleaning up beaches	-	2
Clerical work	2	-
Knitting garments for children	2	-
Toy repairs	-	2
Nurse aid tasks - bathing and feeding patients, cleaning wards	1	1
Sports instructor at disabled children's camp	1	1
Carving poufs for marae building	-	1
Preparing a booklet on racism	-	1
Working with intellectually handicapped	1	1
Cooking at a children's camp	1	
Sound manager on parks recreational programme	-	1
Front of house and stage manager duties	-	1
Attending an alcohol treatment programme	1	
Supervising craft work with disabled people	1	
Running a drop-in centre	-	1
Youth work and attendance at residential church camp	-	1
Conducting a survey for a community centre	-	1
TOTALS	23	42

3.3.3 Contact with Other People (Q : 19,20,21)

The majority of 'the most recent offenders' spent a 'good deal of their time in the company of other people while they were doing community service. Seventy-seven percent (49) of the 64 who had begun the job at the time of the survey spent at least half of their time with other people - 34 of these were with others all the time. Twenty-three percent (15) spent less than half of their time with other people; nine of these offenders worked completely alone except for receiving instructions from their sponsor supervisor.

Thirty nine percent (25) of the 64 offenders met only members of the group for which they worked. Most, however, also came into contact with people outside the organisation, since in many cases services of the sponsor organisations were extended to the general public. In four instances the person worked in private homes.

Eighty-six percent (56) of the 65 sponsors had no experience of offenders on community service working alongside each other. Where this had happened, however, only one sponsor reported any problem - in this case the two people concerned had disliked each other.

3.3.4 Placements Ending Early (Q : 12)

Sponsors were asked how many placements had ended without all the hours being completed. Sometimes they knew what had happened - for example the offender was being breached, or the sponsor or offender wanted the placement to end. In these cases the fact that it was an early ending could clearly be established. However it was a less well defined event where an offender had not turned up for a while but the sponsor did not know for certain that the placement had ended. In these cases, if the sponsor believed that the person would not be coming again, it was recorded as an early ending.

Using this definition, 23% (46) of the 202 placements experienced by the sponsors interviewed ended early - affecting 46% (30) of the sponsors. In 34 of the 46 cases recorded, sponsors knew that the placement had ended and knew the reason. In the other 12 cases, sponsors thought the person would not return but did not know what had happened.

Thirteen offenders had wanted the placement to end - three found the hours unsuitable, two had difficulties getting child-care, one lived too far away, one moved to another city and one found that they did not like the work. One person felt shy in the placement and finished their hours elsewhere; one was too ill to continue community service; another found another placement which would lead to a permanent job. In two cases the sponsor did not know exactly why the person had wanted the placement to end.

Eight placements were terminated by sponsors - in three cases because of frustration with the person not turning up and in three cases because of the offender's unacceptable appearance. In one of these cases the sponsor had also become worried about the person's trustworthiness and possible use of drugs while doing their community service. In another case the sponsor asked for the placement to end because the offender was being hassled by acquaintances who used the centre where the hours were being given. In the remaining case an awkward situation between a sponsor's client and an offender resulted in neither the sponsor nor the offender wanting the placement to continue.

In six cases the sponsor reported that the person concerned had been breached or that a breach was in progress. In the remaining eight cases where there was a known early placement, five people had reoffended (four getting jail and one non-residential periodic detention) and two had 'disappeared'.

Twelve sponsors believed that the offender would not return although the hours had not been completed but they did not know for sure. In two cases they reported that the probation officer was looking into it. However 10 sponsors did not know what was being done about it and several complained about a lack of feed-back from the probation service.

3.4 PROBLEMS

Sponsors were asked if they had experienced any problems as a result of being involved in the scheme. A list of 17 possible problems was read out, and they were also asked if there were any others which had not been mentioned. They were asked to say whether the problem had occurred at all - that is, even with one out of several placements. Eighty percent (52) of all sponsors reported at least one problem relating to an offender. This included both problems which were caused directly by the offender and problems caused by other people's way of relating to the presence of an offender. Fifty-one percent (33) of all sponsors reported at least one problem relating to the probation service. Fifteen percent (10) of the sponsors said they had experienced no problem at all. Table 25 shows the number of sponsors who reported each particular problem.

3.4.1 Problems Related to the Offender (Q : 22)

Poor attendance was by far the most common problem, with nearly two thirds of the sponsors having had some difficulty in this area. Sponsors varied considerably both in their definition of an attendance problem and in their perception of its effect on them. A few reported quite minor attendance problems - 'once or twice sent a note saying she couldn't come';

'didn't inconvenience and always covered by a note'. Even when the problem was more severe, many sponsors made allowances for offenders' difficulties and were accepting of poor attendance - 'had to find a job, a place to live - he had spontaneous needs; I chose work where it didn't matter; not my obligation, it's theirs'. Many sponsors, however, were upset by poor attendance - it put strains on the relationship since they felt frustrated and did not know how to handle the situation - 'what can I do? I need to know that a job will be done; they let me down; it's wearing thin'.

TABLE 25: PROBLEMS EXPERIENCED BY SPONSORS⁽¹⁾

PROBLEM	%	No. (N=65)
<u>Problems relating to the Offender</u>		
Poor attendance	63	41
Difficulty organising time	23	15
Not trusted by others	22	14
Poor adjustment to having an offender around	20	13
Lack of punctuality	20	13
Work poor or needing too much supervision	20	13
Unacceptable appearance	14	9
People treating the offender badly	8	5
Not accepting supervision	11	7
Unacceptable behaviour	3	2
Turning up not in a condition for work	5	3
Taking work away from other people	3	2
Miscellaneous	22	14
<u>Problems relating to the probation service</u>		
Not given enough information	31	20
Unclear about responsibilities	26	17
Lack of general support	12	8
Poor choice of offender	8	5
Difficulty getting hold of probation officer	6	4
Miscellaneous	3	2
<u>No problems at all</u>	15	10

Note (1): Percentage and number of sponsors who reported each problem.

Different patterns of poor attendance emerged. Some offenders started well and tailed off, with the last hours being very hard to get through. Others were unreliable and disorganised at first but became better as time went on. Some lost interest in the middle. There was no common solution to the attendance problem. Some sponsors felt the answer lay in making the work more challenging and interesting. Some thought it was best to be fixed and strict about times. Others felt the person should be firmly disciplined - preferably by the probation service. Several found the best way was to aim for some flexibility within a clearly defined framework, so that the person knew what was wanted but had some freedom about how to get it done.

The related problem of poor punctuality was experienced by 20% (13) of all sponsors. Twenty-three percent (15) were also affected by problems related to organisation of time. A few of these arose because of poor attendance. However, the commonest time problem was that although the sponsor had agreed to supervise at weekend or evening hours they felt this cut into their time.

People not trusting the offender was reported as a problem by 22% (14) of sponsors. Most 'trust problems' were a general apprehensiveness and unease - 'just an underlying feeling'. There were only two incidents when an offender was specifically suspected of dishonesty - one discovered to be unfounded; the other not checked out. Several sponsors decided to 'protect the offender from temptation' by limiting their environment, for example by asking staff to lock up belongings. One sponsor expressed concern that the offender had not trusted them.

Difficulty in people's adjustment to having an offender around was reported by 20% (13) of the sponsors. This was sometimes related to trust but was seen as less of a problem. An example of this was one sponsor's arduous fight with her committee to accept a drug addict on the community service scheme. Another example was the members of an organisation being unwilling to pick up offenders in a car (a placement where such transport arrangements were necessary). Sometimes staff members were directly resentful - 'why do we have to have them here?'. In most cases it appeared that the adjustment problems were gradually resolved as the people concerned came to feel more comfortable with a particular offender.

Poor quality of work or the need for too much supervision was reported to have been a problem with at least one offender by 20% (13) of the sponsors. Less than half of the complaints concerned a low standard of work; most were about the large amount of supervision needed by the offender.

Sponsors commented that an offender's appearance had been poor in 14% (9) of the cases. The problem was seen as scruffiness by the sponsor and usually was overcome by finding a uniform for the person or selecting different work. In one case, however, children at one organisation found two 'punk' style offenders frightening.

A less commonly reported problem was treatment of the offender by people at the sponsor organisation. Except for the case mentioned earlier, where people deliberately hassled an offender, this was seen as the result of trust or adjustment problems: 'People at the house knew she had done these things. They were mistrusting. They should have refused. But they didn't and so they watched her. It wasn't fair. But it finally got sorted out.'

Problems arising from the offender's unwillingness to accept supervision, their behaviour, the condition in which they turned up for work or their being thought to take work away from other people, were each reported in less than 10% of cases. The supervision problems were seen to stem from 'begrudging' or 'negative' attitudes on the part of the offenders concerned. There had been two complaints about behaviour - one offender offering cannabis to other volunteers, another taking alcohol to a camp. Two people were thought to have turned up having been drinking and one having taken drugs. There had been only two instances where a concern was expressed about an offender doing someone else's work.

Apart from the list of problems in the questionnaire, 14 sponsors mentioned some other difficulties. Seven of these involved some inconvenience caused by the offender's needs for transport. Two respondents were unhappy about the attachment offenders had made to the organisation, feeling they had 'latched on and were a drain'. In two other cases the relationship between offender and respondent was described as awkward - in one case the sponsor felt they were viewed as authoritarian, in another the offender had believed the sponsor knew many personal details. One respondent was embarrassed by the offender talking so much about his family problems. Another criticised the amount of material wasted. The most unusual problem mentioned was that an acquaintance of one offender asked the sponsor if he could 'pay off' the person's hours!

3.4.2 Problems Related to the Probation Service (Q : 24)

A third of the sponsors felt they did not have enough information about the scheme. Most wanted details about how the community service sentence usually worked, what the background to the sentence was, what other sponsors did and so on. Many complained about a lack of feedback - what happened when a placement broke down? What happened to an offender after they had done their hours? How did the probation officer think they were doing as sponsors? Seventeen sponsors also said they were unclear about their own responsibilities. Several wanted an explicit list of their responsibilities. Others asked, for example, 'How hard should I be?', 'What should I do when she doesn't come?', 'Who's responsible if they reoffend while they're here?'. Some sponsors were worried about 'breaking the rules' without knowing.

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In eight cases, lack of specific feedback led to a more pervasive feeling that there was a lack of general support from the probation service. Those sponsors felt 'cut-off', 'without back-up'; 'you're too much on your own'. Four sponsors reported difficulty in reaching the probation service. Five sponsors criticised the probation service's choice of offender for community service - where they had had poor experiences with the person. One sponsor criticised the method for recording hours, and one disliked having been approached by an offender before a probation officer.

3.5 ADMINISTRATION (Q : 25)

A list of tasks which have to be done in the administration of community service was read out to sponsors. They were asked which of four people - the judge, the probation officer in charge of community service, the sponsor, or the offender should finally be responsible for each task. Only 57 sponsors answered this question, six felt they were not sufficiently informed and two were not asked this question because of time pressures at the interview. Table 26 presents the results. Occasionally a sponsor could not answer for one of the tasks and the percentages are adjusted accordingly.

Respondents were mostly in agreement that they, the sponsors, were the people finally responsible for organising the hours, giving tasks to the offender, deciding if the quality of the offenders' service was OK, and keeping a record of the hours. Several, however, thought the probation officer should organise the hours.

Most thought the probation officer was finally responsible for deciding if an offender is appropriate for community service, finding a suitable placement, explaining to the offender the purpose of community service, explaining to an offender how community service works, attempting to resolve disagreements between the offender and sponsor and starting breach proceedings. Several sponsors, however, decided that the judge should decide if an offender is appropriate for community service and explain the purpose of community service to the offender. Although many thought the probation officer should find out if the offender consents to the community service, half as many assigned responsibility for this task to the judge.

As a group, sponsors were clearly divided on three of the tasks. About half thought the judge and half thought the probation officer should decide if an offender should be considered for community service. They assigned the tasks of discussing with the offender any problems with doing community service and giving evidence at breach proceedings about equally between themselves and the probation officer.

TABLE 26 : SPONSORS' VIEWS OF WHO SHOULD BE RESPONSIBLE FOR COMMUNITY SERVICE ACTIVITIES

ACTIVITY	Judge	Probation Officer	Sponsor	Offender
	%	%	%	%
Decide if an offender should be considered for CS (N=56)	49	47	4	-
Decide if an offender is appropriate for CS (N=57)	21	72	5	2
Find a suitable placement (N=57)	2	80	4	14
Explain to the offender the purpose of CS (N=57)	23	77	-	-
Explain to an offender how CS works (N=55)	5	91	4	-
Find out if the offender consents to the sentence (N=57)	32	64	4	-
Organise the hours (N=57)	-	19	79	2
Give tasks to the offender (N=57)	-	5	95	-
Decide if the quality of the offender's service is O.K. (N=57)	-	5	95	-
Keep a record of the hours (N=57)	-	4	88	8
Discuss with offender any problems with doing CS (N=57)	-	56	44	-
Attempt to resolve disagreements between offender and sponsor (N=57)	-	98	2	-
Start breach proceedings if necessary (N=57)	4	80	16	-
Give evidence at breach proceedings if necessary (N=56)	2	53	45	-

3.6 AIMS (Q: 15)

Sponsors were asked to list the aims of a community service sentence and were encouraged to give as many as possible. They were also asked if they thought each aim was being accomplished and if not, why that was so.

Each aim mentioned by a sponsor was assigned to one of five major categories, three of which were subdivided into more specific sub-groups. Table 27 presents the 132 aims mentioned by the 59 sponsors who responded to this question. Six sponsors were not able to describe the aims of the sentence.

The most common major category was 'Benefit to the Offender' with 39% of all aims falling into this group. Aims which voiced or implied beneficial changes to the offender were placed in this group. General notions of personal growth in the offender was the commonest sub-group which tended to be a catch-all for ideas of 'rehabilitation', 'increased self-esteem', 'learning one's value' etc. Some sponsors focused more specifically on behavioural benefits to the offender - learning work routines and discipline, new skills and interests, meeting new people. Others felt minimizing disruption in the offender's life was an aim of this sentence.

Benefit to the community was expressed in 23% of all aims - most directly incorporating a notion of paying back something owed. A few saw the benefit simply in terms of work done.

Ideas of community offender integration - two-way involvement, acceptance, and help were expressed in 17% of all claims. Punishment of the offender and the provision of an alternative sentence were ideas each expressed in 10% of all aims. Some sponsors related the alternative sentence aim specifically to prison.

Table 27 also shows the extent to which it was thought that the aims were accomplished. Seventy-two percent of all aims mentioned were believed to be accomplished ('Yes'). In 22% of cases, sponsors had doubts about this ('Yes, But'). In 6% they felt the aim was not being accomplished ('No').

The aim of punishment was thought to be accomplished in 92% of cases. Providing benefit to the offender was believed to be accomplished in 73% of cases. Providing benefit to the community, achieving community-offender integration, and providing an alternative sentence were thought to be successful aims each in approximately two-thirds of cases.

TABLE 27 : AIMS MENTIONED BY SPONSORS AND WHETHER THEY WERE THOUGHT TO BE ACCOMPLISHED

AIM	ACCOMPLISHED?						Total No.	Percent of Overall total
	Yes %	No.	Yes, But %	No.	No %	No.		
BENEFIT TO THE COMMUNITY	68	<u>21</u>	29	<u>9</u>	3	<u>1</u>	<u>31</u>	23%
Paying back		16		6		1	23	
Doing work (no reference to reparation)		5		3		0	8	
BENEFIT TO THE OFFENDER	73	<u>37</u>	20	<u>10</u>	8	<u>4</u>	<u>51</u>	39%
Discipline/routine		7		1		1	9	
Developing new work skills/interests		5		1		1	7	
Mixing with different people		6		0		0	6	
Personal growth		13		8		2	23	
Minimise disruption in life		6		0		0	6	
COMMUNITY - OFFENDER INTEGRATION	64	<u>14</u>	32	<u>7</u>	5	<u>1</u>	<u>22</u>	17%
PUNISH THE OFFENDER	92	<u>12</u>	-	<u>0</u>	8	<u>1</u>	<u>13</u>	10%
ALTERNATIVE SENTENCE	69	<u>9</u>	23	<u>3</u>	8	<u>1</u>	<u>13</u>	10%
Specifically Custodial		5		3		1	9	
Other		4		0		0	4	
MISCELLANEOUS	100	<u>2</u>	-	<u>0</u>	-	<u>0</u>	<u>2</u>	2%
TOTALS	72	<u>95</u>	22	29	6	8	132	100%

Where sponsors doubted that the community was benefiting this was usually because of some negative experience in a particular placement. A placement had broken down and the sponsor felt the sentence had not been completed. The sporadic nature of the service given reduced its ultimate value. An offender had needed a lot of supervision, or had not been thorough.

Doubts about any benefit to the offender being accomplished by the sentence tended to be related to the sponsors' underlying beliefs about the process of change in individuals. Aims related to intangible personality changes were seen to fail because of individual characteristics. 'It works provided the person wants to be helped'. 'You can't alter personalities - some are just selfish'. 'Some people just have weak moral fibre'. 'They're easily led'. The learning of discipline and new interests or skills was seen by some sponsors to break down because the sentence did not have enough routine or was too short to effect change.

Community-offender integration was thought to break down when the offender 'didn't want to fit in' or when 'small insular groups in the community won't see outwards'. If the involvement was not enjoyable or social problems were too great then integration was too unlikely to work.

Failure of the aim of averting people from prison was attributed to restricted use of the sentence.

The main aim identified by each sponsor is represented in Table 28 according to category and degree of accomplishment as in the earlier tables of all aims. The proportion of aims falling into each category is approximately the same as in the more complete table - with 'Benefit to the Offender' clearly emerging as the main aim most frequently expressed by sponsors. Similarly, sponsors' perception of the success of the main aim differs little from the complete table.

Table 29 shows the proportion of sponsors who selected at least one aim in each general category.

It may be seen that 58% (34) of the sponsors saw benefit to the offender as an aim and 49% (29) benefit to the community as an aim of community service. Community-offender integration was the third most common concept, with 31% (18) of the sponsors expressing this aim. Punishment was mentioned by 24% (14) of the respondents. The provision of an alternative sentence was the least frequently mentioned idea.

TABLE 28: MAIN AIMS OF SPONSORS AND WHETHER THEY WERE THOUGHT TO BE ACCOMPLISHED

AIM	ACCOMPLISHED?							Percent of overall total
	Yes %	No. No.	Yes, But %	No. No.	No %	No. No.	Total No.	
BENEFIT TO THE COMMUNITY	69	<u>9</u>	31	<u>4</u>	-	<u>0</u>	<u>13</u>	22%
Paying back		5		3		0	8	
Doing work (no reference to reparation)		4		1		0	5	
BENEFIT TO THE OFFENDER	68	<u>17</u>	20	<u>5</u>	12	<u>3</u>	<u>25</u>	42%
Discipline/routine		3		0		1	4	
Developing new work skills/interests		2		1		0	3	
Mixing with different people		1		0		0	1	
Personal growth		9		4		2	15	
Minimise disruption in life		2		0		0	2	
COMMUNITY - OFFENDER INTEGRATION	67	<u>6</u>	33	<u>3</u>	-	<u>0</u>	<u>9</u>	15%
PUNISH THE OFFENDER	100	<u>4</u>	-	<u>0</u>	-	<u>0</u>	<u>4</u>	7%
ALTERNATIVE SENTENCE	50	<u>4</u>	38	<u>3</u>	13	<u>1</u>	<u>8</u>	14%
Specifically Custodial		2		3		1	6	
Other		2		0		0	2	
TOTALS	68	40	25	15	7	4	59	100%

TABLE 29 : SPONSORS' AIMS IN GENERAL CATEGORIES⁽¹⁾

AIM	%	No.
Benefit to the community	49	29
Benefit to the offender	58	34
Community - Offender Integration	31	18
Punish the Offender	24	14
Alternative Sentence	19	11
Miscellaneous	2	1

Note (1): Percent and number of sponsors who gave at least one aim in a category (N = 59). See Chapter 2, page 39 for details of this analysis.

3.7 AN ALTERNATIVE SENTENCE (Q : 34)

Sponsors were asked two specific questions relating to the use of community service as an alternative to imprisonment. When asked directly if they saw 'reducing the number of people in prison' as an aim of community service, 79% (51) said 'Yes', 12% (8) said 'No'; and 9% (6) did not know. Some sponsors were also questioned indirectly on this subject and their answers suggested that about half of them thought that this aim was being accomplished.

The offence for which the most recent person had been sentenced to community service was eventually known by 72% (47) of the sponsors. If a sponsor knew the offence, they were invited to guess what the person would have been sentenced to if community service had not been available. There was a fairly equal division between sponsors who thought the person would have gone to jail and those who thought they would have got a different non-custodial sentence. Fifty-one percent (24) of 47 sponsors thought the person would have been given a non-custodial sentence - a fine (12), or non-residential periodic detention (seven) or probation (five). Forty-seven percent (22) of 47 sponsors thought a jail sentence may well have been given. One sponsor could not make a guess.

3.8 THE BENEFITS

3.8.1 Benefits for the Sponsor Organisation (Q : 26; 27; 28; 29; 30)

Benefit to the organisation from the person or people on community service was reported by 88% (57) of the sponsors. Twelve percent (8) considered that they had not benefited.

Of the 57 sponsors who felt there had been some positive benefit to the organisation, 65% (37) talked mainly about the help they had received from the offenders; 23% (13) not only mentioned the value of the actual service but also described some extra benefits; 12% (7) saw the benefit mainly in terms of personal growth for people in the organisation.

Comments about the helpfulness of the offenders on community service were enthusiastic and positive - 'the tasks she did have really helped the school'; 'he did a job that wouldn't have got done otherwise'; 'it's a poor area - now the local people can let their kids on the beach safely'; 'it's meant the people can have a community centre'; 'we've had an extra pair of hands and technical skills at no cost'; 'everyday tasks are getting done around here'.

Some sponsors mentioned not only the jobs done but also some extra positive outcome for the organisation - 'I've really enjoyed the contact with them'; 'they've created a good example for the trainees'; 'we gained a keen volunteer who did extra hours and eventually became a valuable employee'; 'he went beyond his hours - made and maintained a contact as friends with the kids'; 'we learnt that given the chance certain people can come up with the goods'.

A few saw the benefit to the organisation in terms of increased awareness of other people's difficulties and personal growth from the involvement - 'made me aware they are like us'; 'it created a good feeling at the home - people can see someone improving themselves and helping themselves. I've enjoyed it'; 'it's given us insight - more community involvement, more understanding of people and their problems'.

Where a respondent reported no benefit to the organisation, it was either because the organisation was too big and the help not really noticeable (2 cases) or because the community rather than the organisation was seen to benefit (2) or because the help was seen neutrally or negatively (4 cases) - 'it hasn't harmed us'; 'the quality of the service left a bit to be desired'.

A crude profit equation was calculated for each sponsor (where possible) as follows: the net time worked was calculated as the number of hours served in the last applicable month minus any time the organisation had put into administering the order; this figure was then multiplied by the local hourly pay rate for the kind of service given by the most recent offender.

It was possible to make this kind of estimate in only 57 cases; elsewhere it was inappropriate or impossible to set a wage. There was great variation between sponsors when money was used as a measure of benefit. The mean benefit per month to a sponsor was \$149 (range \$0 - \$819).

3.8.2 Benefits for the Offender (Q : 27)

Every sponsor thought at least some of the people they had had on community service had benefited from contact with the organisation. Only 9% (6) of the sponsors expressed doubts about some of the offenders; 91% (59) answered positively for all cases. Sponsors accounted in various ways for their belief that offenders had benefited.

The most tangible examples of benefits to the offender came from the 22% (14) of the sponsors who reported connections between the offender and organisation continuing after the hours had been completed. At 12 organisations at least one person had stayed on afterwards as a volunteer; in two of these cases the person had later been employed at the organisation. One sponsor described the continued involvement of an offender's family with the organisation after completion of the hours. In the remaining case an offender had later joined a craft co-operative attached to the organisation.

An experience of being trusted and accepted was thought to be the most positive benefit to the offender by 17% (11) of the sponsors - 'he knew he was accepted here'; 'she could find out that not everybody puts them down - they can still make it'; 'we gave her the keys - she could see she was trusted'.

Enjoyment and satisfaction in the work or gaining confidence through it were seen as benefits to the offender by 17% (11) of the sponsors - 'he seemed happy and enjoyed the children'; 'she got satisfaction from the job she did'; 'there was satisfaction in doing well'; 'it helped her gain confidence'; 'she was quiet when she came - now she's come out of her shell'.

The benefits of meeting new people were emphasised by 15% (10) of the respondents - 'they saw another facet of life'; 'made new friends'; 'an opportunity to meet a whole cross-section of the community that might not have been met'.

The development of new skills and interests was commented on by 14% (9) of the sponsors as the main benefit to offenders - she learnt skills about mothering'; 'learnt what goes on in the district'; 'an opportunity to see the law from the other side'; 'learnt about disabled people'; 'took part in a work relationship'.

Only a minimal benefit to the offender, or one which came naturally from the type of sentence, was seen by 15% (10) of the sponsors - 'it's better than PD'; 'better than any other sentence he would have got'; 'a protected place to do the hours'; 'she could bring her little boy down'.

Where the respondent thought an offender had not benefited, this was thought to be because 'they didn't want to be here or have the hours in the first place'; 'it was boring or they weren't interested'; 'they got depressed here (old people's hospital) - it's a tough place'.

3.9 GENERAL IMPRESSIONS

3.9.1 What Was Most Liked (Q : 31)

Sixty-one sponsors described what they liked most about the community service sentence. (Four felt they didn't like the sentence). Thirty-six percent (22) most liked the fact that the community service sentence provided a flexible sentence - one which could be used to keep people out of prison, or save them from getting into further trouble by being unable to pay fines. They also saw it as a sentence which was more positive than other alternatives: 'it doesn't divorce a person from society'; 'it doesn't label someone so much'; 'more constructive than a fine'.

The feeling that they were helping an offender was most liked by 25% (16) of the sponsors. This was a sentence which gave 'the opportunity to help someone who wants to be helped'; that gave 'the ordinary person a chance to be available and know that somewhere there's not just a left-out-in-the-cold feeling'.

The fact that a needed service was being given to the community was identified by 17% (11) of the sponsors - jobs were getting done; skills were being used; and, in some cases, 'reparation' was being made.

Several descriptions of what was most liked emphasised that the community service sentence had given the opportunity for personal growth - and occasionally for 'something special' to happen. Nineteen percent (12) of the sponsors most liked this quality of the sentence and several gave illustrations of the growth of relationships and of the mutual benefit that could be shared by the offender and sponsor. Some organisations arranged for the offender to help individuals, and in these cases particularly, the extra care was evident. One sponsor recalled the day a woman took ill suddenly and had to go to the doctor. The offender who was gardening for her at the time sprang into action and took "the frail, gentle old lady" down the main street in his van - resplendent with its psychedelic swastikas. The friendship was sealed. A friendship evolved between another offender and the family he was helping, and later, although the person reoffended, the family continued to be supportive and caring. Another offender persevered with the hours despite extremely difficult personal circumstances, and eventually became accepted in a small, initially rejecting community.

3.9.2 Improvements (Q : 32)

Sponsors' suggestions for improvements to the community sentence are shown in Table 30. Sixty-eight percent (44) of the sponsors contributed to this list; 32% (21) could not think of any improvements. Most of the suggestions reflected a need for closer ties between the sponsor and the probation officer, clearer definition of the responsibilities of those involved, and some solution to the attendance problem.

TABLE 30 : SPONSORS' SUGGESTIONS FOR IMPROVEMENTS TO THE COMMUNITY SERVICE SENTENCE

SUGGESTION	Number of sponsors who made this suggestion ⁽¹⁾
Greater involvement from probation officer with routine calls	13
Hours more fixed	7
Reimbursement for sponsor expenses	7
More discipline to finish hours	5
Publicity to get more varied placements	5
Clearer instructions for sponsors	4
Initial meeting of sponsor, offender & probation officer	4
Clearer job goals for offenders	3
Offender to record hours	3
Choose offenders who are motivated	2
Vet the sponsors.	2
More information about the offender	2
More total care for the offender (housing etc)	2
Initial meeting of sponsor, probation officer and judge	1
List of information available about offender so sponsor can select & offender know what is known to sponsor	1
Terminating interview between sponsor and probation officer	1
Sentence people with alcohol or drug dependency to community service more often	1
Use community service for offenders with learning disabilities	1
Don't use community service for repeated offenders	1
Match placement to offence	1
Place offenders where they are known	1
Give longer hours if unemployed	1
Give community service to unemployed	1

Note (1) : 44 Sponsors made a total of 69 suggestions.

3.9.3 Continued Involvement (Q : 33)

Asked if they would take more offenders on community service, 74% (48) of the sponsors said that they would. Another 19% (12) would take people if certain conditions were met - if there were jobs to be done (3); if the person was suitable (4); as long as there were only one at a time (4) or two at a time (1). Eight percent (5) of the sponsors said they would not take on more people. Two did not have enough work to be done; one had become worried that their organisation was 'putting their good name on the line'; two felt it was too much trouble.

3.10 SUMMARY AND ISSUES

The 65 sponsors interviewed represented day and residential centres, special interest groups, sporting and recreational groups, schools and pre-school centres, service organisations and churches. Approximately half of them had both paid staff and voluntary help, a quarter only paid staff and the remainder depended entirely on volunteers.

Experience of being a sponsor varied a great deal. Recruitment ranged between one month and 28 months prior to the survey, with an average of 16 months. Most had been aware of the scheme before they were recruited. Two-thirds had been asked to take part by a probation officer, a quarter by the offender, a friend or family, and the remaining few made the approach themselves.

Just over half of the sponsors had experience with more than one offender; the total number of placements for this group being 202. About a quarter of recently remembered offenders were known or known of by their sponsor prior to the placement.

Most sponsors (71%) made some qualification about the kind of person they would take on community service, although very few had ever refused a placement because of the offender's personal characteristics.

The most usual source of information about the offender was the probation officer. In the majority of cases (82%) sponsors met the offender before the placement was finalised. A third of the sponsors knew virtually nothing about the offender before they met them. Just over a half had been told the offence, and some details about the offender's personal circumstances. Asked what they felt they needed to be told, just over a third said they wanted to know nothing or very little; the same number wanted quite a complete picture, and the rest mentioned some specific, limited information.

Regular hours were usually arranged, although in nearly a third of the cases a much more flexible arrangement was made.

A variety of tasks were performed by offenders. Half of these were cleaning and maintenance jobs. Occasionally, however, more creative tasks were given to offenders. Three-quarters of the offenders spent at least half their time in the company of others, although only very rarely did offenders work alongside each other.

About a quarter of all placements were thought to have ended without the hours being completed. In the majority of cases sponsors knew the reason for the early ending, but in a significant number of cases they were uninformed. Offenders had sought an ending to the placement slightly more often than sponsors. Other main reasons for early ending were breaches and reoffending.

The majority of sponsors had experienced some problem as a result of being a sponsor. Eighty percent reported at least one problem relating to an offender - the problems originating either in the offender or reactions to the offender and 51% reported at least one problem relating to the probation service.

By far the most common problem in the first group was poor attendance. Other fairly frequently mentioned problems were difficulties organising time; staff and volunteers not trusting the offender; difficulties in adjustment to having an offender around; the offender's punctuality or quality of work.

The most common problems relating to the probation service were inadequate information - both about the scheme and lack of feedback about the progress of the placement, and sponsors feeling unclear about their responsibilities.

When asked to decide who was finally responsible for certain administrative tasks (sponsor, probation officer, judge, offender), most sponsors saw themselves organising the hours, giving tasks to the offender, deciding if the quality of work was acceptable and keeping a record of the hours. Most thought the probation officer was finally responsible for deciding if an offender is appropriate for the sentence, explaining its purpose and how it works, attempting to resolve disagreement between offender and sponsor and starting breach proceedings. On several tasks sponsors were undecided as a group about where responsibility finally lay.

Sponsors were asked to give the aims of the community service sentence, and say whether or not they thought they were being accomplished. The most common aim expressed was the provision of benefit to the offender and those aims were thought to be accomplished about two-thirds of the time. A similar level of accomplishment was expressed for the aims of providing benefit to the community and promoting community-offender integration. The provision of an alternative sentence and punishment were the least commonly mentioned aims. The provision of an alternative sentence was thought to be achieved by only half the sponsors who chose this as a main aim. The aim of punishment was seen to be nearly always achieved.

Most sponsors (79%) saw reducing the number of people in prison as an aim of the community service sentence, although of those who were able to guess what sentence their most recent offender would have received if community service had not been available, just under half thought it might have been custodial.

The majority of sponsors (88%) said their organisation had benefited from being involved. As well as describing the jobs which had been done, several mentioned enjoying being a sponsor and an increase in social awareness.

All the sponsors felt at least some of the people they had had on community service had benefited from the placement. Being accepted and trusted were seen as benefits for the offender; as were job satisfaction, meeting new people, and developing skills and interests. Twenty-two percent of sponsors described the continued involvement of an offender with the organisation after the hours had been completed.

Sponsors most liked the fact that the community service sentence provided a flexible constructive sentencing option. They liked the feeling that they were helping offenders and getting jobs done. Several people most liked the opportunity that such a sentence could provide for the growth of relationships and mutual benefit.

A variety of improvements to the scheme were suggested - including greater involvement from the probation officer with routine calls, hours more fixed for the offender, reimbursement for sponsor expenses, better discipline to finish the hours, publicity aimed at getting more varied placements for offenders, clearer instructions for the sponsor, and an initial meeting between the sponsor, offender and probation officer.

Although sponsors generally enjoyed their involvement with the community service scheme and were enthusiastic both about its present operation and potential growth, at the same time they acknowledged difficulties in several areas.

The interviews with the sponsors identified several issues for consideration :

1. Should the roles and responsibilities of the sponsor, offender and probation officer be more clearly defined? Many sponsors felt unclear about what was expected of them. In particular, they could be clearer about the division of responsibilities between themselves and the probation officer if difficulties arise within the placement.
2. Could the communication between the sponsor, offender and probation officer be better? Almost a third of the sponsors reported that they had not been given enough information, and several complained about the lack of feedback when a placement broke down. Routine communication between all three people might make it easier to deal with problems early on. Ongoing feedback might also enable sponsors to have a stronger sense of being supported and to feel confident about things going well.
3. Can the "attendance problem" be reduced? Although community service placements may be expected to suffer from any problem which is normally found in the workplace, poor attendance is clearly a major difficulty for the sponsor. Offenders' not turning up was the main problem reported by sponsors, with nearly two-thirds of them having experienced some difficulty in this area.

CHAPTER 4 INTERVIEWS WITH THE OFFENDERS

- YVONNE UNDERHILL -

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4.1 DESCRIPTION OF RESPONDENTS

4.1.1 Demographic Features

Sixty-eight offenders were interviewed. Seventy-two percent (49) were male. Of the 54 where ethnic group was recorded, 24% (13) were Maori and 76% (41) were Non-Maori. The youngest respondent was 17, the oldest 63, and the median age was 24 years. Table 31 shows that 51% (35) of the respondents were single, 43% (29) were either married or in a de facto relationship, the remainder were separated or divorced.

A high proportion, 44%, of respondents reported being unemployed when they were sentenced to community service as Table 32 shows. However, this proportion dropped to 28% while respondents were performing community service.

TABLE 31: MARITAL STATUS OF OFFENDERS

STATUS	Women		Men		Total	
	%	No.	%	No.	%	No.
Married/Defacto	42	8	43	21	43	29
Separated/Divorced	11	2	4	2	6	4
Single	47	9	53	26	51	35
TOTALS	28	19	72	49	100	68

TABLE 32 : EMPLOYMENT STATUS OF OFFENDERS

STATUS	Women		Men		Total	
	%	No.	%	No.	%	No.
<u>When Sentenced</u>						
Employed	4	3	37	25	41	28
Unemployed	12	8	32	22	44	30
Housewife	7	5	0	0	7	5
Single parent on benefit	3	2	0	0	3	2
Student	1	1	0	0	1	1
Other	0	0	3	2	3	2
TOTALS	28	19	72	49	100	68
<u>While Doing Community Service</u>						
Employed	10	7	44	30	54	37
Unemployed	6	4	22	15	28	19
Housewife	7	5	0	0	7	5
Single Parent on Benefit	3	2	0	0	3	2
Student	2	1	2	1	3	2
Other	2	1	3	2	4	3
TOTALS	29	20	71	48	100	68

4.1.2 Offences Committed and Hours

The largest proportion of offenders, 45%, committed crimes against property, 37% were involved in traffic offences, and 16% committed crimes against the person and 2% committed crimes against justice. Table 33 lists the offences committed by general description and shows that theft was the most commonly committed offence followed closely by driving under the influence of alcohol. Respondents were given a mean of 101 hours ranging from 25 to 200.

TABLE 33 : OFFENCES FOR WHICH COMMUNITY SERVICE SENTENCE WAS RECEIVED

OFFENCE	%	No.
Theft	22	15
Driving under the influence	18	12
Fraud	13	9
Driver condition	9	6
Driving without a licence	6	4
Serious assault	4	3
Burglary	4	3
Drugs - cannabis	4	3
Receiving	4	3
Property destruction	3	2
Robbery	2	1
Grievous assault	2	1
Sexual affronts	2	1
Drugs - not cannabis	2	1
Gaming	2	1
Against justice	2	1
Driving manner	2	1
Failure to obey	2	1
TOTALS	100	68

4.1.3 Previous Sentences (Q : 1,2,3)

Most of the respondents 71% (48), had experienced another court sentence prior to their current sentence of community service. Of these, 27% (18) had only one previous sentence, 21% (14) had two previous sentences and 21% (14) had three or more sentences. Two respondents did not answer this question.

A fine was the most common type of previous sentence with 56% (37) of the respondents having had at least one fine prior to their current sentence. A previous probation sentence was also common, 44% (29). Twenty-six percent (17) had had periodic detention, 17% (11) had been in custody, and 3% (2) had been on community service before.

4.1.4 Additional Penalties (Q : 12)

Twenty-four respondents received community service as their only penalty. One additional penalty was given to 33 respondents and 11 respondents received two other penalties.

The most common additional sanction was disqualification from driving (19 cases) followed by probation (13 cases). In 11 cases probation, and in another 11, disqualification, was the only additional sentence. Restitution was imposed 10 times, in 6 cases as the only additional penalty. A fine was imposed twice.

4.2 THE SENTENCING PROCESS

Before examining the actual experience of offenders once they had been sentenced to community service, enquiries were made about their experience leading up to their conviction. In particular we were interested in the sentences offenders were expecting to receive and their subsequent reaction to receiving a community service sentence. Additional information was also gathered on the unique provision whereby an offender must consent to do community service. This provision naturally led to enquiries about the offender's knowledge of the community service sentence prior to being sentenced to it.

4.2.1 Expected Sentences (Q : 5, 6)

Respondents were first asked what they thought their sentence would be and then what sentences had been suggested to them and by whom. The difference between the sentence that was suggested to the offender and the sentence they were expecting to get gives an idea of the personal view offenders take of their situation. Most offenders, 84% (57), had some idea of their probable sentence. Only 16% (11) had no idea of what penalty they would receive. Sixty-six percent (45) had someone suggest what penalty they were likely to get if they were convicted. The other 34% (23) of respondents had not received any suggestions.

In 22 cases the offender's lawyer told them what sentence they were likely to get. In 14 cases the probation officer mentioned a sentence. In the remaining nine cases a minister of religion, staff at a boarding hostel, a policeman or friends suggested sentences.

Thirty-five percent (24) of the offenders who were expecting a single sentence were expecting a custodial sentence but a custodial sentence was only suggested for 6% (4) of them. A fine was expected by 24% (16) of the offenders but was only suggested in 7% (5) of the cases. Community service was expected by only 4% (3) of the offenders yet was suggested in 25% (17) of the cases. Periodic detention was expected by 4% (3) of the offenders yet was not suggested once as a sentence.

In addition to offenders who were expecting only one penalty in their sentence, another 16% (11) mentioned more than one expected penalty. Imprisonment, a fine, periodic detention, probation and community service were mentioned in a variety of combinations and alternatives. In a similar way 25% (17) of offenders had a combination of penalties suggested to them.

4.2.2 Knowledge of the Sentence (Q : 4, 8)

When asked if they had seen the booklet "Giving Service - a guide to those sentenced to Community Service" (Justice Dept., 1981), only 37% (25) of respondents said they had seen this booklet. Of the 43 who had not seen it, 25 respondents expressed enough interest to want to take a copy at the time of the interview.

Only 22 % (15) offenders had met a community service sponsor at the time they were sentenced and had therefore had a chance to discuss what they would be doing for their community service.

4.2.3 Consent (Q : 11)

Eighty-seven percent (59) of the offenders said they were asked if they would consent to do community service and 13% (9) said they were not asked. Thirty-four of those offenders who could recall being asked, were asked by the probation officer or community service supervisor when they were being interviewed for a probation report or a community service assessment.

Sometimes this was after a detailed explanation of community service and other times it followed an outline of the other alternatives or options available to the judge. The other eight offenders who were asked by a probation officer or community service supervisor, were asked either in court or after they were sentenced.

Eleven were asked by the judge in court, and the remaining six were asked by their lawyers.

Of the nine offenders who replied that they were not asked if they agreed to community service, three of them had suggested it themselves, and therefore there was no need to ask them if they consented. Three felt they had had no choice - if they had not consented to community service they would have received a custodial sentence and because they did not want a custodial sentence they consented. In two cases the respondent was sure that they had never been asked to consent. The other case was where a substitute sentence of community service was suggested by the offender.

In response to a later question where respondents were asked who they thought should be responsible for finding out if they consent to do community service, 59% of the respondents, said it should be the probation officer. Thirty-five percent thought it should be the judge and 6% (4) thought it should be the sponsor.

The reasons for agreeing to do community work were varied. Over half of the offenders felt that it was the best alternative. Some said they could not afford to pay a fine, some said they did not want to go to jail - "I was willing to say yes to anything" - and others thought it would be better than periodic detention. A few respondents agreed to do community service because they "agreed with the benefits" or liked the idea of "being of benefit to other people".

Others mentioned that they had agreed to do community service because they were "unemployed and (it) would give me something to do" or because they liked the idea of doing it in their own time or simply because they wanted to "get it over and done with".

Other reasons for agreeing to the sentence were: "I thought it was a good sentence for a first conviction", "My sponsor said she was prepared to take me on - surprisingly", "It was the only way to hang onto my kids", "I wasn't really thinking about the sentence, just that my father was ill", "It was just the natural thing to say" and "It was the only sentence really suitable for me because I lived in the country and had no driver's licence".

4.2.4 The Right Sentence? (Q : 7)

Perhaps it is not surprising that most offenders felt community service was the right sentence for them because it allowed them to serve their sentence with the least possible disruption in their lives. Eighty-eight percent felt it was the right sentence, 6% felt it was not the right sentence and another 6% initially felt it was right but changed their mind once they started doing community service.

The reasons for thinking community service was the right sentence varied. Although a few people said they thought community service was right for them because it seemed a light punishment or an easy way out or "better than jail", most of the respondents had more specific personal reasons for thinking it was the right sentence for them.

These personal reasons included having a particular physical condition (two offenders were pregnant), a family situation which required the offender's presence, or a job with particular commitments. Community service meant they could organise their hours or type of work around these health, family or employment considerations.

Other personal reasons included not being able to pay a fine, having plenty of spare time or avoiding the trouble they saw themselves getting into if they were in prison or doing periodic detention. In these cases doing community service suited the financial or social situation of the offender.

Only eight offenders felt community service was not the right sentence for them. The reasons they gave were that they could afford to pay a fine or that community service did not actually suit the seriousness or type of offence committed.

Fifty-nine percent (40) of the respondents felt that the number of hours they were given were about right - "because I've got plenty of time", "it's what I deserve", "especially since you're given a year to do it". Nineteen percent (13), felt the number of hours they were given were too few. This was mainly because they had had other offences - some had 11 or 12 other offences. Twenty-two percent (15) of respondents, felt the number of hours they were given was too many.

4.2.5 Expectations of the Sentence (Q : 9)

Thirty-three percent of the respondents had no idea or no expectations of what community service was actually going to be like - "I was just happy to have my freedom". The others commented on the type of work they were expecting to do or their expectations of the ease or interest of community work. Some offenders (8) were expecting community service to be similar to periodic detention; others (5) thought it would be just like work. Ten people were expecting to do manual outside work for those who could not afford to pay for it.

Although 15 respondents had already met a community service sponsor, only five respondents felt that they knew what to expect when they were sentenced to community service.

4.3 ARRANGING THE PLACEMENT

4.3.1 Finding a Community Sponsor (Q : 17)

Forty-six percent (31) of the offenders were asked if they knew of a place where they would like to do their community service hours. Eighteen of them knew of a place and eventually did their community service there, two did not know of a place so accepted the one chosen for them, and the other two did not get their choice of placement because the sponsors were not suitable. Nine of those who were asked did not know of a place so sought out a suitable one for themselves.

The nine offenders who had to seek out a sponsor were questioned further about this experience. In most of these cases approaching a community group and explaining community service to them was considered to be part of the community service assessment - that is if they could find a suitable sponsor they would be recommended for a community service sentence. Some respondents felt this was a difficult thing to do especially since it was not a certainty that they would get community service. Others commented that they appreciated the chance to find their own community group, but found it difficult to approach some groups.

Forty-nine percent (33) of the offenders were not asked if they knew of a place that they would like to do their community service. Twenty of these were given a choice of places. In some cases the offender was able to choose from a large list of possible community organisations. In other cases a few possible community organisations were discussed. However in 13 cases the respondents were not given a choice of places to do their community service. The remaining 6% (4) of the offenders could not recall being asked.

Of the 57 cases where a record was taken, 88% (50) of the offenders had only one placement, 5% (3) had two, 2% (1) had three. In 5% (3) of the cases the placement had not been fixed at the time of interview.

4.3.2 Types of Sponsoring Organisations (Q : 16)

Type of sponsoring organisation was recorded in 60 cases. Twenty-nine percent (20) of the offenders did their community service at a day or residential centre for people needing special care. This included rehabilitation hostels, centres for the disabled, emergency accommodation homes and homes for the elderly. It also included two cases where respondents did orderly work at a general hospital.

Special interest groups were served by 21% (14) of the respondents. These groups were conservationist organisations, political concern groups, Maori cultural groups, theatres and the SPCA. Sporting and recreational groups took 18% (12); schools and pre-schools took 9% (6) as did service groups and individuals; churches took 6% (4). One offender described his sponsor as a "caretaker at an airport". Six percent (4) of respondents did not have a sponsoring organisation at the time of the interview either because they had only recently been sentenced or their previous sponsoring organisation had not been suitable and they had not yet been matched with another sponsor.

4.4 THE SENTENCE IN OPERATION

4.4.1 The Hours Served (Q : 23)

Most of the offenders serving hours at the time of their interview 62% (42), did their community service at set times. Three of them had specific hours to attend and the other 39 had the days specified. Of these, 12 offenders did their community service during the weekends and 27 did their hours on specific days during the week. Fifteen of those who did their hours on specific days did some hours every day; six of them worked full-time (i.e. five days and seven to eight hours a day) and the other nine worked an average of four hours a day.

There were five offenders who worked only one day a week for an average of four and a half hours a day and seven others who did their community service hours over two or three days a week. In these cases the respondent put in between two and four hours per day.

No set times were laid down for 34% (22) of the offenders. Thirteen of them rang the sponsor when they had time available and arranged a convenient time to do some "work". Four others did their hours when they wanted to, one beginning with eight hours a day but dropping off as the work ran out. In five cases, even more flexible arrangements were made. This included having a "free rein", where offenders could do whatever they wanted, whenever they wanted, to do it.

Four offenders were not doing any community service at the time of the interview: (i.e. still within the 12 months and not terminated because of other offences). Two doubted whether they would complete their hours and two others had not begun doing any hours.

4.4.2 Service Performed (Q : 20)

Offenders were asked specifically what they did for community service. There was a total of 145 separate tasks from the 64 offenders who answered this question. The primary task of each person was identified and is summarised in Table 34.

TABLE 34 : TYPE OF SERVICE PERFORMED

MAIN TASK	%	No.
Garden	31	20
Maintenance	17	11
Caring for people	11	7
Painting	9	6
Office	6	4
Kitchen	5	3
Animal Care	5	3
Theatre	3	2
Education related	3	2
Sport and Recreation	3	2
Miscellaneous	6	4
TOTALS	100	64

Not only were garden-related tasks the most frequently mentioned but for nearly a third of respondents (20), it was their primary task. Tasks included clearing overgrown gardens, cutting hedges, digging and weeding gardens, stacking wood, building a terrace, burning scrub, repotting plants and mowing lawns.

Maintenance work which was a primary task for 17% (11) of offenders, involved plumbing, renovation, carpentry, and cleaning windows. Although painting was a primary task for only 9% (6) of offenders, it was a task frequently mentioned.

For 11% (7) of the respondents, caring for people was their prime task. These tasks included making tea, reading and organising games for old people; doing housework for disabled people; feeding, cleaning, and reading to IHC children; assisting IHC trainees in their workshops; and orderly work at a general hospital. Five percent (3) of offenders did cooking and kitchen related tasks and three were involved in looking after and feeding animals. Two offenders were each involved in the theatre - setting up shows; education - filing books, helping children in libraries; and sports and recreation - refereeing basketball and coaching rugby.

Six percent (4) of offenders did office-related work. For two this entailed cleaning offices. The other two, however, were involved in more creative tasks such as designing a file system, writing articles, designing office space, staffing phones, organising activities and attending courses and meetings.

Six percent (4) of offenders spent their community service doing other tasks. These included mechanical work on a bus, demolishing a church and setting up rooms and equipment for group meetings.

Almost all of those who were doing community service at the time of interview thought that their work was clearly described to them. Only two people had found their tasks were not made clear.

4.4.3 Contact with Other People (Q : 19)

Seventy-six percent (48) of offenders came in contact with other people while they were doing their community service hours, 19% (12) worked alone and 5% (3) worked with only one other person. (Five offenders did not respond to this question).

Respondents were also asked a series of questions about the type of relationship formed with people they met while they were doing community service. Table 35 summarizes this information. While 85% (41) of offenders felt comfortable with the people they met, only 40% (19) of them spent or would like to spend time with them outside community service hours.

TABLE 35 : TYPE OF RELATIONSHIP WITH PEOPLE OFFENDERS MET WHILE DOING COMMUNITY SERVICE (N = 48)⁽¹⁾

RELATIONSHIP	Yes		No		Yes, But	
	%	No.	%	No.	%	No.
Felt comfortable with them	85	41	8	4	6	3
Enjoyed seeing them	77	37	4	2	19	9
Made friends with some of them	50	24	27	13	23	11
Spent, or would like to spend time with them outside community service hours	40	19	38	18	23	11

Note (1): Twenty offenders either worked alone, worked with only one other or did not respond to this question.

4.5 PROBLEMS (Q : 18)

A list of 13 problems was read out to the respondents and they were asked to indicate if any of these problems had occurred while they were doing their community service hours. For any problem that they mentioned, further details were obtained and the respondents were invited to mention any other problems which did not show up on the list.

Sixty-three people completed this question and 29% (18) said they had experienced no problems at all. Forty-five offenders had experienced a total of 106 problems. Forty-eight percent (30) mentioned one or two problems and 24% (15) mentioned three or more problems. Table 36 presents the distribution of types of problems experienced by offenders.

TABLE 36: PROBLEMS EXPERIENCED BY OFFENDERS

PROBLEM	Number of offenders who mentioned this problem and had:		Total number of offenders who mentioned this problem (N = 45)
	1 or 2 problems (N = 30)	3 or more problems (N = 15)	
Hard to put the hours in	14	10	24
Showing up late	7	7	14
Transport problems	5	7	12
Not liking the work	2	8	10
Getting put down	1	6	7
Money problems	3	4	7
Not getting on with sponsor	2	4	6
Tasks not clear	1	4	5
Problems at home	1	4	5
Problems with other workers	0	3	3
Childcare problems	2	1	3
Work was too hard	0	3	3
Others	3	4	7
TOTALS	41	65	

The most commonly mentioned problem was that the respondents found it hard to fit in their hours. Offenders who mentioned this as a problem fell into two different groups. One group found it hard to fit in their hours because they were either busy with other commitments or had changed their living situation. For these people community service took away a lot of their "free time". The other group found it hard to fit in their hours because they found their work "boring" and "pointless".

Fourteen offenders agreed that showing up late was a problem, although some felt it was not really a problem for them as long as they got their hours done. For others it was the result of transport or childcare difficulties.

All but one of the respondents who mentioned money problems were referring to having to do community service at times when they could be earning more money e.g. perk jobs or Saturday work. The other talked about having to pay extra bus fares. The home problems mentioned involved not having time with their family. Tasks not being clear was a problem for five offenders who said that although duties were set, they were either too vague or there was not enough work to do.

Six offenders said they did not get on with their sponsors. Three said they only met their sponsor once; another said his hours were not properly recorded; another felt that the sponsor did not trust him and another felt that he was ignored. The problems with other workers related to their not accepting the offender either by excluding them or by giving them extra tasks to do without extra support. Not liking the work was a problem experienced by 10 offenders. A number of them found their work "petty" - "it drove me nuts". Others did not like their task and others found it hard spreading their given tasks out to fill in the hours they worked.

Table 36 also shows that when a respondent was unhappy doing the work required for community service, other problems were also present. Of the 10 offenders who did not like their work, eight of them had three or more problems. The three people who had problems with other workers, also had three or more problems. Four of the six respondents who did not get on with their sponsor had a number of other problems as did the four of the five who found their tasks were not clear. It is also interesting to note that six of the seven respondents who felt they were getting "put down" had three or more problems.

4.6 ADMINISTRATION (Q:15)

A list of administrative tasks was read out and offenders were asked to decide who they thought should be finally responsible for the task. Two respondents were unable to complete this question and a few had difficulty with some items; the percentages are adjusted accordingly. Table 37 presents the responses.

There are some tasks where there was general agreement among respondents, and some tasks where a more mixed impression can be seen.

The probation officer was seen by the majority to be responsible for the following tasks: explaining the purpose of community service to the offender; explaining how it will work in the offender's particular case; discussing any problems doing community service with the offender; attempting to resolve any disagreements between the offender and the sponsor.

TABLE 37: OFFENDERS' VIEWS OF WHO SHOULD BE RESPONSIBLE FOR COMMUNITY SERVICE ACTIVITIES

TASK	Judge %	Probation Officer %	Sponsor %	Offender %
Decide if you should be considered for CS (N = 64)	31	61	3	5
Decide if you are appropriate for CS (N = 65)	21	62	12	5
Find a suitable placement (N = 65)	2	52	11	35
Explain to you the purpose of CS (N = 65)	6	91	3	-
Explain to you how CS works (N = 64)	2	78	20	-
Find out if you consent to the sentence (N = 63)	35	59	6	-
Organise the hours that you will work (N = 65)	3	15	43	39
Give tasks to you (N = 66)	3	8	88	1
Decide if the quality of your service is OK (N = 66)	2	10	80	8
Keep a record of the hours (N = 65)	-	10	81	9
Discuss with you any problems with doing CS (N = 65)	2	75	23	-
Attempt to resolve disagreements between you and the sponsor (N = 62)	-	92	-	-
Start breach proceedings if necessary (N = 62)	13	61	24	2
Give evidence at breach proceedings if necessary (N = 61)	-	25	70	5

The community service sponsor was generally seen to be responsible for giving the offender the tasks to do, and deciding if their quality of service was OK.

Although there was no task for which the majority of respondents felt the judge was finally responsible, there were three tasks for which some offenders felt the judge should have some responsibility. Thirty-one percent of respondents thought that deciding if an offender should be considered for community service was the final responsibility of the judge, while 61% thought it should be the probation office. Twenty-one percent felt it should be the judge's, 62% felt it should be the probation officer's and 12% thought it should be the sponsor's task to decide whether an offender is appropriate for community service.

Finding out if the offender consents to do community service was thought to be the final responsibility of the judge by 35% of offenders and the probation officer by 59%.

There were two tasks which some offenders felt should be their responsibility. Thirty-five percent felt the offender should be responsible for finding a suitable placement. Thirty-eight percent of offenders thought that deciding the hours that they would work should be their own responsibility.

4.7 AIMS (Q: 14)

Offenders were asked what they thought were the aims of community service. They were encouraged to give as many aims as they could. They were then asked if they thought these aims had been accomplished in their case. Finally they were asked to indicate which aim they felt was the main aim of community service.

Each aim was placed into one of five general categories - benefit to the community, benefit to the offender, community-offender integration, punishing the offender, and providing an alternative sentence.

It may be seen from Table 38 that 41% of the aims mentioned providing benefit to the offender. Most of these aims expressed personal growth (for example developing self-respect, responsibility and trustworthiness) and gaining discipline or a routine (for example getting out of bed and being punctual) as the way community service benefited offenders. Table 38 also shows that in 84% of cases offenders felt this aim was being accomplished.

Twenty-six percent of the aims expressed the idea of benefit to the community. In 22 cases this was expressed as doing work for the community and in 18 cases was seen in terms of paying something back to the community. Only 6% (2) people did not think community service accomplished this particular aim.

TABLE 38: ALL AIMS MENTIONED BY OFFENDERS AND WHETHER THEY WERE THOUGHT TO BE ACCOMPLISHED

AIM	ACCOMPLISHED?						Total No.	Percent of overall total
	Yes %	No.	Yes/But %	No.	No %	No.		
BENEFIT TO THE COMMUNITY	94	<u>33</u>	-	<u>0</u>	<u>6</u>	<u>2</u>	<u>35</u>	26%
Paying back		16		0		1	17	
Doing work (no reference to reparation)		17		0		1	18	
BENEFIT TO THE OFFENDER	84	<u>47</u>	2	<u>1</u>	14	<u>8</u>	<u>56</u>	41%
Discipline/routine		10		1		0	11	
Developing new work skills/interests		6		0		1	7	
Mixing with different people		2		0		3	5	
Personal growth		23		0		3	26	
Minimise disruption in life		6		0		1	7	
COMMUNITY - OFFENDER INTEGRATION	100	<u>8</u>	-	<u>0</u>	-	<u>0</u>	<u>8</u>	6%
PUNISH THE OFFENDER	100	<u>9</u>	-	<u>0</u>	-	<u>0</u>	<u>9</u>	7%
ALTERNATIVE SENTENCE	83	<u>19</u>	13	<u>3</u>	4	<u>1</u>	<u>23</u>	17%
Specifically Custodial		12		3		1	16	
Other		7		0	20	0	7	
MISCELLANEOUS	80	<u>4</u>	-	<u>0</u>	20	<u>1</u>	<u>5</u>	4%
TOTAL	88	120	3	4	9	12	136	100%

TABLE 39: MAIN AIMS OF OFFENDERS AND WHETHER THEY WERE THOUGHT TO BE ACCOMPLISHED

AIM	ACCOMPLISHED?						Total No.	Percent of overall total
	Yes %	No.	Yes/But %	No.	No %	No.		
BENEFIT TO THE COMMUNITY	89	<u>16</u>	-	<u>0</u>	11	<u>2</u>	<u>18</u>	28%
Paying back		6		0		0	6	
Doing work (no reference to reparation)		10		0		2	12	
BENEFIT TO THE OFFENDER	80	<u>20</u>	-	<u>0</u>	20	<u>5</u>	<u>25</u>	39%
Discipline/routine		6		0		0	6	
Developing new work skills/interests		2		0		1	3	
Personal growth		7		0		4	11	
Minimise disruption in life		5		0		0	5	
COMMUNITY - OFFENDER INTEGRATION	100	<u>4</u>	-	<u>0</u>	-	<u>0</u>	<u>4</u>	6%
PUNISH THE OFFENDER	100	<u>5</u>	-	<u>0</u>	-	<u>0</u>	<u>5</u>	8%
ALTERNATIVE SENTENCE	100	<u>10</u>	-	<u>0</u>	-	<u>0</u>	<u>10</u>	16%
Specifically Custodial		5		0		0	5	
Other		5		0		0	5	
MISCELLANEOUS	100	<u>2</u>	-	<u>0</u>	-	<u>0</u>	<u>2</u>	3%
TOTALS	89	57	-	0	11	7	64	100%

The provision of another sentencing option was seen as an aim of community service in 15% of cases. This aim was seen to be accomplished in 83% of cases. Community - offender integration and punishment were the least commonly mentioned aims. Table 38 shows that the majority of aims, 88%, were thought to be being accomplished.

The main aims of community service were identified and are presented in Table 39. The main aims chosen and degree of accomplishment have similar patterns to those of all aims mentioned.

Finally, an examination of Table 40 shows that 70% of all offenders gave at least one aim of community service as benefit to the offender and 58% of offenders mentioned benefit to the community as an aim.

TABLE 40: OFFENDERS' AIMS IN GENERAL CATEGORIES⁽¹⁾

AIM	%	No.
Benefit to the community	58	37
Benefit to the offender	70	45
Community - offender integration	11	6
Punish the offender	16	10
Alternative sentence	28	18
Miscellaneous	8	5

Note (1): Percent and number of offenders who gave at least one aim in this category (N = 64). See Chapter 2, page 39 for details of this analysis.

4.8 THE BENEFITS

Respondents were asked if they thought they benefited from doing community service and also if they thought their sponsor benefited from their community service. Sixty-two offenders answered this question. Ninety-two percent (57) of the respondents felt their sponsor got some benefit; 71% (44) felt that they themselves benefited.

4.8.1 Benefits for the Sponsor Organisation (Q : 27)

Of the 57 offenders who thought their sponsor benefited, 47 commented that they helped get work done, six felt the benefit was in a particular skill they had, one felt it showed the sponsor that "not all crims are bad", and the other three were not specific.

Of the 47 offenders who measured the benefit to the sponsor in terms of helping them "get work done", 18 of them were not specific about how they "helped out" or "got the work done". However the other 29 provided more information.

Seven people felt they were helping out by saving the sponsor money that they would otherwise have had to spend on general maintenance work. Six offenders mentioned improving or tidying-up a place - painting fences, doing gardens and providing general maintenance work. Five others felt that by doing more routine jobs the sponsor could spend more time with the people the organisation was helping. Another way that five offenders felt they helped the sponsor was to do work that the sponsor or the community could not do themselves. This was for reasons of age, money or health.

Finally, six offenders thought they helped by providing an extra pair of hands to do a task already being undertaken by the sponsoring organisation, such as orderly work in a hospital, setting up classrooms, general kitchen work, and assisting in a library.

4.8.2 Benefits for the Offender (Q : 26)

Seventy-one percent (44) of the offenders felt they had benefited from doing community service. There was a wide variety of reasons as to how they felt they benefited and what they thought they gained with some respondents mentioning more than one benefit.

Eleven offenders mentioned a positive experience from meeting different people. Some of these people were the actual sponsors who seemed to appreciate and take an interest in the them. Some were the clients of the community group who clearly needed assistance and who also expressed their gratitude to the offenders (e.g. elderly people). Two respondents commented specifically on their feeling that the people they met did not treat them like criminals and were willing to give them a chance.

Eight offenders mentioned personal gains - self-respect, a sense of responsibility and trustworthiness, "an open mind", re-establishing communication with other people, and "feeling better" about themselves.

Seven people felt community service had given them an insight into community groups. Seven others felt community service had benefited them by giving them work experience or getting them into a working discipline, and another seven felt doing community service just gave them something to do, filled in their time or gave them a break from other tasks they were involved in.

Six offenders said they benefited by learning something new such as learning about local history, gardening and other tasks related to their community service work.

Four people felt community service kept them out of jail, three felt they benefited by being able to stay with their families and one said he benefited by the process of being sentenced rather than by doing the sentence.

Twenty-four percent (15) of offenders felt they did not benefit from doing community service, (the remainder were unable to say). Three said they had not learnt anything and community service was just time-consuming; two respondents felt it was a penalty that they had to do; one said he could not have benefited since he ended up in jail; another said he only learnt to play better tennis and another said it was not going to stop 'pot-smokers'. One respondent said he had already decided to change before doing community service and the other six respondents were not specific.

4.8.3 Other Benefits (Q : 28)

Offenders were also asked if they thought there were any other benefits of community service not already mentioned. Forty-seven percent (32) thought there were other benefits. Eleven of these people mentioned benefits to their family situation - seven felt there was less disruption for their family. In all these cases, imprisonment was clearly thought to have been avoided. Two respondents made specific reference to saving them money, and one felt society had benefited because he was no longer an "active crim". The remaining offenders mentioned pleasing the clients of the community organisation and benefiting the community in general.

4.9 GENERAL IMPRESSIONS

4.9.1 Will Community Service Make Up For What You Did? (Q : 29)

The majority of offenders, 65% (41) felt that doing community service did make up for the offence they committed. Thirty-two percent (20) felt that community service did not make up for it, and 3% (2) could not see anything wrong with what they did. (Five offenders did not respond to this question).

Of the 41 offenders who felt they had made up for what they had done, 14 commented on how they had "worked hard", "suffered" or "got punished". The general attitude of this group of respondents was that "I got into trouble and I paid for it." Nine offenders felt they made up for their crime by putting something back into the community. Some of them expressed a sense of relief at having the chance to pay back the community for something they knew they had done wrong.

Two other offenders mentioned how community service had made them stop drinking - another two felt doing community service had given them time to think about what they had done wrong. One offender said community service would not deter him and another said it would not help the victims. The remaining offenders made no further comment.

The offenders who felt that doing community service would not make up for what they did had a variety of comments to make. Most of them felt that community service did not relate to the offence committed, especially when victims were involved, and was not a penalty because they were helping people. Others felt that the additional penalties they got, restitution or a fine, made up for the offence more than doing community service did.

4.9.2 Was Community Service Any Different From What You Expected? (Q : 30)

Fifty-seven percent (33) of offenders felt doing community service differed from their expectation, 43% (25) felt it was no different and ten people did not answer this question.

Most of the offenders whose experience was different from their expectations felt the difference was positive. Thirteen of these people felt it was a lot "easier, friendlier" and they felt more appreciated. They commented that "the people were good"; "they got involved"; "it was not demoralising"; "it was relaxed" and "the community itself did not ignore you because you were an offender." Six others had expected the work to be a lot harder, and seven were expecting to have someone "standing over you". This lack of supervision was a pleasant surprise. Two people commented it was just like working. (One was doing orderly work at a general hospital and the other worked at a theatre).

4.9.3 Does Community Service Help Keep People Out Of Trouble? (Q : 31)

Offenders were asked if they thought doing community service helped keep them out of trouble. If they gave a positive answer, they were then asked how, whereas if they replied no, they were asked what they thought would have. Sixty four offenders answered this question although five of them felt this question mistakenly implied they were always 'in trouble'. Two people, felt it was up to the individual and two had not been doing community service for long enough.

Sixty-one percent (39) of the offenders felt that community service had kept them out of trouble. Thirty-two of these made some comment about how community service had done this. Eleven people felt community service kept them out of trouble because "it kept me busy and occupied", or "I didn't have time for anything else". Seven offenders specifically mentioned that community service kept them away from pubs and drinking too much.

Two offenders tried hard to do their community service well and stay out of trouble, because they were pleased to have a non-custodial sentence. Two others felt 'useful' and that community service gave them "a lot more to look forward to". Another three commented that community service reminded them of what they did wrong. The remaining seven gave more particular reasons why community service kept them out of trouble; "it made me stay at home"; "I didn't think about my problems"; "community service took me to the Reverend and he is teaching me"; "I don't want to do it again - I think I'd rather go to prison"; "it taught me a lesson"; "it's taken me off the streets and given me full-time work"; "I'm not mixing with the wrong people".

Twenty-four percent (16) of offenders said community service did not help keep them out of trouble. Two commented this was because they had grown out of committing crimes, another four felt community service had made them "think twice", but they could not say whether it would stop them reoffending, four felt nothing would help keep them out of trouble while two respondents clearly felt a custodial sentence would. One offender felt a job would keep them out of trouble; another felt it was possible they would offend again because they did not think the offence should be a crime; and finally one respondent said it was the process leading up to the sentence not the sentence itself, that would keep him out of trouble.

4.9.4 What Was Most Liked? (Q : 32)

Offenders were asked what they liked most about the community service sentence: 79% (54) commented favourably and 13% (9) had unfavourable comments. Seven percent (5) did not comment on this question.

Being able to do community service at times that suited was what 15% of the respondents liked most about the sentence. This flexibility of hours was even mentioned by some respondents who said they did not like community service.

Not having some-one standing over you and telling you what to do was also liked. Eight respondents mentioned this. Another eight offenders liked community service because it meant not going to jail, or getting periodic detention or a fine; four specifically mentioned prison. To three who saw their alternative sentence as being a custodial one and therefore taking them away from their homes, it meant they were able to stay with their families.

Seven respondents liked the community service sentence because of the people they met - they were described as being "friendly" and "really good to get on with." Another seven liked "helping people out" and six liked community service because it gave them "something to do." The first group of likeable characteristics seem to be related to the structure of the sentence. The second group relate more to the specific experience respondents had while doing a community service sentence. There were also 13% (9) of the offenders who did not like community service. Four said there was nothing they liked about it and three said "it was just a job and had to be done." The other two offenders did not like community service because they had not enjoyed the actual work they did. One was stripping and painting a fence, the other was cleaning windows.

4.9.5 Improvements (Q : 33)

As a final question, respondents were asked if there were any ways that the community service sentence could be improved. Fifty-two percent (35)

TABLE 41 : OFFENDERS' SUGGESTIONS FOR IMPROVEMENTS TO THE COMMUNITY SERVICE SENTENCE

SUGGESTION	Number of offenders who made this suggestion ⁽¹⁾
More variety of jobs are needed especially skilled, meaningful and educational work	9
Hours should be more strictly controlled	4
Sponsors should be better prepared	4
Should be used for lesser charges	3
Offenders' need for information	2
Should be more widely advertised	2
Should provide equipment or hireage	2
Needed a better system for recording the hours	2
Should start as soon as sentenced	1
Should reduce hours if you have kids	1
Should be used for unemployed people	1
Should be used for 'crims'	1
Offenders should be asked what work they want	1
Probation officers should take more interest	1
Should be able to do it in own time	1
Should be a list of possible organisations	1

Note (1) : 33 Offenders made a total of 36 suggestions.

of the offenders could not think of any ways or did not comment. There were, however, some very useful comments made by other offenders as can be seen in Table 41. Most of the suggestions made by the offenders reflected a dissatisfaction with the work they were doing, the poor knowledge and preparedness of sponsors and a desire to see the sentence used more often.

4.10 SUMMARY AND ISSUES

Offenders were mainly male, Non-maori and single. Forty-four percent were unemployed when they were sentenced, although some moved into employment while they were performing the sentence. Offences were mainly property and traffic offences and 35% had community service as their only penalty. Seventy-one percent of respondents were not first offenders.

Most offenders formed some opinion of the penalty they were likely to get and this was often different from what had been suggested to them. A community service sentence was expected by only 4% of offenders yet had been suggested by others in 25% of the cases. There was generally a poor knowledge of the community service sentence prior to receiving it although 87% were asked and consented to the sentence. Given that there was such a poor knowledge of the sentence it is not surprising that the reasons offenders had for agreeing to do community service varied so much. Few offenders consented because they wanted to do community work.

Almost half of the offenders were involved in arranging a placement but the experience of this process varied a lot. The procedure whereby offenders sought out their own sponsors had merit but only suited offenders who were confident, articulate and presentable.

Most offenders worked out a system for doing their hours that suited both parties but in some cases too much rigidity or flexibility caused difficulties. The tasks done were mainly gardening and maintenance work and although most offenders got on well with their sponsors, contact after their hours were completed, was rare. Many offenders recorded no problems but those that did often had a number of inter-related problems.

The main aim of community service expressed by most offenders was to benefit the offender in a personal way and most felt this aim was being accomplished. A notable number of offenders felt they did not benefit at all. Almost all of them felt their sponsor benefited.

Generally offenders had completed their hours with a good impression of the community service sentence. Sixty-five percent felt doing it made up for their offence, 61% felt it had kept them out of trouble and 79% mentioned things they liked about the sentence. It was clear that the flexibility of arranging hours and the lesser supervision were popular features. The improvements mentioned by offenders reflected a dissatisfaction with the work they were having to do, the poor knowledge and preparedness of sponsors and a desire to see the sentence used more often.

The interviews with offenders identified some issues for consideration :

1. How much information should be given to offenders so that their consent may be better informed? Offenders knowledge of the sentence of the time of consent was limited, with just under two-thirds not having seen the relevant booklet about community service.
2. Should offenders be involved in finding their own placement? About half of the offenders were asked if they knew of a placement, and in some cases sought the placement themselves. In some cases this created difficulties for the offenders but in others the involvement was appreciated.
3. Should the type of work available be more varied and creative? Some offenders expressed a desire for more skilled, meaningful and educational work and better preparation of sponsors for the placement.

CHAPTER 5 INTERVIEWS WITH DISTRICT COURT JUDGES

- BURT GALAWAY -

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5.1 DESCRIPTION OF RESPONDENTS

5.1.1 Experience as Judges

Interviews were conducted with 11 District Court Judges to secure their views of the aims and operation of the community service sentence. The experience of the judges as magistrates or District Court Judges ranges from two to 14 years with a mean of 7.8 years experience; the judges had attended an average of three sentencing conferences (the range was from zero to five conferences).

5.1.2 Use of the Community Service Sentence (Q : 1, 2)

Judges were asked to estimate the number of offenders they had sentenced for imprisonable offences in the last month and to estimate the number of offenders they had sentenced to community service in the last month. The judges had difficulty with the first question and consistently indicated that because of the high volume of cases they could not give a reliable estimate. For the second question, three of the 11 declined to offer an estimated figure. With one exception, however, they all indicated that they infrequently used the community service sentence.

Seven of the eight judges, for whom data were available, estimated that about 3% of their sentences are community service. Two of them reported that they had not sentenced any offenders to community service in the last month and one of them estimated having sentenced between 10 and 15. The eighth judge estimated that one-third of the total of 90 offenders sentenced from the court in the last month were sentenced to community service. This judge follows the practice of inviting offenders to do community service instead of paying a fine when it appears that a fine might create a hardship for the offender or the offender's family. The fine is converted to community service at the rate of \$5.00 per hour.

5.2 DECIDING TO IMPOSE THE SENTENCE

5.2.1 Suggesting the Sentence (Q : 3)

A suggestion that community service be considered for a particular offender is initiated in one of three ways - by the judge requesting a community service assessment, a probation officer initiating the suggestion in a probation report, or from the offender either directly or through counsel.

Nine of the judges reported that they sometimes requested community service assessments, seven indicated that sometimes the suggestion is forthcoming in probation reports, and six indicated that the suggestion for community service is sometimes initiated by the client, usually through counsel.

Four of the judges said that they usually initiated consideration of community service by requesting an assessment and four indicated that consideration was usually initiated in their courts through a suggestion in a probation report. Two indicated that in about half the cases they, and in about half the probation officer, initiated consideration of community service. One judge was unable to give a proportion.

5.2.2 Information Required (Q: 5, 6, 9)

The nine judges who requested community service assessments were asked what information they would like to have included in the assessments. Seven judges offered 13 suggestions relating to the appropriateness of the offender. Two of the judges wanted a straightforward statement from the probation officer that the offender is appropriate. However most wanted more specific information.

This included indications that the offender was reliable enough to carry out the sentence; information as to how the offender has responded to previous community based sentences; how the offender was likely to respond to the community service sentence, whether the offender has demonstrated self-discipline and the ability to comply with other sentences, the possible worthwhile contribution of the offender to a community service scheme, and any physical disabilities of the offender. The judge who used community service as an alternative to the fine was also interested in knowing something of the family circumstances of the offender because a fine might harm the family by reducing available resources.

Five of the nine judges wanted information in the community service assessment report regarding offender consent. One of the five was looking for whether "the person has expressed a genuine desire to undertake it."

Eight of the nine judges offered 12 responses relating to the availability and type of service to be performed by the offender. Two were satisfied with simple statements that community service was available but the others indicated that they would like information regarding the nature or type of work that had been arranged. One judge wanted information regarding the schedule of hours to be worked and who the supervisor would be.

All 11 judges received information regarding community service sentence proposals either from community service assessments or from probation reports. The judges were asked if they were satisfied or dissatisfied with the information being made available to them. Six judges were satisfied and five were dissatisfied.

All of the judges who were dissatisfied wanted more information about the nature of service being proposed and where the offender would do the community service. They were particularly concerned that the service would not be a continuation of an activity in which the offender is already engaged. Examples were given such as a keen rugby league player being proposed for community service which was a continuation of his rugby activities and a Maori offender who was active in a marae being proposed for community service which was a continuation of the work he was already doing on the marae. One judge, who gained information on community service through probation reports only, indicated that in some cases too much information, especially social history material, was being provided.

One judge who was satisfied with the information being received, volunteered dissatisfaction with the process. This judge would like to stand down the case with an assessment done immediately to permit a sentencing decision made on the same day. Another judge, who was also satisfied with the information being received at the time of sentencing, indicated that follow-up information regarding the outcome of the sentence was needed.

5.3 ELIGIBILITY FOR THE SENTENCE

5.3.1 Determining Offender Appropriateness (Q: 15)

The judges were asked what they took into account in deciding whether an offender is appropriate for community service. This produced a variety of responses from 10 of the 11 judges which are summarised for each judge:

1. Must be convinced that the offender was not a professional criminal, leans against using community service for persons convicted for dishonesty and looks for no bad history of previous offending. This judge looks at the extent to which the offender has kept up with previous obligations such as fines although if the person was employed and earning good money the judge would sooner impose a fine rather than a sentence that might interfere with the job. A young, unemployed person, without an extensive criminal history who does not appear to be earning a living from crime would be a very suitable person for community service.
2. Uses community service where there are no other suitable alternative sentences and, as a general rule, sees sentencing for purposes of punishment. Community service falls between a fine and periodic detention and is a residual penalty which is available when neither a fine nor periodic detention would be appropriate.
3. Looks for a minor or no prior history of offending, a non-violent offence, reasonably stable family situation and an offender who will make an effort to assist in his or her own rehabilitation.

4. Looks primarily for a sufficient degree of responsibility on the part of the offender to carry out the sentence, given that the sentence has no teeth in case of breach.
5. Uses the sentence primarily when financial circumstances create an inability to pay a fine, and no periodic detention facilities are available. It is particularly appropriate for a solo parent with young children.
6. Looks for a non-serious offence, no extensive criminal history, and an offender who is willing to participate in the sentence.
7. Looks for an offender whose history or offence deserves something more serious than a fine, and given the circumstances of the offence and offender, whether community service appears to be a reasonable alternative for imprisonment, and whether the offender appears to be reliable enough to complete the sentence without wasting people's time.
8. Looks at the circumstances and nature of the offending and the background of the person and finds community service especially suitable for women who should go to periodic detention but cannot because periodic detention is not available. This judge sees community service as carrying a good deal less sting than other sentences, ranking below the fine in the tariff, and being most appropriate for offenders with minor histories and a non-serious offence.
9. Looks for a comparatively minor offence and on the positive side, an offender with stable employment, who would probably not require much supervision, and who has expertise or special abilities to offer the community.
10. Looks at the background of the offender to seek indicators of a degree of responsibility such that the community service will be completed. Cited as a negative example was a 17 or 18 year old with a history of truancy and wandering the streets who would not be likely to respond to community service.

5.3.2 Criteria for Appropriateness (Q : 15; 15.1)

The judges were further asked to indicate three things that they thought would make a person appropriate for community service and three things that they thought would make a person really inappropriate for community service. Nine judges were able to identify a total of 25 items which they thought would make a person appropriate for community service. These are summarised in Table 42. Two judges did not respond and two others could not identify a third item.

TABLE 42 : WHAT JUDGES THOUGHT WOULD MAKE AN OFFENDER REALLY APPROPRIATE FOR COMMUNITY SERVICE

ITEMS	%	No.
INDICATORS OF PERSONAL AND SOCIAL STABILITY	24	6
Good employment history		0
Stable domestic situation		1
Dependable, reliable		3
Responded to previous community sentence		1
Community ties		0
Age and personal maturity		1
Ability to fit into a voluntary organization		0
WILLINGNESS AND MOTIVATION	4	1
OFFENCE AND CRIMINAL HISTORY	44	11
Moderately serious offence		5
Short criminal history		4
Facing real threat of prison		2
SKILLS, INTERESTS OR ABILITIES TO OFFER THE COMMUNITY	8	2
FEELINGS OF CONTRITION: WILL BENEFIT FROM SENTENCE	8	2
Feels regret		1
Likely to benefit from sentence		1
OTHER	12	3
Not Appropriate for Other Community Sentences		
TOTALS	100	25

Forty-four percent of the responses related to the offence or criminal history and 24% related to indicators of personal or social stability. The judges who mentioned criminal history were looking for short or no criminal histories and offered comments such as "no serious history of dishonesty," "virtually no previous criminal record with other than minor offences,"

"first offender," and "no substantial prior record". Crimes of violence would generally exclude an offender from consideration for community service but beyond that the judges tended to look for a moderately serious offence for which a restriction of liberty would be appropriate, but where other forms of restrictions (periodic detention or prison) did not fit the needs or circumstances of the particular offender. The judges perceived the community service, in tariff terms, as falling between a fine and periodic detention; one judge, however, was quite articulate in stating that the sentence was less severe than a fine.

5.3.3 Criteria for Inappropriateness (Q : 15.2)

The judges had more difficulty identifying three things that would make a person really inappropriate for community service. Four of the 11 judges could not respond to the question; 19 responses were received from the remaining seven judges. Thirty-seven percent of the responses made references to personality problems, 26% to the seriousness of the offence or criminal history, and 21% to indicators of social instability or lack of dependability. Information regarding these responses is displayed as Table 43. Four judges did not respond and two other judges could not identify a third item.

TABLE 43 : WHAT JUDGES THOUGHT WOULD MAKE AN OFFENDER REALLY INAPPROPRIATE FOR COMMUNITY SERVICE

ITEMS	%	No.
Social Instability; Not Dependable	21	4
Personality Problem	37	7
Unwilling or Lack of Motivation	-	0
Serious Offence or History	26	5
Offence Not Serious	-	0
Offender Sees as Soft Option	11	2
Lacks Skills; Placement not Available	5	1
Other	-	0
TOTALS	100	19

5.4 IMPOSING THE SENTENCE

5.4.1 Consent (Q : 13, 14)

Ten of the 11 judges determined whether the offender consented to the sentence. The judge who answered this question "no" commented, "I refuse point-blank to ask a person in the dock if he consents to do a sentence; that is the proper function of a probation officer." One of the judges who secured consent also expressed a similar view, "it generally appears in their probation report; if it doesn't counsel may indicate; I refuse to descend to asking a defendant directly if he consents because this puts the judge in an impossible position." Two other judges had reservations about this provision; one called it galling and the other noted, "I hope that the probation officer has covered and recorded it in the report but I will still put the question to the defendant directly in court; I think that provision must go. I don't want to place myself in the position of asking a defendant and having to back-off from the sentence." The other judges indicated that they secured consent in open court either through the offender's counsel or, if no counsel is present, they ask the offender directly. These judges still secured consent even though consent may have been recorded in the probation report or the community service assessment.

Only two of the judges reported having any offenders not consenting to community service in the last three months; both judges indicated that two or three offenders had done so but they could not recall the specific offenders. Both judges said they would probably have sentenced the persons to periodic detention as an alternative penalty.

5.4.2 How Many Hours (Q : 16)

The judges were asked what they consider when deciding how many hours of service to impose. All eleven judges referred to the gravity of the offence and most spoke of avoiding the extremes of eight or 200 hours. A small number of hours were generally thought to be a waste of time and effort with a fine preferred; a large number of hours, towards the maximum of 200, was thought to be overwhelming and decreased the likelihood of completion. Six of the judges made explicit reference to setting the number of hours in relation to periodic detention. These courts have developed precedents to be followed for determining the number of weeks of periodic detention, saw community service as an alternative to periodic detention, and tried to match the number of hours with the number that would be spent doing periodic detention if so sentenced. One of the judges considered the length of time required to complete the sentence - an offender who works and could only spend a few hours a week doing community service would probably get fewer hours than one who could complete the sentence more quickly because of more available time. Three judges tried to get a rough equivalent between the hours of community service and a fine. One, who explicitly uses community service as an alternative to a fine, converted the fine to community service at the rate of \$5.00 per hour.

There appeared to be a prevailing pattern of using community service as an alternative to fines or periodic detention where circumstances in the life of the offender make these penalties inappropriate. The number of hours required is related to a fine or periodic detention but with attempts to avoid extremes.

5.4.3 Service Performed (Q : 12)

Nine of the 11 judges indicated that they had no preference as to the type of community service performed by offenders, although four qualified this statement with comments such as "must be something different than what he is presently doing in his hobby or spare time," "provided it can be seen that there is some element of punishment," "something he's not previously been doing which is worthwhile to the community and done in association with others," and "except as a discipline for offenders, would like them to work at something that requires a positive application in an area that they have not been working in before." Two judges reported a preference as to the type of service performed by offenders. One said, "I want it to be something tangible so that we can be sure it is done; I do not want it to be any easy option". The other judge would like to see offenders "... assisting in elderly folks homes, homes for backward children, doing light gardening and repair work for handicapped or elderly; something which has a communal flavour to help convey to offenders that they are contributing something to the public".

5.5 ENFORCING THE SENTENCE (Q : 17, 18, 19)

Five of the judges recalled that they had presided over breach proceedings within the last year, four indicated that they have not, and two could not remember. Only two of the judges who had presided over breach proceedings could recall actual cases; for both cases they reported imposing a fine on the offender. One judge was satisfied with this outcome and the other was not because this judge would have preferred to have sentenced the offender to a month's imprisonment for breach.

The judges were asked if they were satisfied or dissatisfied with the options available when an offender fails to complete the community service sentence. One judge indicated satisfaction, seven were dissatisfied, and three indicated that they have not had experience or need to consider the question. The seven judges who were dissatisfied all agreed that the penalty for breach must be made more severe. They would like to see the breach penalty the same as for breach of periodic detention - three months' imprisonment. A typical comment was "it is ridiculous for community service to be expressed as an alternative to prison and have maximum breach of penalty as a fine; I would like imprisonment as a breach of penalty and on a par with P.D." Three judges commented on the need to bring breach proceedings immediately rather than wait for twelve months. One, for example, noted a "need to be able to breach when a person fails to show up at a placement; must be able to bring [her/him] before the court immediately on failure to do the service".

5.6 AIMS (Q : 10, 10.1)

Each judge was asked what they perceived to be the aims of the community service sentence. A list of aims was noted and then the judge was asked to indicate which was the most important. One judge was unable to respond to the question other than talking about the place of community service in the tariff as a less severe sanction than periodic detention and three of the judges identified aims but indicated that these were of equal importance and could not be ranked. All the aims mentioned are categorized in Table 44.

TABLE 44 : ALL AIMS MENTIONED BY JUDGES AND WHETHER THEY WERE THOUGHT TO BE ACCOMPLISHED

AIM	ACCOMPLISHED?				Total
	Yes	Yes,but	No	Don't Know	
BENEFIT TO THE COMMUNITY	<u>2</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>4</u>
Paying back	1	1	0	1	
Doing work (no reference to reparation)	1	0	0	0	
BENEFIT TO THE OFFENDER	<u>1</u>	<u>1</u>	<u>0</u>	<u>4</u>	<u>6</u>
Personal growth	1	1	0	4	
COMMUNITY - OFFENDER INTEGRATION	<u>1</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>2</u>
PUNISH THE OFFENDER	<u>0</u>	<u>0</u>	<u>2</u>	<u>1</u>	<u>3</u>
ALTERNATIVE SENTENCE	<u>5</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>6</u>
Specifically Custodial	2	1	0	0	
Other	3	0	0	0	
MISCELLANEOUS	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>
TOTALS	10	3	2	7	22

Six of the 22 aims mentioned were directed towards benefiting the offender and six towards use as an alternative sentence. Examples of the first group included "primarily designed to try to reform; most imaginative of all the reformatory sentences," "rehabilitation for the offender," and "show people are willing to listen and help; satisfying to do work which has the reward of achievement." Examples of this latter grouping included statements such as "keep offenders as much as possible in community," "one more alternative to imprisonment," "another option short of imprisonment," and "another sanction; gives us greater flexibility; fits in the tariff between the fine and P.D."

The judges were asked if they thought the aims they had specified were being accomplished by the community service sentence. Responses to this question are also presented in Table 44. The judges thought 13 of the 22 aims were being accomplished (three with qualifications), two were not, and for seven of the aims the judges did not know. Two of the judges who identified punishing the offender did not think this aim was being accomplished. Optimism was expressed in relation to the alternative sentence aim.

TABLE 45: MAIN AIMS OF JUDGES AND WHETHER THEY WERE THOUGHT TO BE ACCOMPLISHED

AIM	ACCOMPLISHED?				Total
	Yes	Yes,But	No	Don't Know	
BENEFIT TO THE COMMUNITY	<u>0</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>2</u>
Paying back	0	1	0	1	
BENEFIT TO THE OFFENDER	<u>0</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>2</u>
Personal Growth		1		1	
ALTERNATIVE SENTENCE	<u>2</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>3</u>
Specifically Custodial	1	1	0	0	
Other	1	0	0	0	
TOTALS	2	3	0	2	7

Of the seven judges who were able to select their most important aim (Table 45), three indicated provision of an alternative sentence, two selected benefits to the offender, and two indicated aims of benefit to the community. Degree to which they thought these were accomplished is also given in Table 45.

Table 46 shows the number of judges who selected at least one aim in each category. (See Chapter 2, page 39 for details of this analysis).

TABLE 46: JUDGES' AIMS IN GENERAL CATEGORIES

AIM	Number of judges who gave at least one aim in this category (N=10)
Benefit to the Community	4
Benefit to the Offender	5
Community-Offender Integration	2
Punish the Offender	3
Alternative Sentence	5
Miscellaneous	1

5.7 AN ALTERNATIVE SENTENCE (Q:11)

To gain an indication for which penalty the community service sentence might serve as an alternative, the judges were asked to recall the two most recent offenders they had sentenced to community service and were then queried about sentences they might have used had community service not been available. Most of the judges, could not recall the two most recent offenders they had sentenced to community service. Only eight offenders (out of a potential population of 22) could be recalled. Four offenders would have been sentenced to periodic detention (mean of four and a half months), two would have been sentenced to prison (for three months each; both by the same judge), and two would have been fined (one \$750.00 and one \$400.00).

5.7.1 Community Service Versus Periodic Detention (Q : 20)

What makes a judge decide to sentence a person to community service rather than non-residential periodic detention? Responses were available from 10 of the 11 judges on this question. Seven of the judges indicated that they use community service when periodic detention is not available or would create hardship for the offender. Three use community service for women offenders because of the lack of periodic detention centres. Other factors included shiftwork which made periodic detention impractical on Saturdays without interfering with the offender's employment, being away on Saturdays may cause hardship for a family man and geographical location which made a periodic detention centre inaccessible to the offender. Two judges based their decision to sentence to community service rather than non-residential periodic detention on indications that the offender would be able to handle the flexibility of the community service sentence and had abilities to contribute to the community. One of these judges related this decision to the breach sanction - "expectation of the assessment that he will complete community service; would use community service much more if there was a more practical sanction when a person broke his obligation; the offender has been let off lightly when he gets community service or periodic detention and when fails should be handled more severely." One judge indicated that since community service is a less severe penalty than periodic detention, it would be used when the offender or the offence calls for a less severe sanction.

5.7.2 Community Service Versus a Fine (Q : 21)

Eight of the 10 judges used community service rather than a fine when a fine would either create hardship for the offender or the offender could not pay a fine. Examples included solo parents or people with family commitments on low incomes. One judge noted that "the two are not alternatives, but in these hard times I may use community service where the fine would cause hardship." Another judge indicated that community service was a lesser penalty than a fine and used community service where the fine would be too harsh a penalty but where some sanction needed to be imposed rather than discharging the offender. An alternative view was provided by another judge who uses community service when the fine is not a sufficient penalty such as for "people earning \$300-400.00 a week for whom paying a fine is license fee; the fine is not severe enough; better for them to give something back to the community by physical means and through curtailment of their leisure." This judge indicated that the fine and community service may frequently be combined.

5.7.3 An Alternative to Imprisonment (Q : 25)

The judges were also asked if they saw reducing the number of persons in prison as an aim for the community service sentence. Seven said 'no' and four 'yes'. Three of the four judges who answered 'yes' qualified their responses. Two indicated that while they perceived this as an aim they thought it was not a practical or realistic aim and the third indicated that all community based options had this aim.

5.8 THE BENEFITS

The judges were asked to identify what they considered to be the benefits of community service for the offender and for the community. Nine judges responded to this question. One judge did not have sufficient experience to offer a response and responses were not secured from another judge because of need to shorten the interview.

5.8.1 Benefits for the Offender (Q : 22.1)

A range of potential benefits was identified including "acceptance and compliance with a court imposed sentence involving loss of liberty other than prison," "obtaining pride from working for the community," "giving the offender something constructive to do," "involvement in a community exercise may bring him in touch with ordinary people," "contact with the community and the possibility of getting employment," "not mixing with a hardened bunch of sinners," and "the best chance of any sentence to convey to the offender the notion that he is putting something back into the community."

5.8.2 Benefits for the Community (Q : 22.2)

Three judges were unable to identify benefits to the community from community service. One of these judges noted that "a person who has abilities will probably be using these abilities anyway." The remaining eight judges identified 14 benefits for the community. Six of the judges identified necessary work being done as a benefit to the community. Half of the judges thought the community would benefit by taking more responsibility for its offenders. The comments of these four judges were: "Encourage the society to take a more enlightened view to offending in the community"; "If effective have a member who will not offend against the community again"; "Has to live with its inadequate member; forces the community to absorb its nuisance offenders; must cope with its own sick people"; "Involvement of community organisations with offenders".

Three judges noted that the sentence was less costly to impose than its usual alternative (periodic detention or prison) and one judge thought that the community benefited because the sentence "enables the court to impose penalties where none other is possible."

5.9 GENERAL IMPRESSIONS

5.9.1 What is Liked Most (Q : 23)

Ten of the 11 judges said what they like most about the community service sentence. Four judges most liked the flexibility of the sentence in the sense that it can be tailored to the interests, needs, and available time of the offender. Another four judges liked the sentence because it provided an additional sentencing option for the court to consider. One noted, for example, that it is "an additional sanction available to the court; the wider the range of sanctions, the more appropriately we can sentence." One judge liked the sentence because it "relieved the person of the rigour of doing a periodic detention sentence where he does not require this but without community service would have to do periodic detention." Another judge responded to the question by saying it was "a saving on state funds, cheapest form of sentence, costs state nothing."

5.9.2 Improvements (Q : 24)

How could the community service sentence be improved? Three judges indicated that they did not have sufficient experience with the sentence to respond to this question. One judge indicated that no change was necessary although this judge went on to comment that, "my duty is to punish offenders to prevent other offences; I use community service very little because it does not have punishing value; is a more a reward than punishment." The other seven judges, however, had some rather specific comments which are summarized in Table 47.

TABLE 47 : JUDGES' SUGGESTIONS FOR HOW THE COMMUNITY SERVICE SENTENCE COULD BE IMPROVED

SUGGESTION	Number of judges who made this suggestion (N = 7)
Provide judge with more information regarding proposed placement	5
More severe penalty for breach	4
Bring breach proceeding before year has expired	3
More community service sponsors	2
Have assessments done more quickly	1
Offender to apply to court for discharge when service is completed	1
Increase maximum hours to 400	1
Drop requirement for consent	1

5.10. SUMMARY AND ISSUES

The 11 judges interviewed for this study made infrequent use of the community service sentence. Most perceived its place in the tariff as between a fine and periodic detention although one judge was of the view that community service was a less severe sanction than a fine. It was used predominantly as an alternative to periodic detention and, to a lesser extent, as an alternative to the fine. There appeared to be a pattern of using community service as a penalty when other community based penalties are not available or circumstances of the offender make other penalties inappropriate. Examples of this included the lack of periodic detention facilities for women, Saturday employment creating the possibility that periodic detention will interfere with an offender's job, the desire to shield some types of offenders from harmful influence of associating with other offenders on periodic detention work, solo parents who cannot afford a fine and who are required at home to provide childcare, and low income or unemployed persons for whom the fine would create undue hardship for them or their families. The courts sought indicators of

stability and reliability in the offenders being considered for community service, such as stable employment, stable accommodation, or having responded positively to other community based sentences. The courts like community service because it is a flexible sentence which meets the needs of a fairly small number of offenders who are not appropriate for other penalties.

The interviews with the judges identified two main issues for consideration :

1. Should the breach regulations be tightened up? All the judges who were dissatisfied with the enforcement of the sentence felt that the penalty for breach should be changed to up to three month's imprisonment. Just under half commented on the need to bring breach proceedings as soon as the offender fails to fulfil an assigned community service activity.
2. Should the judges be given more information about the placement? Several judges felt that at the time that community service is being considered, they should be provided with a community service plan which specifies the nature of the work to be done, for whom it is to be done, and the time schedule over which it is to be completed.

CHAPTER 6 SURVEY OVERVIEW

- JULIE LEIBRICH -

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6.1 THE PEOPLE INTERVIEWED

A survey of people connected with the community service sentence was carried out between April and May 1983 in seven probation districts throughout New Zealand. Four groups of people were interviewed - 42 probation officers, 65 sponsors, 68 offenders and 11 judges - to get an overall picture of the way the sentence is operating and to gather the views of people most directly involved.

The sentence had been in use for just over two years at the time of the survey. Probation officers had an average of seven and a half years' experience in their work and most of them had experience in making community service recommendations, although only those officers with more direct responsibility for the sentence were fully experienced in its day to day operation. Sponsors had been involved with the sentence for an average of 16 months and over half of them had experienced more than one placement. Offenders had been sentenced to an average of 101 hours and had served an average of 58 hours at the time of the interviews. Although most of them (71%) had served a previous sentence, only two had previous experience of the community service sentence. Judges had an average of seven and a half years' experience on the bench, although most of them used the community service sentence only infrequently.

6.2 SELECTING SUITABLE OFFENDERS

A community service sentence usually stems either from a request by a judge for an assessment to be made of whether the sentence would be suitable for a particular offender or from a suggestion in a probation officer's report that a community service sentence be considered. Both the judges and the probation officers therefore, were asked what things they bear in mind when deciding whether or not an offender is really appropriate for this sentence.

Indications of personal and social stability were most commonly looked for by the probation officers - such as a good employment history, stable domestic situation, reliability, community ties, a successfully completed previous community-based sentence, age or personal maturity, or ability to fit into a voluntary organisation. Willingness and motivation were also sought by some probation officers as were a moderately serious offence or a real threat of facing imprisonment.

The judges most commonly looked to the criminal history, which they preferred, if present at all, at least to be short and not including crimes of violence. They looked for a moderately serious offence and also sought indications of personal and social stability. The offenders' skills, interests and possible gains from the sentence were secondary considerations for both the probation officers and the judges.

Instability, addiction or personality problems, lack of willingness or motivation, and a serious offence or serious criminal history were the most commonly mentioned contra-indications by the probation officers. A personality problem, a very serious offence or long criminal history and social instability were the most commonly mentioned things that made a person really inappropriate for the sentence as far as the judges were concerned.

Most of the sponsors (71%) had some qualifications about the kind of person they were prepared to take. Specific job skills, interest in the organisation and general positive personality characteristics were actively sought by some sponsors. Offences involving violence, sex or dishonesty were specifically not acceptable to some sponsors. However, almost a third of the sponsors said they were prepared to "take anybody at all", and only 15% had ever turned somebody down - usually because of lack of work at the time.

6.3 MAKING THE PLACEMENT

In some districts the probation officers assumed responsibility for finding sponsors and spent time in recruiting and screening sponsors who were then matched with offenders. In other districts offenders were expected to take most of the responsibility for finding a suitable sponsor.

It was more usual for the offender to be involved. Approximately three-quarters of the probation officers who arranged placements said they always or usually involved the offender in finding a suitable match. About half of these preferred the offender to find their own placement. About half of the offenders interviewed said they had been asked if they knew of a place where they would like to do their community service; in half of these cases they were placed with the sponsor they had suggested. The rest were either given a choice from a list supplied by the probation officer or else had a sponsor chosen for them.

Where offenders were expected to be actively involved but did not know of a possible sponsor, they were asked to find one. Some found this a difficult task, but others appreciated the chance to find their own sponsor. Several of these offenders thought that finding a sponsor meant they would be recommended for the sentence.

Whereas all levels of probation officers were involved in decisions about the offender's appropriateness for the sentence, generally only more senior staff or those with direct responsibility for the sentence were involved in decisions about a sponsor's suitability.

They looked for sponsors who could give adequate supervision and provide sufficient and suitable work. Some considered the sponsor's attitude to offenders and expectations of them or their understanding of the sentence. Some took into account whether the placement was likely to benefit the offender. Sponsors had rarely been turned down but where this had happened it was because of lack of suitable supervision, inappropriate connection with the offender, because an organisation did not meet the legal non-profit requirement, or a belief that there might be exploitation of the offender or a sponsor's belief that the sentence should be punitive.

Although most of the sponsors (78%) had been aware of the scheme before they were recruited, very few of them had made the first approach to be involved. Two-thirds of them had been asked by probation officers and nearly a quarter had been approached by offenders or by a friend on their behalf.

The three most common reasons that sponsors agreed to become involved were because they had jobs which needed to be done, because they wanted to help offenders, or because they had a good relationship with the probation division. Several said they had a general commitment to community involvement. Several felt that the community service scheme could foster mutual benefit.

Usually sponsors had not met the offender before the first meeting in connection with the placement, although in approximately a quarter of the cases the person was already known or known of. However, most of them (82%) had met the offender before the placement was finalised.

The information sponsors had about an offender before they met varied enormously. Usually they were dependent on the probation officer alone for this information. About a third of the sponsors said they knew virtually nothing about the offender. Over half knew details of their personal circumstances and over half had been told the offence. About a quarter knew whether the person had a criminal history and about the same number said they were informed about the person's psychological state.

When asked what they felt they needed to know about someone who might be placed with them, approximately a fifth did not want any information at all, another fifth wanted very little, another fifth wanted details about one particular aspect, and two fifths of the sponsors wanted a very complete picture.

6.4 DECIDING TO GIVE THE SENTENCE

All of the eleven judges interviewed received information about community service sentence proposals either through requested assessments or in probation reports. Just under half of them were dissatisfied with the information. Those who asked for assessments (82%) were asked what information they would like to have in them. Most said they wanted quite specific

information to enable them to come to a decision rather than be given a general assessment. In particular, most of them wanted details about the placement that had been arranged, and over half of them wanted to know that the offender consented. Probation officers estimated that 88% of their recommendations were accepted.

Most of the judges sought to avoid the extremes of eight and 200 hours of community service. A small number of hours was thought to be a waste of time and a very long sentence was believed to be overwhelming. About half of them set the hours for community service in relation to quantities of periodic detention. Others tried to equate hours with amounts fined. Most did not have any strong preference about the type of service that should be performed.

6.5 GETTING CONSENT

A legal requirement of a community service order is that an offender must consent to the sentence. All of the probation officers with direct responsibility for the sentence said that they always secured consent. The process was one of explaining to the offender what the sentence was, what it involved, that consent was required, and then asking them if they did consent. If an offender was referred to the officer by another probation officer, then consent was usually secured twice - by both officers concerned. Most of the judges said they secured consent, but one of them refused to do this. About a third of them disliked securing consent, although it had been rare for an offender to refuse.

Questioning the offenders about consent showed that although nearly all of them said they had been asked directly if they consented, a few said they felt they had no choice, a few said they had been asked after having been sentenced and two said they had not been asked at all.

Many offenders did not seem to be in a position to give well-informed consent. Almost two thirds of them had not seen the booklet about community service which had been produced expressly for offenders. Only one in five had talked with a sponsor at the time of sentencing. And one in three said they had had no idea what the sentence was going to be like.

Their impressions of what was likely to happen if they did not give consent were quite varied. About half of the offenders (52%) said either the probation officer or their lawyer had suggested a likely sentence to them. However, generally offenders' expectations of the sentences they were likely to get were worse than those suggested to them.

Offenders consented for various reasons. Most felt it was better than any likely alternative. Several agreed to the sentence because it fitted in with their job or family commitments. Some agreed because they felt the sentence was a good one. And some just agreed.

6.6 THE ACTUAL PLACEMENT

Offenders were placed with day and residential centres for people needing care, special interest groups, sporting groups, service groups, churches and education centres. The size of these organisations varied a great deal, as did the extent to which they were dependent on volunteer help.

It was more usual for a sponsor and offender to set a regular time for doing the hours. About two thirds of the placements started with arranged hours, daytime hours during the week being about twice as common as week-end or evening hours. In other placements no set hours were arranged and offenders were free to put in time as they were able. A few even did their time over residential spells at camps, etc. The number of hours put in each week varied greatly.

Cleaning, gardening or maintenance jobs were the tasks for about half the placements. Other tasks included caring for people at hospitals and disabled centres, helping at educational and sports centres, being involved in craft or sports instruction, doing office work, and being active in the general community in recreation and community centre schemes.

Most offenders came into contact with people besides their supervisor during their placement, although about a quarter of them had very limited contact with others. Contact with people outside the organisation was involved in about two thirds of the placements. Only very rarely did people on community service work alongside each other.

Most offenders (85%) felt comfortable with the people they met and most (77%) enjoyed seeing them. About half felt that they made friends with some of them. Under half (40%) said that they spent or would like to spend time with them outside community service hours.

Sponsors and offenders were encouraged to talk about the day to day problems that they encountered through their involvement with the community service sentence. Most sponsors (85%) and offenders (71%) identified at least one problem, and often more than one.

Poor attendance was by far the most common problem as far as sponsors were concerned; almost two thirds of them had experienced some difficulty with an offender not turning up to do the hours. This was a manageable difficulty for some; but for others it was the cause of frustration and put strains on the placement.

Inadequate information was the second most common problem for the sponsors with almost a third of them saying that they did not have enough information about the scheme. Problems mentioned by at least a fifth of all sponsors were that they felt unclear about their responsibilities, they had difficulties organising their time because of their involvement with community service scheme, some members of the organisation did not trust the offender, some members found it hard to adjust to having an offender around, some offenders were not punctual, and some needed a lot of supervision. Other problems included a feeling that they lacked general support from probation, an offender's appearance was sometimes unacceptable, and some members or clients of the organisation did not treat the offender well.

Finding it hard to put the hours in was the most common problem for the offenders, with 38% reporting this as a problem either because of other commitments or because they found the work boring or pointless. About a fifth of them identified showing up late and difficulties getting transport as problems. Others mentioned not liking the work, not getting on with the sponsor, having money problems, not being clear what they were expected to do and losing time with their families.

About three quarters of all placements made with the sponsors interviewed had either been successfully completed or were still in progress at the time of the survey. Just under a quarter of all placements were reported as having ended without the hours being completed, and these cases were spread across approximately half the sponsors.

The most common reason for the placement ending early was that the offender asked for it to be changed; the next most common reason was that the sponsor wanted it ended. Several offenders were being breached, several had reoffended, and two had "disappeared". In about a quarter of the cases described the sponsor believed that the offender would not be coming back but did not know what was happening. Several found this lack of feedback a problem.

6.7 ENFORCING THE SENTENCE

Breach proceedings had been initiated in the last year by six of the 42 officers, (four of them being officers with more direct responsibility for the community service sentence) while five out of the 11 judges had presided over breach proceedings in the last year.

Most of the probation officer group (85%) were satisfied with the way the sentence is being enforced. However, three out of six officers most directly connected with the sentence were not satisfied. Reasons for dissatisfaction were the slowness in bringing breach proceedings and the inadequacy of the breach penalty.

Judges were asked whether they were satisfied with the options available when the offender fails to complete the sentence. Seven of the 8 judges who felt able to answer this question were dissatisfied. They felt the maximum breach penalty of a fine was inappropriate and wanted parity with the sanction for a breach of periodic detention - 3 months in prison. Some judges thought that breach proceedings should be brought as soon as the person failed to do the service.

6.8 SHARING RESPONSIBILITY

A community service sentence requires the involvement of at least four people - the judge, the probation officer, the sponsor, and the offender. There are many steps in arranging and operating a placement and we were interested to find out where each of the three most closely involved groups thought the responsibility should lie for several key administrative tasks. Therefore the probation officers, sponsors, and offenders were asked who they thought of the four people should be finally responsible for doing each of several tasks.

Generally, probation officers were in greater agreement with each other than were the other two groups; the offenders were in least agreement about who should be responsible for what task. It was likely that responses were influenced by the extent of knowledge each person had about the existing arrangement of responsibility. Therefore, it was to be expected that there should be the greatest consensus among the best informed group - the group which was also most likely to have discussed such issues amongst itself.

The three groups did not always agree with each other about who should take what responsibility. Moreover, in general, people were willing to assume more responsibility than others thought they should take. Probation officers assumed over two-thirds of the total responsibility⁽³⁾, although they were assigned only a half of the total responsibility by the other two groups. The sponsors assumed approximately a third of the total responsibility for themselves and were assigned the same amount by the offenders. However, probation officers gave sponsors only a quarter of the overall responsibility. The offenders assigned about half of the remaining proportion of responsibility to themselves (and half to the judge) but the other two groups assigned nearly all of the remaining responsibility to the judge.

Note (3): Based on the percentage of responsibility assigned to each person averaged over all tasks: Tables 16, 26 and 37.

None of the three groups were in agreement about who should decide if an offender should be considered for community service. This task was assigned to the judge and the probation officer equally often by probation officers and sponsors, and more often to the probation officer by the offenders. However, most people felt that the probation officer should be responsible for deciding if an offender is appropriate for community service, although several of the sponsors and offenders thought the judge should do this.

Finding a suitable placement was mainly seen as the probation officer's job; however, a significant number of the offenders and several people in the other two groups saw it as the offender's own responsibility. Most people thought the probation officer should explain the purpose of community service to the offender, although several sponsors thought the judge should do this. Most thought the probation officer should explain to the offender how community service works; however, several offenders saw this as the sponsor's job. Although most people in each group thought the probation officer should find out if the offender consented to the sentence, a significant number of the sponsors and offenders and several of the probation officers thought the judge should do this.

The groups were very mixed on the question of who should organise the hours that the offender would work. The offenders assigned responsibility for this task about equally often to themselves and to the sponsors, and occasionally to the probation officer. However, neither the probation officers nor the sponsors felt the offender should be responsible for this task. The sponsors saw it mainly as their own responsibility. The probation officers also saw it mainly as the sponsors' responsibility, although a significant number of them thought it was the probation officer's job.

Giving the offender tasks, recording the hours and deciding if the quality of the work was o.k. was seen as the sponsor's job by most people. However, several probation officers thought they should take responsibility for the quality of the work and a significant number felt they should record the hours.

Probation officers were seen as the main people who would discuss any problems the offender has with doing community service, by both the offenders and probation officers, although several of them thought this was the sponsor's job. The sponsors however, assigned this task to themselves almost as often as they did to the probation officers. The probation officers were almost always seen as the ones to resolve any disagreements between sponsor and offender.

Initiating breach proceedings was always seen as the probation officer's task by that group. However, a significant number of both offenders and sponsors thought this should be done by the sponsor. Probation officers rarely saw anyone but themselves as giving evidence at breach proceedings. However, almost half the sponsors felt this was their own responsibility and the majority of offenders thought the sponsors should be responsible.

6.9 WHAT DID PEOPLE SEE AS THE AIMS OF THIS SENTENCE?

Everybody was asked what they saw as the aims of this sentence, and whether they thought those aims were being accomplished. Five general groups of aims were identified from all the responses: providing benefit to the community (just doing work or 'paying back'); providing benefit to the offender (by discipline, the development of new work skills or interests, mixing with different people, personal growth, or simply by minimising disruption in their life while serving a sentence); fostering community-offender integration; punishing the offender; and providing an alternative sentence (generally or specifically as an alternative to imprisonment).

The provision of benefit to the offender was the aim most often mentioned, with over half of all respondents (58%) giving this as an aim of community service. Next was providing benefit to the community (50%), followed by the provision of an alternative sentence (35%), community-offender integration (26%), and punishment of the offender (22%).⁽⁴⁾

Sponsors and offenders mentioned the first two aims more often than either probation officers or judges. The provision of an alternative sentence was the most commonly mentioned aim with probation officers and was mentioned by half of the judges, but it was cited much less often by the other two groups. Punishment was more commonly mentioned by judges than the other groups and mentioned least often by probation officers. Community-offender integration was mentioned most often by the probation officers and least often by the offenders.

Most people felt the aims they mentioned were being accomplished by the sentence. Probation officers said yes or gave a qualified yes for 80% of all the aims they mentioned; sponsors thought 94% and offenders thought 91% were being accomplished. Judges, however, felt that only 59% of the aims they mentioned were being accomplished.⁽⁵⁾

Benefit to the community was almost always seen as being accomplished, although the offenders were more certain of this than the other groups. Benefit to the offender and community-offender integration were also often seen as successful aims, although the probation officers frequently gave qualified replies about the accomplishment of this aim, and some judges said they did not know. Most people, except for the judges, were sure that punishment was being accomplished by the sentence and most (the probation officers least of all) felt that community service successfully provided a general alternative sentence.

Note (4): From Tables 21, 29, 40 and 46 combined.

Note (5): From Tables 18, 27, 38 and 44.

6.10 AN ALTERNATIVE SENTENCE?

Diverting people from prison sentences is one of the objectives of the community service sentence. However, there has been some doubt both in New Zealand (Fisk, 1982; Pinder, 1981; Stewart, 1982) and in other countries with similar sentences and aims (Austin, 1982; Beha et al, 1977; Harland, 1980; McEwan, 1978; Willis, 1977) about whether such a community-based sentence is actually used for people who would otherwise have gone to prison. We tried to find out what some of the people most closely connected with the New Zealand sentence thought about this question.

When asked directly if they saw "reducing the number of people in prison" as an aim of the community service sentence, most of the probation officers (70%), most of the sponsors (79%) but only four of the 11 judges said "Yes". However, many of the probation officers and judges who said "Yes" also expressed some doubts about whether it really was an aim.

In the general questions about what people saw as the aims of this sentence, the provision of an alternative specifically to custodial sentences was the aim least often seen as being accomplished. Although the judges and offenders who mentioned it as an aim tended to think it was being accomplished, the sponsors were less certain, and about two thirds of the probation officers either said no, or expressed doubts.

An attempt was made to find out what sentence people thought had been averted by community service, in recent cases of their own experience. When a sponsor knew the offence which had resulted in the most recent placement, they were asked to say what sentence they thought the person would have been given if community service had not existed: about half of them (47%) thought the person would have gone to prison.

Probation officers were asked the same question about the two most recent offenders they had dealt with who had got community service. Prison was thought to have been averted in about a third (37%) of the cases recalled. Unfortunately, judges were unable to recall enough cases to make even this rough estimate. Offenders were asked what sentence they were expecting to get; about half of them (54%) had expected to get a sentence involving prison.

Probation officers and judges were asked how they viewed the community service in relation to other non-custodial sentences. Questions about the distinction between offenders suitable for a fine versus community service, and periodic detention versus community service, showed that there was considerable divergence of opinion about where community service stands in relation to those two sentences. Although most discussed community service as falling between a fine and periodic detention, some described community service as less serious than a fine whilst others maintained it was more serious than periodic detention.

The ability to pay a fine was the most common consideration amongst probation officers when distinguishing between offenders suitable for a fine and for community service, although several also said that a fine should be used for lesser offences. Most judges said they used community service rather than a fine when a fine would cause hardship or could not be paid.

Probation officers gave a wide range of reasons for recommending somebody for community service rather than periodic detention, including both practical reasons why periodic detention could not be served, and positive gains from serving a community service sentence. Probation officers were in disagreement about the severity of criminal history and offence that should distinguish between community service and periodic detention. Most judges said they used community service rather than non-residential periodic detention when periodic detention was not available or would cause hardship. Positive reasons for choosing community service (such as the offender handling the flexibility of community service well, or having abilities to contribute to the community) were only rarely voiced by the judges.

Probation officers had recommended probation as an additional sentence to community service in about a quarter of recent cases. It was recommended either when a probation officer believed the person needed help or because some supervision was required.

6.11 WHAT WERE THE BENEFITS FOR THE OFFENDER?

Three of the four groups interviewed could only guess whether the offenders really benefited from the community service sentence. Probation officers felt benefit would come from the structure of the sentence, being less destructive and less intrusive than others; and also from the chances it might provide for personal fulfilment. Judges were in agreement with the idea that contact with the community could have valuable spin-offs. Sponsors all felt that at least one offender placed with them had derived some benefit and mentioned aspects of personal fulfilment for offenders which they felt took place. The most tangible evidence of benefit which emerged from these three groups was that 22% of the sponsors reported that positive contact between the organisation and an offender had continued after the hours were finished.

The offenders were the only ones who could really say whether or not they had actually benefited and most of them (71%) felt they had. They had had a positive experience meeting different people; they had started to feel better about themselves; they had learnt about a community group or picked up a new skill; they had got some idea about work discipline; it had 'kept them out of jail'; or, at least, it had filled in time.

6.12 WHAT WERE THE BENEFITS FOR THE COMMUNITY?

Probation officers and judges felt that the main benefit for the community would come from work being done for no payment. About half of the people in each group also thought that the contact with offenders would encourage understanding and develop a sense of community responsibility for offenders. Offenders and sponsors were asked more specifically about benefit for the sponsor. Nearly all of the offenders felt the sponsor had benefited from them but the reason given was limited to the work they did for the sponsor. Only one offender said that the contact with them as a person was beneficial - and this was to show the sponsor that "not all crims are bad".

The sponsors were in the best position to say what benefit there had been from the association; and most of them (88%) agreed that there had been some direct benefit for the organisation. The majority benefited from the practical help they got from the offenders and their comments were often enthusiastic and positive. A very rough measure of the amount of practical help to sponsors was that the work done for them on average, would have cost about \$149 per month. Most interesting, however, was that just over a third of the sponsors felt that there was benefit from the association at a personal level for people in the organisation.

6.13 WERE PEOPLE SATISFIED WITH THE SENTENCE?

Most of the probation officers (83%) were satisfied with the type of offenders being referred to community service, most (83%) were satisfied with the type of community service opportunities available and most (85%) with the way in which the sentence was being enforced, although there was less satisfaction with the last two aspects of the sentence by those probation officers most directly connected with the sentence.

Some felt the sentence could be used with more adventure and not just for "safe risks" and some felt it was not being used for people who would otherwise have gone to prison. A few felt that opportunities were too limited, and a few said that the breach should be initiated more quickly and that the penalty for breach was insufficient.

Most of the sponsors (92%) said they would take more people, although a quarter of them said their involvement would depend on work being available and suitable people being chosen. A few said they would not take on more people because of lack of available work or because it was putting their name on the line or too much trouble.

Most of the offenders (88%) said it was the right sentence for them and most felt they had been given the right number of hours, although about a quarter felt they had been given too many. About two thirds of the offenders felt that doing community service made up for what they did; some felt they had got into trouble but now they had paid for it - either by just working hard or by positively putting something back into the community. When offenders said it did not make up for what they did it was because they felt it did not relate to what they had done or did not help the victims concerned. A few felt it did not make up because they did not see "helping people" as a penalty. Most of the offenders (61%) said the sentence had 'kept them out of trouble'. Half of these were able to say why - for example, it 'kept them occupied' or 'out of the pubs'.

About half of the judges were not satisfied with the information they received on placements, and most were not satisfied with breach regulations.

6.14 WHAT DID PEOPLE MOST LIKE?

Asking people what they most liked about the sentence produced a rich variety of responses. Probation officers most liked the flexibility of this sentence, allowing it to be more personalised. They felt it was a humane and sensible penalty, encouraging accountability and possibly averting some offenders from a prison experience. They liked the opportunities it gave for bringing the offender and community together. Judges also liked the flexibility of the sentence, and liked having a wider choice of sentences because it enabled more appropriate sentencing.

Sponsors liked the flexibility of the sentence. They liked feeling they were able to help offenders, and also the fact that jobs were getting done. A number of them liked the way "something special" could happen with the sentence - the growth of a friendship, some human contact and sharing. Some offenders liked the structure of the sentence: the way the sentence was organised, the hours being flexible, supervision being only light, or the feeling that it had saved them from something worse. Some liked it because of the people they had met and the fact that it had given them something to do and the opportunity to help people. The offenders who did not like the sentence felt they had just been given 'work'.

6.15 WHAT IMPROVEMENTS DID PEOPLE WANT?

Rather than ask what people liked least about the sentence, we hoped to get more useful comments by asking them what improvements they thought could be made. Probation officers suggested improvements in the area of administration - more staff was the most common suggestion to reduce caseloads and allow more time for recruitment of sponsors

sponsors and setting up placements. Some officers thought the sentence could be improved through more and a greater variety of sponsors. Some felt its "soft option" image needed to be changed - mainly by simplifying breach proceedings and increasing the breach penalty. Some were of the view that the aims of the community service sentence were not clearly understood by the judges; they felt it should be used for more serious offenders and more often for offenders from poor and minority group backgrounds.

Judges most commonly wanted a tightening up of the breach regulations with proceedings being brought before the year had expired and a more severe penalty. They also wanted more detailed information about the proposed placements.

Sponsors suggested ways to improve their involvement with the scheme, including routine calls from the probation officer, clearer instructions, and better liaison between the three people concerned in a placement. They also suggested ways to solve the attendance problem, most commonly seeking more discipline and routine in placements. Several mentioned that they should be reimbursed for expenses.

Offenders wanted more variety of jobs, especially skilled, meaningful and educational work. They felt sponsors should be better prepared for the placement, and that the sentence should be more widely used.

6.16 ISSUES TO BE ADDRESSED

The survey showed that whilst most people we interviewed were generally positive in their attitude to the community service sentence, there are several questions which need to be addressed and several features of the sentence which could be improved:

1. Appropriateness of offenders - could there be greater consensus about what makes a person appropriate for the community service sentence? There is unlikely to be consistency in recommendations about people for community service whilst there is such a wide range of opinions about what offenders are appropriate for the sentence.
2. Choice of sponsors - What should be looked for in sponsors? Both probation officers and offenders saw a need for more sponsors and more varied placements, offering more skilled and meaningful work.
3. Finding a sponsor - should the practice of involving offenders in finding their own sponsor be encouraged? In some districts offenders are asked to find their own sponsor. Whilst some of them said this had created difficulties, others appreciated the involvement. A closer review of the procedures used and the way difficulties are handled would be helpful.

4. Informed consent - could offenders be placed in a better position to give informed consent? Several offenders felt they were not well-informed about the sentence at the time of giving consent.
5. Informing the judge about placements - should the judge be given more detailed information about placements? Several judges wanted quite specific information about this, rather than a general assessment.
6. Defining responsibilities - should people's responsibilities be more clearly defined? Several sponsors and offenders felt unclear about what was expected of them. Moreover, the probation officers as a group, the sponsors and the offenders were often not in agreement about who should be responsible for what administrative task.
7. Communication during the placement - could the communication between the probation officer, sponsor and offender be improved? Several sponsors wanted more routine communication with the probation officer and better feedback about how the placement was progressing and what happened when it broke down.
8. The attendance problem - can the attendance problem be improved? Nearly two-thirds of the sponsors had encountered the problem of offenders not turning up.
9. Breach regulations - Should the breach regulations be tightened up? Several judges felt the penalty should be changed to up to three months' imprisonment and proceedings should be brought as soon as the offender failed to fulfil an assigned community service activity. Several probation officers agreed that the regulations need to be tightened up and the proceedings made simpler.
10. The place of community service in the tariff - where should community service be seen in the tariff? There was a range of opinions about where it lay; although many saw it between a fine and periodic detention some saw it between periodic detention and prison. Several probation officers felt it was seen as a 'soft option'.
11. An alternative sentence - should community service be seen as a penalty to be used when others are not appropriate, or should it be more widely used in its own right? At present it tends to be viewed as an 'alternative' when other sentences are not appropriate. Moreover, the majority of the judges did not see reducing the number of people in prison as an aim of this sentence.
12. Administering the sentence - should the administration of the sentence be changed? Over half the probation officers suggested a need for changes in administration or staffing. A request for more staff was the most common suggestion.

Q4159

Study III

Criminal history and reconvictions of two sentence groups : Community Service and Non-Residential Periodic Detention.

by
Julie Leibrich

STUDY III: CRIMINAL HISTORIES AND RECONVICTIONS OF TWO
SENTENCE GROUPS: COMMUNITY SERVICE AND NON-RESIDENTIAL
PERIODIC DETENTION

- JULIE LEIBRICH -

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CHAPTER 1 INTRODUCTION

One of the objectives of the community service sentence was to achieve a recidivism rate not exceeding 45% during the period of service and not exceeding 30% within one year of completion of the sentence. Therefore the main aim of this study was to examine the reconviction behaviour of a group of people who had been sentenced to community service. However, since reported reconviction rates depend to a large extent on their definition and the methods used to measure them, it seemed important to provide some comparable context for the information about the community service group. Therefore another group of people, who had been given a different sentence, was also studied in exactly the same way.

A group of people who had been given a sentence of non-residential periodic detention was chosen as the second sentence group. Non-residential periodic detention is a community-based sentence with several features in common with community service. However, it is generally regarded as a more serious sentence and one with a greater degree of structure and supervision. Unlike people sentenced to community service, non-residential periodic detainees are normally required to attend a centre every Saturday from which they work, usually in groups, on a project supervised by a Justice Department employee.

For both groups, a reconviction was defined as a court appearance resulting in a conviction which occurred during the year following the sentence date, and which was recorded on the person's criminal history. A description of the method is given in Chapter 2.

A straightforward comparison of the reconviction behaviour of people sentenced to community service (the CS group) and people sentenced to non-residential periodic detention (the PD group) is given in Chapter 3. However, if the two sentence groups are already different in ways that are related to whether a person is reconvicted or not, then the simple comparison may well reflect these differences rather than any effect of the sentences themselves.

Therefore, as a first stage, the study made a more detailed analysis of the two sentence groups. It sought to discover to what extent the two sentence groups differed in features related to reconviction. A comparison of the available information about the offenders, their criminal histories and offences in each sentence group is given in Chapter 4. This information was then examined to see what features appeared to predispose a person to reconviction. A detailed description of the relation between each feature and reconviction is given in Chapter 5.

With this information, it was possible to select smaller groups from the initial CS and PD groups so that they were similar in relation to those features which had been shown to be related to reconviction. Then the smaller, similar CS and PD subgroups were compared to see if there were differences in their reconviction rates.

Ideally, if CS and PD subgroups were identical in their predisposition to reconviction then a comparison of the reconviction rates of such subgroups would compare the reconviction consequences of the two sentence types themselves. Whilst acknowledging that the controlled comparisons finally made were far from ideal, being limited by the scope and quality of the available information and the simplicity of the subgroup selections, this study attempted to move closer to this kind of comparison. The choice of subgroups and their comparable reconviction rates is discussed in the final chapter.

For the interested reader, not concerned with detailed results, summaries of the main findings are provided at the beginning of each of chapters 3 to 6, and are highlighted with diagrams throughout the text.

CHAPTER 2 METHOD

2.1 Design and Analysis

The criminal histories, details of the court appearance at which the person received the sentence of interest ('index sentence') and the subsequent reconviction behaviour were recorded for offenders who received a community service sentence (the CS group) and for offenders who received a non-residential periodic detention sentence (the PD group) during the same time period.

The first question addressed was whether there were differences in reconviction behaviour between people who got CS and people who got PD. Since both the CS and PD groups were random samples of their respective populations it may be assumed that they are reasonably representative of people who get CS and people who get PD.

A further analysis addressed the question of whether any differences between the groups in reconviction performance was directly related to the different sentences imposed. Comparisons were made between the criminal histories and offences of the two sentence groups; and these factors were also examined in relation to reconviction. The CS and PD groups were then post-stratified on variables which were likely to confound a comparison of sentence types (Feinstein, 1979; Fleiss, 1973; Ibrahim & Spitzer, 1979; Kupper et al, 1981). The resulting subgroups, similar with respect to potential confounders, were then compared on their respective reconviction rates.

The specific design used to choose the control variables was derived from a model described by Miettinen (1968) in which only variables believed to be related to both the independent variable (i.e. sentence) and to the dependent variable (i.e. reconviction behaviour) are defined as potential confounders and therefore used as control variables. Initially variables which seemed likely to be relevant had been chosen from the available data. Variables thought to be related to sentencing Young (1979) and variables identified as being related to reconviction (Bartell and Winfree, 1977; Study Series, No. 5, 1979; Lancaster County Study, 1979) were considered. The initial selection was limited to information available on the Wanganui database. The final selection of the control variables came from a within-study analysis of the relevant relationships. Variables shown to be statistically related both to the type of sentence (i.e. CS vs PD) and to reconviction (i.e. reconvicted vs not reconvicted) were chosen as the control variables on which to post-stratify the initial CS and PD groups.

In many instances the assumptions underlying the t-test (t) to compare two means were not met by the data. In such cases the results were checked by using the non-parametric alternative, the Mann-Whitney U test (MWU). Where conclusions were the same for both tests, the more common t-test has been reported. However, for the ranked index of offence seriousness and other indices of seriousness (e.g. the seriousness of previous sentences) non-parametric tests were always used. Chi-square (X^2) was used to compare the difference between proportions. Odds - ratios were compared by a chi-square test of homogeneity (X^2 homog) during the final reconviction analysis (Fleiss, 1973). The accepted level of significance was set throughout at $p < .05$; all non-significant findings are also reported.

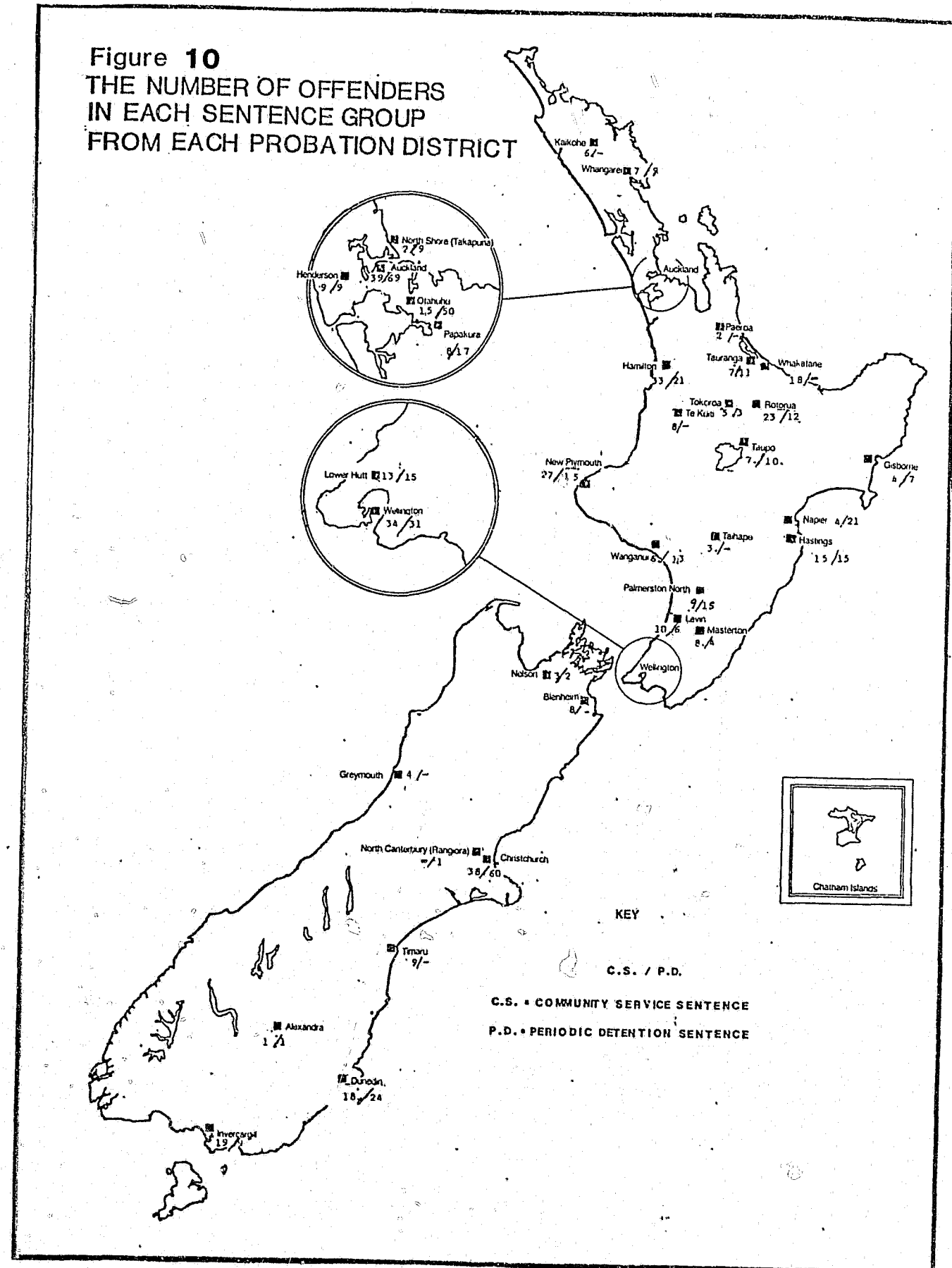
2.2 Sample

The CS group consisted of every person who had received at least one community service sentence between 1 May 1981 and 31 July 1981, (N = 419). The PD group consisted of one third of all people who had received at least one periodic detention sentence during the same period (N = 459). Any person who had received both a CS and PD sentence during that period was included in the group defined by the first sentence received. The number of people in each sample from each month is shown in Table 48. There was no significant difference between the distribution of the two groups across the time period ($X^2 = 3.00$). The number in each group who were sentenced in each of the 34 probation districts in New Zealand is given in Figure 10.

TABLE 48 : DISTRIBUTION OF THE SAMPLES OVER THE SAMPLE PERIOD

MONTH	Community Service		Periodic Detention	
	%	No.	%	No.
May 1981	31	129	35	161
June 1981	30	127	31	144
July 1981	39	163	33	154
TOTALS	100	419	100	459

Figure 10
THE NUMBER OF OFFENDERS
IN EACH SENTENCE GROUP
FROM EACH PROBATION DISTRICT



An attempt was made to choose sufficiently large random samples to allow for a reasonable degree of statistical power when later comparing the post-stratified subgroups. Sample size estimations were based on the following: The Department of Justice had set objectives for the community service sentence which included a desired reconviction rate of no greater than 30% within one year of completion of service. A study of people sentenced to non-residential periodic detention had found that approximately 70% were reconvicted within one year of the termination of the sentence (Study Series, No. 4, 1979). The present study examined reconviction within the year following the imposition rather than the completion of a sentence. Therefore a slightly higher estimate of reconviction was used for community service since a substantial proportion of further offending occurs within a few months of the original conviction (Study Series, No. 5, 1979). For the same reason, it was thought that the estimates from the 1979 study of periodic detention could have been too low for the measure used in the present study. However, since the 1979 study included traffic offences in the reconviction rate, whereas the present study did not, the periodic detention estimate was accordingly lowered for sample size estimations.

A difference in proportions between the two groups of .35 for CS and .65 for PD could be detected at $\alpha = .05$ with 90% certainty ($\beta = .10$) with a 2 tailed test with a minimum sample of $N = 69$ in each group. Since post-stratification of the total groups was planned, the total groups were selected to have approximately six times the size of an anticipated subgroup. Therefore total samples of approximately 400 people were aimed for.

2.3 Procedure

Information about the 'index court appearance' - that is the appearance during which the CS/PD sentence was given - was drawn from the Wanganui database and recorded for each person in the sample. This consisted of sentence date; name of court; prosecuting agency; plea; counsel used; charges; length of sentence; additional sentences (probation, disqualification from driving, fine); special orders attached to the sentence; date of birth; sex; and ethnic group (only recorded in arrest cases). This basic information was slightly modified and an offence seriousness rating was added as described in Study I, page 9.

The criminal history and reconviction behaviour of each individual was taken from records stored on the Wanganui computer database. This information, however, was limited. Only appearances at District (Magistrate) and High (Supreme) Courts were recorded in detail. Children and Young Persons (Childrens) court appearances were not included since they had not always been entered on the database.

Only criminal history was analysed, although a person may have a criminal history and/or a traffic history on the Wanganui computer database. If a conviction follows a Police prosecution, a record is made on a criminal history. If a conviction results from a Ministry of Transport (MOT) prosecution, it is recorded on a traffic history (and also, in the case of some more serious offences, on a criminal history.) However, traffic convictions are not necessarily made by the MOT. In cases where the prosecution is made by a local body traffic department, a conviction is recorded on the Wanganui Computer only where the offence is of a serious nature. And so the number of court appearances resulting from traffic convictions recorded on the Wanganui Computer varies according to the type of traffic enforcement within a district. Therefore traffic histories were excluded from the detailed analysis.

Each person in the sample was initially traced on the Wanganui database for the presence of a traffic and a criminal history so that general estimates could be made about the number of traffic and criminal histories in each group. In the CS group, 92% (386) had criminal histories, with 200 of these people also having traffic histories. Eight percent (33) had traffic histories only (their 'index sentence' being the result of an MOT prosecution, and there being no criminal conviction). In the PD group, 95% (437) had criminal histories, with 289 of these people also having traffic histories. Five percent (22) had only traffic histories.

In the CS group, the 'index court appearance' involved a Police Department prosecution in 79% (332) of cases; 19% (78) were traffic prosecutions; 2% (9) were prosecutions by the Justice Department. In the PD group, a Police Department prosecution occurred in 77% (354) of cases; 16% (73) were traffic prosecutions; and 7% (32) were prosecutions by the Justice Department.

A criminal history summary was constructed for each individual which recorded their age at first conviction in a District or High Court; the number of court appearances resulting in a conviction prior to the 'index court appearance'; the most serious sentence served prior to the 'index sentence'; and the exact sentence and sentence date immediately preceding the index appearance. Reconviction behaviour showed the number of court appearances resulting in conviction within a year of the 'index sentence', the most serious sentence received in that time; and the exact sentence and sentence date immediately following the index appearance.

CHAPTER 3 RECONVICTION BEHAVIOUR IN EACH GROUP

3.1 Summary of Chapter 3

A group of 419 people sentenced to community service had an average (Mean) sentence length of 92 hours; a quarter of them received an additional probation sentence. A group of 459 people sentenced to non-residential periodic detention had an average sentence length of five months; just over a third of them had an additional probation sentence.

The reconviction behaviour of the people in these two sentence groups was compared to see if the groups differed in terms of the occurrence of a reconviction, and if so, in the number and type of subsequent sentences and the time factors involved. The analysis in this chapter directly compared the kind of offenders who received a community service sentence with the kind of offenders who received a periodic detention sentence. It did not directly compare the two types of sentence.

The reconviction rate for people sentenced to community service was found to be reasonably close to the figures set by the Department of Justice in the objectives for this sentence; 38% of people sentenced to community service were reconvicted within a year. A greater proportion of the PD group (59%) was reconvicted within a year of being sentenced. The first sentence and the most serious sentence received by the PD group in the follow-up year were more serious than those received by the CS group, and they occurred significantly sooner. Of those reconvicted, the groups did not differ in the number of court appearances resulting in a conviction during the follow-up year.

3.2 The Sentence Groups

The groups studied were 419 people who received a community service sentence (the CS group) and 459 who received a non-residential periodic detention sentence (the PD group) during May, June and July 1981.

Twenty-one percent of the community service sentences were 50 hours or less; 57% were between 51 and 100 hours; 15% were between 101 and 150; 7% were over 150 hours. Twenty-four percent of the periodic detention sentences were three months or less; 36% were four or five months; 33% were six or seven months; 7% were between eight and ten months.

The total sentence given in each sentence group is shown in Table 49. A similar proportion in each group received additional sentences: 52% of the CS group and 59% of the PD group had at least one additional sentence. The most common were probation and disqualification from driving.

TABLE 49 : TOTAL SENTENCE IN EACH SENTENCE GROUP

SENTENCE	Community Service		Periodic Detention	
	%	No.	%	No.
Index sentence only	48	203	41	186
Plus probation	21	86	24	112
Plus disqualification	24	100	22	102
Plus fine	1	1	1	5
Plus probation & disqualification	4	17	11	49
Plus probation & fine	1	1	1	4
Plus disqualification & fine	2	10	1	1
All three	1	1		0
TOTALS	100	419	100	459

A significantly higher proportion of the PD group (36%) than the CS group (25%) received an additional sentence of probation ($X^2 = 12.35$, degrees of freedom (df) = 1, $p < .001$). There was a significant association between sentence group and length of probation sentence, ($X^2 = 32.33$, df = 1, $p < .0001$). The CS group received proportionally fewer of the moderate length sentences (18 months); (there were no other significant associations).

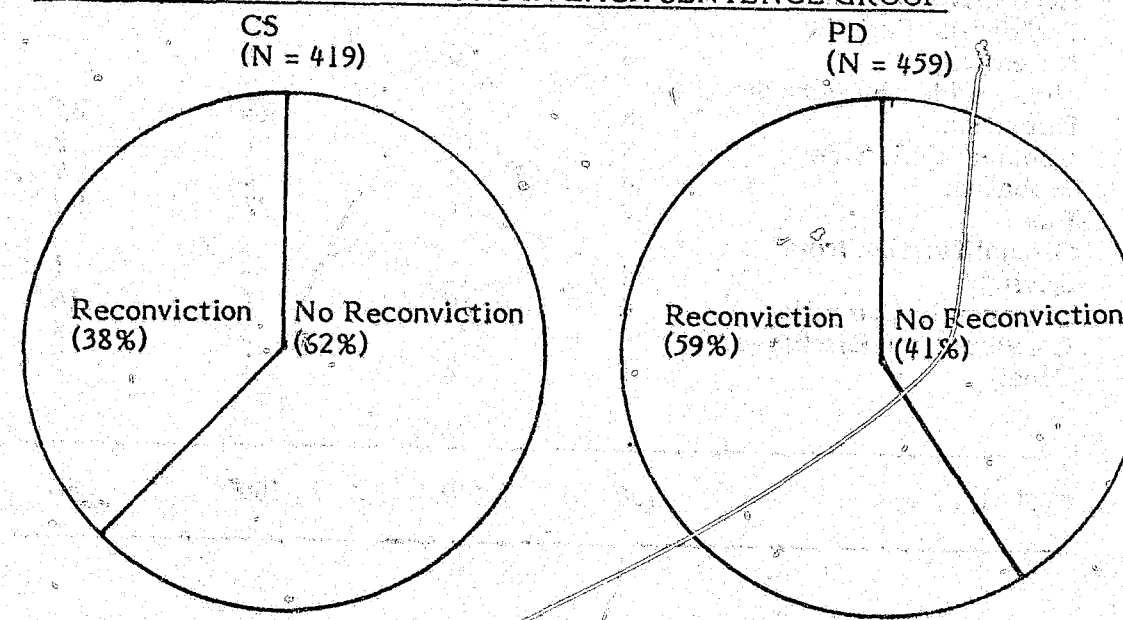
A similar proportion of the CS group (31%) and the PD group (33%) were also disqualified from driving ($X^2 < 1$). The median length of disqualification for both groups was 12 months. The shortest disqualification for the CS group was three months and the longest was 60 months; for the PD group this was 2 and 48 months respectively. Of the 128 disqualified in the CS group, 16% were already disqualified at the time of the index sentence, and 26% of the 153 in the PD group were already disqualified.

Few offenders in either the CS group (3%) or the PD group (2%) were fined ($X^2 < 1$). The median fine for both groups was \$200.00. The smallest fine in the CS group was \$100, the largest was \$1,000; for the PD group this was \$50 and over \$10,000.

3.3 Reconviction Rates

A significantly smaller proportion of the CS group (38%) than the PD group (59%) was reconvicted within a year of getting the index sentence ($X^2 = 38.16$, df = 1, $p < .0001$), as is shown in Figure 11. (Each group contained a further 7% who had MOT convictions. For reasons given in Chapter 2, page 169, these were not included in the analyses).

FIGURE 11 RECONVICTIONS IN EACH SENTENCE GROUP



3.4 First Sentence During the Follow-up Year

The type of sentence given for the first reconviction in each group is shown in Table 50 in decreasing order of seriousness. (This was the order used during data collection to choose the main sentence where more than one had been given at one court appearance.) The PD group received significantly more serious sentences than the CS group for their first sentence during the follow-up year (MWU, $Z = 3.16$, $p < .01$). Custodial sentences were more common for the PD group (25%) than the CS group (18%). The PD group were also sentenced to PD more often (24%) than the CS group (8%). Community service, probation or fines were much more common for the CS group (61%) than the PD group (39%).

TABLE 50: FIRST SENTENCE DURING THE FOLLOW-UP YEAR

SENTENCE	Community Service		Periodic Detention	
	%	No.	%	No.
Prison	11	17	20	53
Detention Centre	7	11	5	12
Corrective Training	1	1	1	1
Residential Periodic Detention	-	0	1	2
Non-Residential Periodic Detention	8	13	24	65
Community Service	8	12	1	2
Probation	6	9	2	4
Fine	47	76	37	99
Disqualification from driving	1	2	-	1
Sentence to Come Up	6	10	6	16
Convicted and Discharged	4	7	3	8
Other	1	2	1	3
TOTALS	100	160	100	266

3.5 Most Serious Sentence During the Follow-up Year

The most serious sentence received during the follow-up year is shown in detail in Table 51 and summarized in Figure 12. The PD group received significantly more serious sentences than the CS group (MWU, $Z = 3.36$, $p < .001$). Forty-one percent of those reconvicted in the PD group were given a custodial sentence during the follow-up year compared to 27% of those reconvicted in the CS group. Periodic detention was the most serious sentence in 23% of PD reconvictions and in 12% of CS reconvictions. Over half of the CS reconvictions (53%) resulted in sentences of community service, probation or fine, compared to just under a third (32%) for the PD reconvictions.

FIGURE 12 MOST SERIOUS SENTENCE DURING THE FOLLOW-UP YEAR IN EACH SENTENCE GROUP

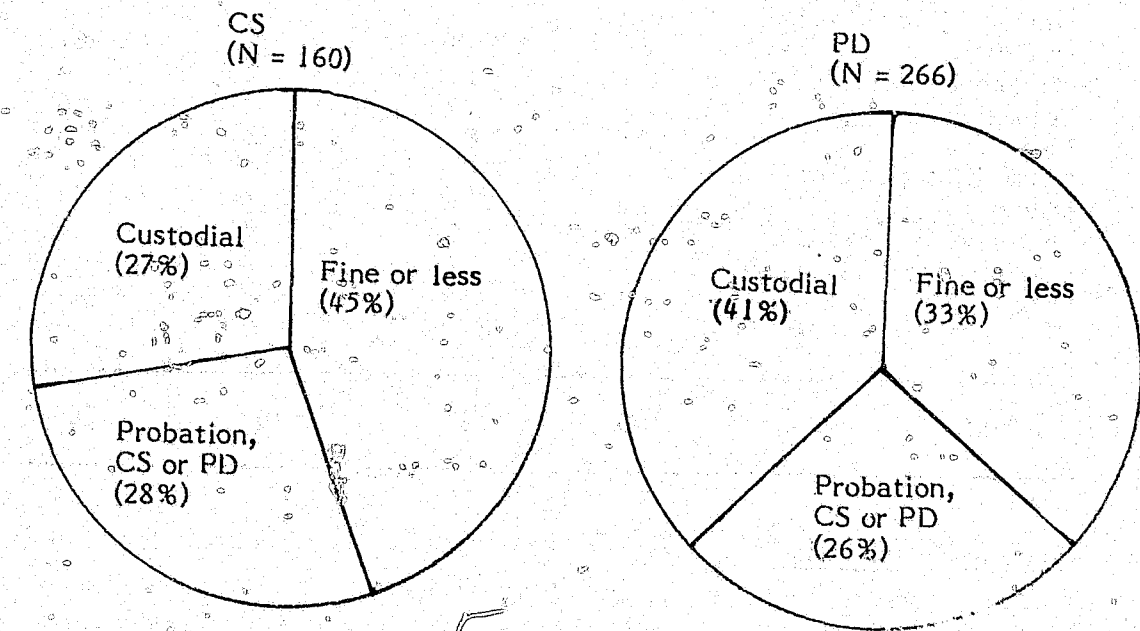


TABLE 51: MOST SERIOUS SENTENCE DURING THE FOLLOW-UP YEAR

SENTENCE	Community Service		Periodic Detention	
	%	No.	%	No.
Prison - 1 year or more	5	8	5	13
Prison - 3 months and up to 1 year	13	21	21	57
Prison - up to 3 months	3	5	9	25
Corrective Training or Detention Centre	6	9	6	17
Residential Periodic Detention	-	0	-	1
Non-residential Periodic Detention	12	19	22	61
Community Service	8	13	2	4
Probation	8	13	2	6
Fine	37	60	28	75
Disqualification from driving	1	1	-	1
Sentence to Come Up	4	6	3	9
Convicted and Discharged	1	2	2	6
Other	2	3	-	1
TOTALS	100	160	100	266

3.6 Time to Reconviction

A general trend for reconvictions to be more common in the first few months of the follow-up year for both groups may be seen in Figure 13. However, Figure 14 shows that this effect was more accentuated for the PD group of which 51% were reconvicted within the first three months compared to 41% of the CS group. The first reconvictions in the PD group occurred slightly but significantly sooner than in the CS group ($t = 2.32$, $df = 426$, $p < .05$); a mean of 4.1 months (S.D. = 3.0) compared to 4.3 months (S.D. = 3.3). There was also a significant difference between the groups in the time taken to their most serious sentence in the follow-up year: a mean of 6.0 months (S.D. = 3.3) for the CS group and 5.4 months (S.D. = 3.4) for the PD group ($t = 1.97$, $df = 422$, $p < .05$).

FIGURE 13: NUMBER OF MONTHS TO FIRST RECONVICTION, IN EACH SENTENCE GROUP

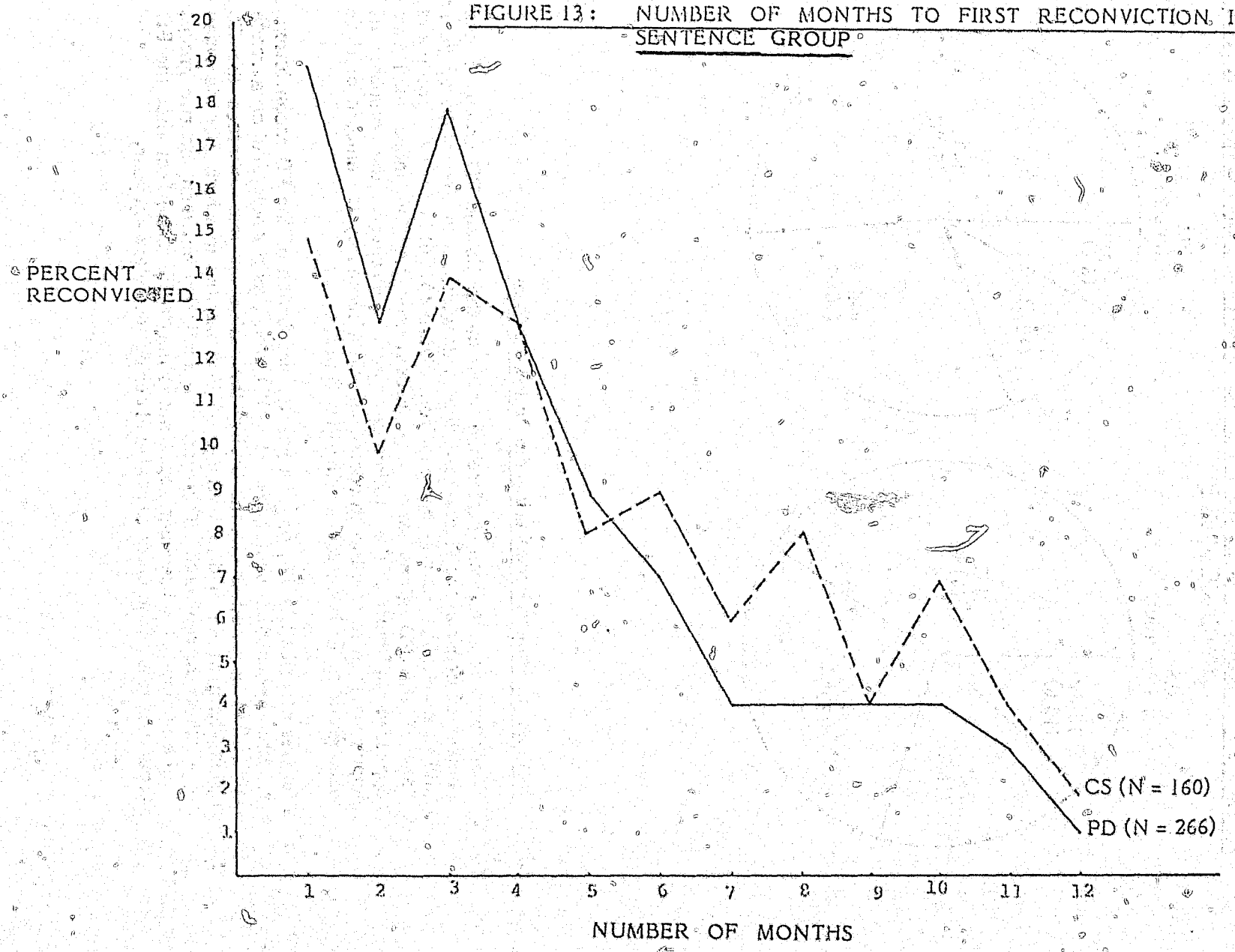


FIGURE 14 NUMBER OF MONTHS TO FIRST RECONVICTION IN EACH SENTENCE GROUP

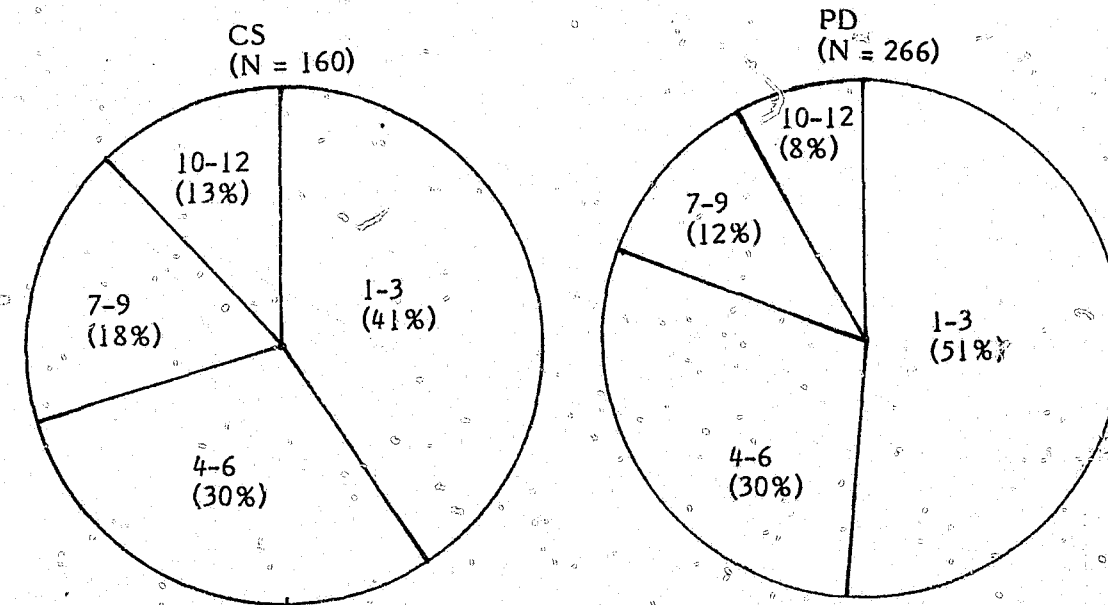
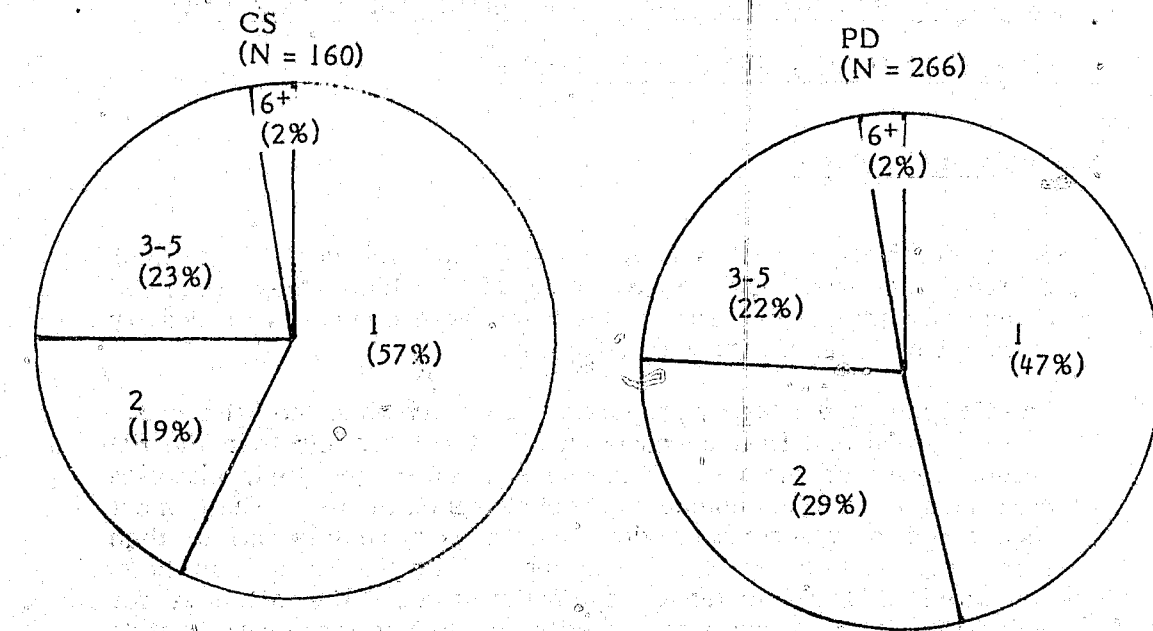


FIGURE 15 NUMBER OF COURT APPEARANCES DURING FOLLOW-UP YEAR IN EACH SENTENCE GROUP



3.7 Number of Appearances During the Follow-up Year

There was no significant difference between the CS and PD groups in the number of court appearances resulting in convictions in the follow-up year (MWU, $Z = 1.58$). As may be seen from Figure 15, 76% of the CS group and 76% of the PD group who were reconvicted had no more than two appearances, during the follow-up year. However, the number of appearances in the follow-up year would be affected by the amount of time each group spent in custody during that time.

As was described in 3.4, page a greater proportion of the PD reconvictions resulted in custodial sentences. The PD group, as a whole, had an average of 11.0 non-custodial months during the follow-up year, whereas the CS group, as a whole, had an average of 11.5 months in which offenders had opportunity to reoffend. Therefore the similarity between the two groups in the number of subsequent appearances may reflect the fact that the PD group had less opportunity to reoffend during the follow-up year.

CONTINUED

2 OF 4

CHAPTER 4 OFFENDERS, THEIR CRIMINAL HISTORIES AND OFFENCES IN EACH SENTENCE GROUP

4.1 Summary of Chapter 4

Some descriptive features of each group and details of their criminal histories and the offence for which they received community service or periodic detention were compared to identify ways in which the groups were different.

The CS group had a higher proportion of women than the PD group. The CS group had first been convicted at a later age than the PD group; fewer of them had a previous history; and their histories contained a smaller number of court appearances. Their most recent and most serious previous sentences were less serious than those experienced by the PD group. The CS group had been convicted of fewer offences against justice. The offences for which the CS group were convicted were slightly more serious than those for which the PD group were convicted.

The two groups were similar in age and ethnic composition. The only similarity recorded in their criminal histories was the amount of time between the index sentence and their most recent and their most serious previous sentences. A similar proportion in each group had pleaded guilty to the index offence and similar proportions had been represented in court.

4.2 Sex, Age, and Ethnic Group

The community service sentence is commonly used for women offenders, as was shown in Study I page 10, whereas at the time of this study there was only one women's periodic detention centre (in Auckland). The CS group therefore contained a substantially higher proportion of women (26%) than the PD group (3%), as may be seen in Figure 16 ($X^2 = 92.66$, $df = 1$, $p < .001$). The ethnic composition of the two groups was similar as may be seen from Figure 17: 40% of the CS group and 45% of the PD group had Maori backgrounds ($X^2 = 1.44$, n.s.). The age structure of the two groups was similar as may be seen in Figure 18. The mean age of the CS group was 25.8 years (S.D. = 9.5) and was 24.7 years (S.D. = 7.9) for the PD group ($t = 1.81$, n.s.). The youngest person in the CS group was 16, and in the PD group was 15. The oldest person in the CS group was 61 and in the PD group was 62.

FIGURE 16 SEX IN EACH SENTENCE GROUP

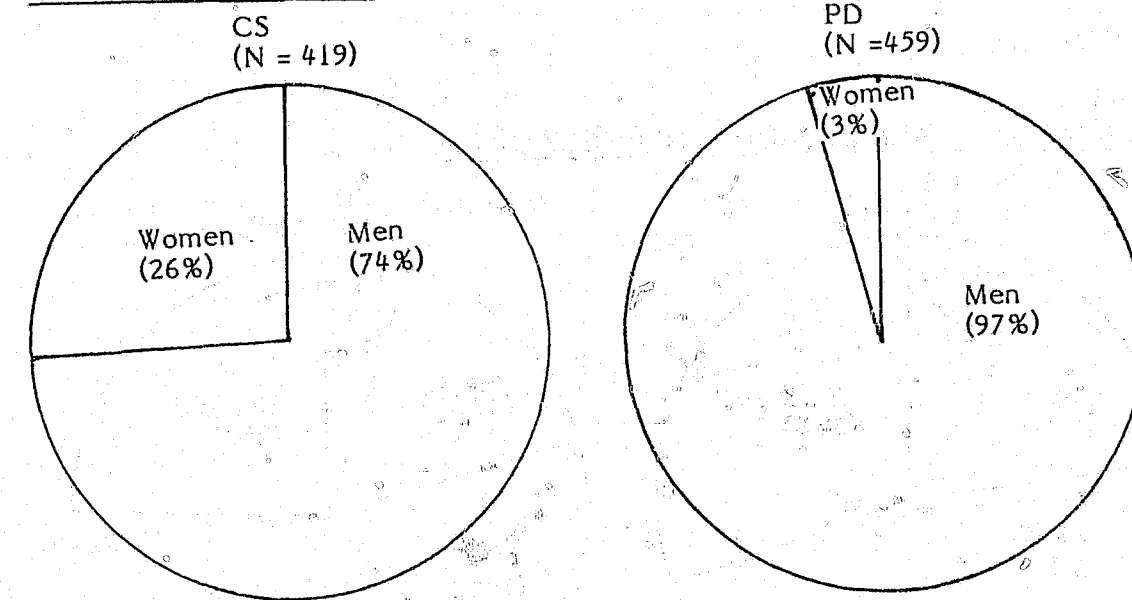
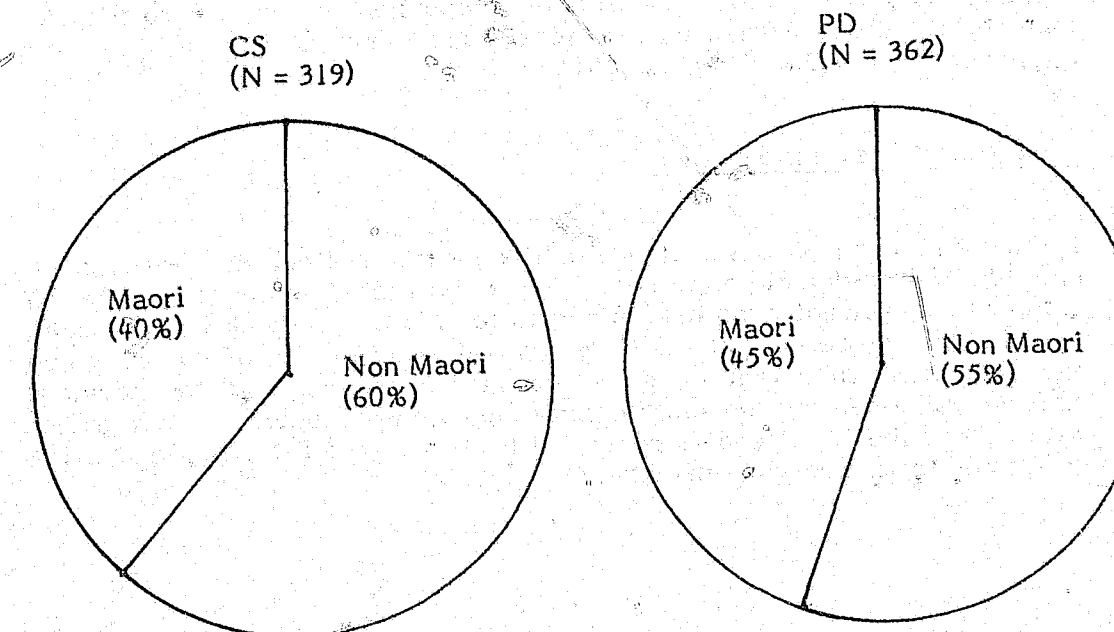
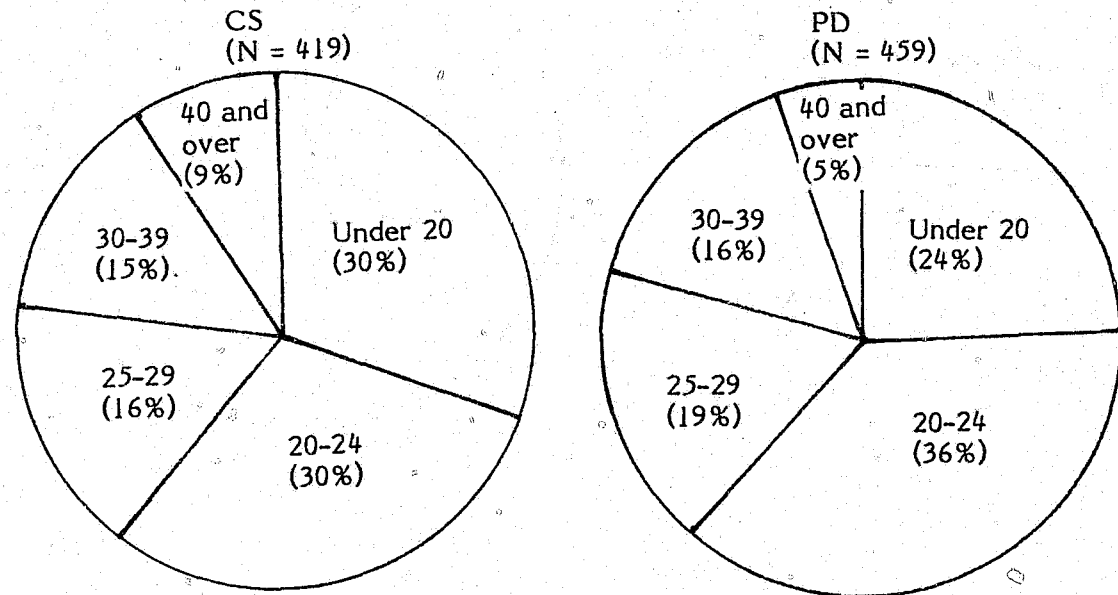


FIGURE 17 ETHNIC ORIGIN IN EACH SENTENCE GROUP¹



Note 1 : Arrest cases only

FIGURE 18 AGE IN EACH SENTENCE GROUP



4.3 Previous Criminal History

Although the majority of people in both sentence groups had a previous criminal history, a significantly smaller proportion of the CS group (69%) than the PD group (80%) had a criminal background as may be seen from Figure 19 ($\chi^2 = 12.30, df = 1, p < .001$).

4.4 Most Recent Previous Sentence

The most recent previous sentence of those with criminal histories is given in Table 52 in order of seriousness. The most recent sentence for the PD group was significantly more serious than for the CS group (MWU, $Z = 3.00, p < .01$). Eleven percent of the CS group compared to 15% of the PD group had been sent to prison or given corrective training for the previous offence. A fine was the most common previous sentence in both groups with 55% of the CS offenders compared to 47% of the PD offenders having been fined for the previous offence.

FIGURE 19 PREVIOUS CRIMINAL HISTORY IN EACH SENTENCE GROUP

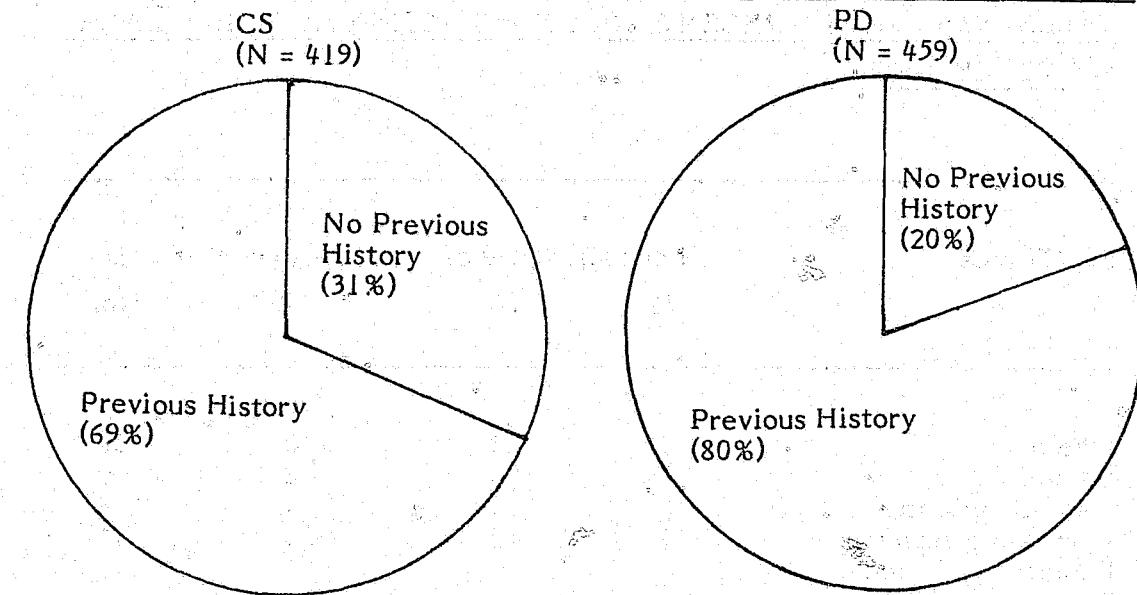
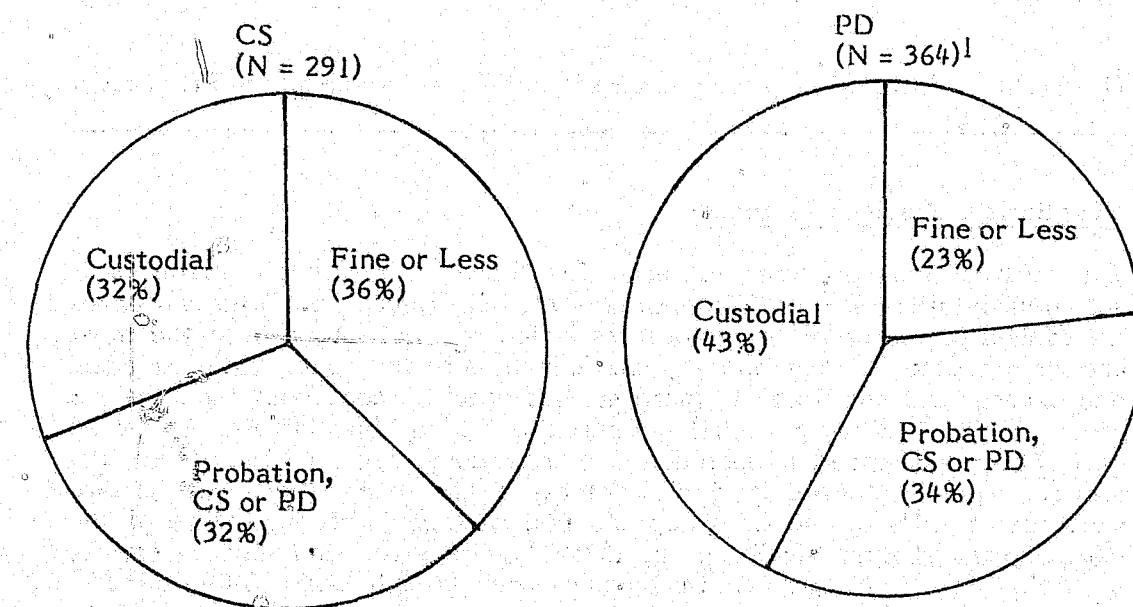


FIGURE 20 MOST SERIOUS PREVIOUS SENTENCE IN EACH SENTENCE GROUP¹



Note 1: Data missing for 2 people

TABLE 52 : MOST RECENT PREVIOUS SENTENCE IN EACH SENTENCE GROUP

SENTENCE	Community Service		Periodic Detention	
	%	No.	%	No.
Prison	8	23	10	36
Borstal	2	5	2	9
Detention Centre	-	1	-	0
Corrective Training	1	3	3	12
Residential Periodic Detention	1	3	-	0
Non-residential Periodic Detention	6	16	19	71
Community Service	2	6	1	3
Probation	16	47	10	36
Fine	55	161	47	173
Disqualification from driving	1	3	1	2
Sentence to Come Up	5	14	2	7
Convicted and Discharged	2	6	4	15
Other	1	2	1	2
TOTALS	100	290(1)	100	366(1)

Note (1) : Data missing for one person in CS and two people in PD group

4.5 Most Serious Previous Sentences

The most serious previous sentence for those with criminal histories is shown in detail in Table 53 and summarized in Figure 20. The sentences are ranked in the order of seriousness which was used to choose the most serious sentence, if a person had experienced more than one. The PD group had experienced significantly more serious previous sentences than the CS group (MWU, $Z=3.78$, $p < .001$). Approximately a third of the CS group (32%) had experienced a custodial sentence compared to 43% of the PD group. Non-residential periodic detention had been the most serious sentence for 11% of the CS group and 17% of the PD group. More of the CS group (55%) than the PD group (37%) had received community service, probation or a fine as the most serious previous sentence. Table 53 also shows that the index sentence was the most serious sentence ever received for 57% of the CS group and 55% of the PD group.

TABLE 53 : MOST SERIOUS PREVIOUS SENTENCE IN EACH SENTENCE GROUP

SENTENCE	Community Service		Periodic Detention	
	%	No.	%	No.
Prison - 1 year or more	9	26	9	34
Prison - 3 months and up to 1 year	16	46	20	73
Prison - up to 3 months	2	7	6	21
Corrective Training or Detention Centre	5	15	8	29
Residential Periodic Detention	3	8	2	6
Non-residential Periodic Detention	8	23	17	60
Community Service	2	7	2	8
Probation	19	55	13	49
Fine	34	98	22	81
Disqualification from driving	1	2	-	0
Sentence to Come Up	-	1	-	0
Convicted and Discharged	1	3	1	2
Other	-	0	-	1
TOTALS	100	291	100	364(1)

Note (1) : Data missing for 4 people in PD group.

4.6 Time Since Previous Sentences

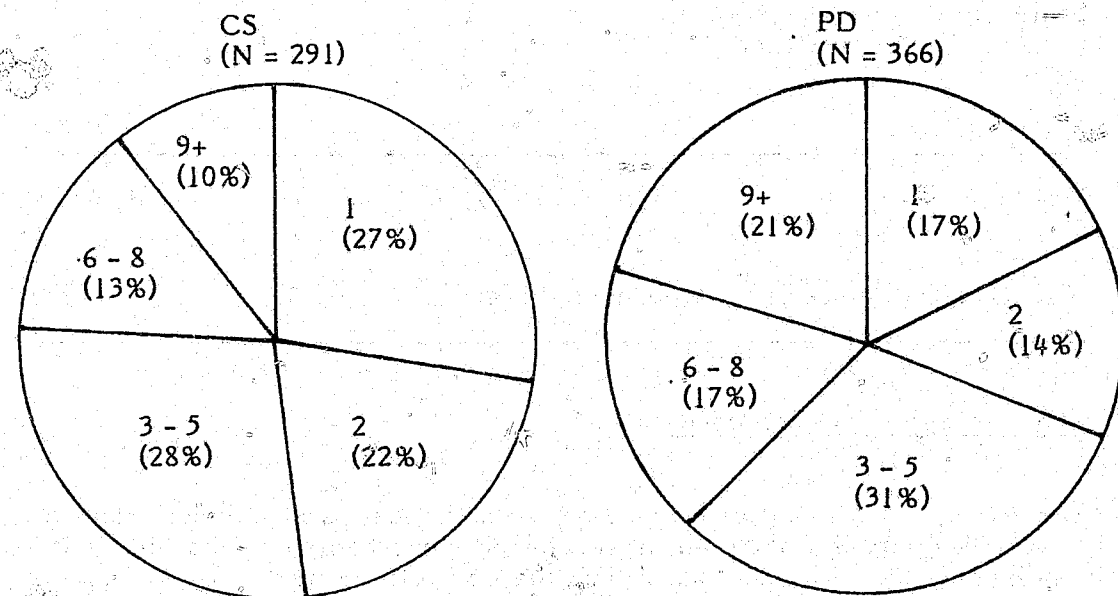
There was no significant difference between the groups in the mean number of months between their most recent previous sentence and the index sentence (MWU, $Z = 1.59$, n.s.). For the CS group, a median of 11 months had passed between sentences; and for the PD group a median of 8 months. The shortest time for both groups was less than a month. Up to 18 years had passed without any conviction in the CS group, and up to 16 years in the PD group.

Similarly, there was no significant difference between the groups in the mean number of months between the most serious previous sentence and the index sentence (MWU, $Z = 1.60$, n.s.). The median for the CS group was 25 months, and for the PD group was 31 months.

4.7 Number of Previous Appearances

The number of previous court appearances of those with criminal histories in each sentence group is shown in Figure 21. The CS group had significantly fewer previous court appearances resulting in a conviction than the PD group (MWU, $Z = 5.17$ $p < .0001$). Just over half the CS histories (51%) contained three or more appearances whereas over two thirds (69%) of the PD histories had three or more appearances recorded. Very long histories (nine or more appearances) were far less common in the CS group (10%) than in the PD group (21%).

FIGURE 21 NUMBER OF PREVIOUS COURT APPEARANCES IN EACH SENTENCE GROUP



4.8 Age at First Conviction

People in the CS group were two years older on average at the time of their first District or High court criminal conviction ($t = 3.91$, $df = 876$, $p < .001$). The mean age at first conviction for the CS group was 22.2 years (S.D. = 9.1) and for the PD group was 20.2 years (S.D. = 6.2). The earliest age at first conviction was 15 years in both groups. The latest age at first conviction was 61 in the CS group, 62 in the PD group.

4.9 Type of Index Offence

Figure 22 shows the type of index offence in each sentence group and a more detailed breakdown of the figures is given in Table 54. There was a significant association between sentence group and type of offence ($X^2 = 15.08$, $df = 3$, $p < .01$). There were proportionately fewer offences against justice in the CS group than in the PD group; (there were no other significant associations).

FIGURE 22 OFFENCE TYPES IN EACH SENTENCE GROUP

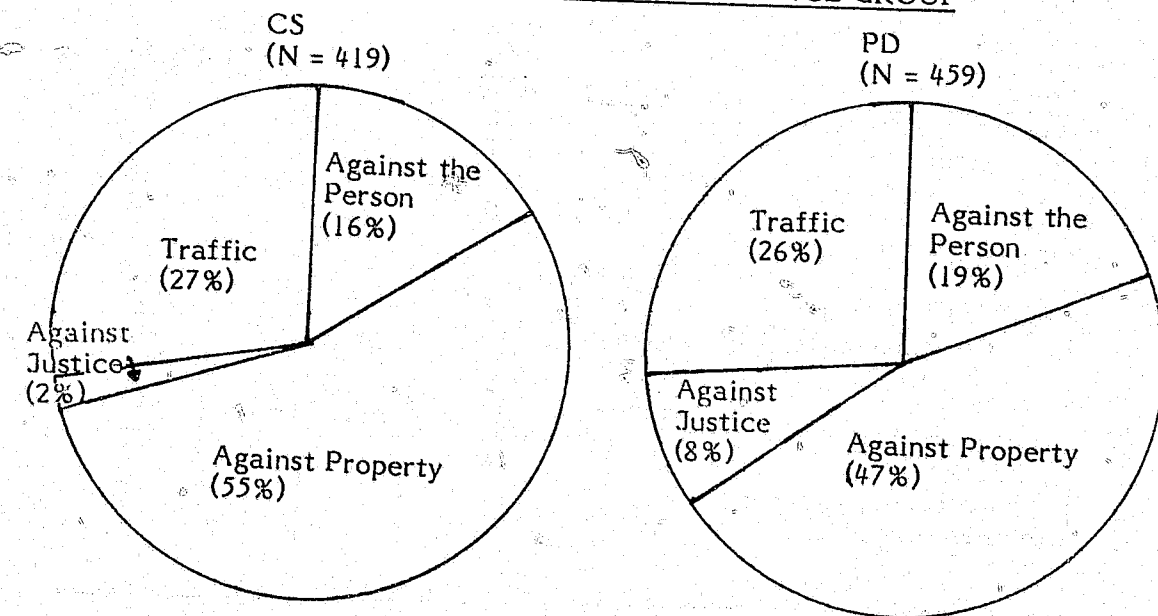
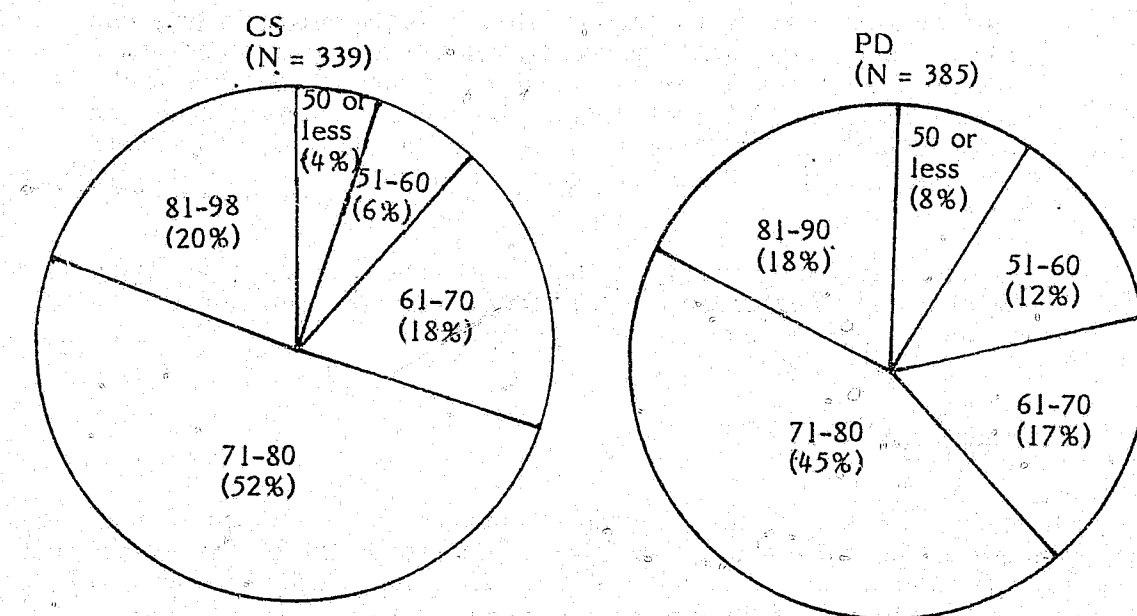


TABLE 54: THE INDEX OFFENCE IN EACH SENTENCE GROUP

OFFENCE	Community Service		Periodic Detention	
	%	No.	%	No.
AGAINST THE PERSON	15.9	67	18.7	86
Violence	5.7	(24)	10.7	(49)
Robbery		0		6
Grievous Assaults		1		0
Serious Assaults		14		19
Minor Assaults		6		15
Intimidation and Threats		1		9
Group Assemblies		2		0
Sexual	1.4	(6)	1.1	(5)
Sexual Attacks		1		1
Sexual Affronts		2		0
Immoral Behaviour		3		4
Drugs and Anti-Social	8.8	(37)	7.0	(32)
Drugs - not cannabis		6		4
Drugs - only cannabis		23		20
Disorder		8		7
Family Offences		0		1
AGAINST PROPERTY	54.6	229	47.5	218
Dishonesty	49.4	(207)	42.7	(196)
Burglary etc		40		54
Car Conversion etc		23		28
Theft		67		53
Receiving		18		26
Fraud		59		35
Property Damage	4.1	(17)	3.9	(18)
Property Destruction		16		18
Endangering		1		0
Property Abuse	1.2	(5)	0.9	(4)
Trespass		0		2
Firearms		5		2
AGAINST JUSTICE	2.6	11	8.1	37
Administration of Justice		11		37
TRAFFIC	26.9	112	25.7	118
Driver Condition		84		82
Driving Manner		14		17
Driver Licence Offences		10		19
Miscellaneous Offences		4		0
TOTALS	100	419	100	459

4.10 Seriousness of Index Offence

The seriousness ratings of offences for each group are shown in Figure 23. These distributions may be compared with the seriousness ratings of all offences shown in Study I, Figure 8, page 18. The offences committed by the CS group had slightly but significantly higher seriousness ratings than those committed by the PD group (MWU, $Z = 2.46$, $p < .01$). The median rating for the CS group was 73.14 compared to 72.94 for the PD group. This difference, although statistically significant, is clearly minimal in a scale which ranges from 15 - 98.

FIGURE 23 OFFENCE SERIOUSNESS RATINGS IN EACH SENTENCE GROUP¹

Note 1: M.O.T. prosecutions not included

4.11 Plea and Representation in Court

A similar proportion of offenders in each group pleaded guilty at the index court appearance: 90% of the CS group and 91% of the PD group ($X^2 < 1$). Similar proportions of the groups were also represented by counsel in court: 80% of the CS group and 77% of the PD group were represented ($X^2 < 1$).

CHAPTER 5 EXAMINATION OF FACTORS RELATED TO
RECONVICTION IN EACH SENTENCE GROUP

5.1 Summary of Chapter 5

Information about the offenders, their criminal histories and index offences was studied in relation to reconviction to discover what factors were associated with the occurrence of a reconviction.

Being younger, the presence of a previous criminal history, a more recent previous sentence and a more recent most serious previous sentence, a greater number of previous court appearances, and a younger age at first conviction were all related to higher reconviction rates, and being convicted of a traffic offence was related to lower reconviction rates in both the CS and the PD groups.

Some factors were significantly related to reconviction in only one group. Being Maori was significantly related to higher reconviction rates in the CS group. Being convicted of an offence against the person, being convicted of a (slightly) more serious offence and having experienced a more serious worst previous sentence were both significantly related to higher reconviction rates in the PD group.

A person's sex, the severity of their most recent previous sentence, the plea and whether or not they had been represented, were not related to reconviction rates in either group.

5.2 Sex, Age and Ethnic Group

There was no significant difference between the reconviction rate of women and men in either group. In the CS group 32% of the women and 40% of the men were reconvicted ($X^2 = 2.23$, n.s.). In the PD group 64% of the women and 59% of the men were reconvicted ($X^2 < 1$).

Maoris had a significantly higher reconviction rate than Non-Maoris in the CS group ($X^2 = 4.57$, $df = 1$, $p < .05$): 51% compared to 38%. In the PD group 70% of Maoris and 62% of Non-Maoris were reconvicted ($X^2 = 2.21$ n.s.).

People reconvicted were significantly younger than those not reconvicted, in both sentence groups. In the CS group the mean age of those reconvicted was 22.1 years (S.D. = 5.6) compared to 28.1 years (S.D. = 10.7) for those not reconvicted, ($t = 6.59$, $df = 417$, $p < .0001$). In the PD group, the mean age of those reconvicted was 22.7 years (S.D. = 7.4) compared to 27.6 years (S.D. = 7.9) for those not reconvicted, ($t = 6.68$, $df = 457$, $p < .001$).

5.3 Previous Criminal History

The reconviction rate of people who had a previous criminal history was significantly higher than the reconviction rate of people who had no previous criminal history. In the CS group 43% of those with a previous history were reconvicted compared to 26% of those without, ($X^2 = 11.36$, $df = 1$, $p < .001$). In the PD group 65% of those with a previous history were reconvicted compared to 38% of those without, ($X^2 = 21.01$, $df = 1$, $p < .0001$).

5.4 Most Recent Previous Sentence

There was no significant difference in the seriousness of the most recent previous sentence between those reconvicted and those not reconvicted in either the CS group (MWU, $Z < 1$) or the PD group (MWU, $Z = 1.8$).

5.5 Most Serious Previous Sentence

There was no significant difference in the seriousness of the most serious previous sentence for the CS group between those reconvicted and those not reconvicted (MWU, $Z < 1$). However people from the PD group who were reconvicted had experienced more serious worst sentences than those who were not reconvicted (MWU, $Z = 3.63$, $p < .001$).

5.6 Time Since Previous Sentences

Significantly less time had passed between the most recent previous sentence and the index sentence for those reconvicted than for those not reconvicted in both the CS and PD groups. In the CS group there was a median of 7.3 months for those reconvicted compared to 15.5 months for those not reconvicted; and a significant difference in means (MWU, $Z = 4.54$, $p < .0001$). In the PD group there was a median of 6.3 months for those reconvicted compared to 16.6 months for those not reconvicted; and a significant difference in means (MWU, $Z = 6.26$, $p < .0001$).

Similarly, the most serious previous sentence was more recent for those who were reconvicted. In the CS group there was a median of 18.5 months between the most serious previous sentence and the index sentence for those reconvicted compared to 35 months for those not reconvicted; and a significant difference in means (MWU, $Z = 4.51$, $p < .0001$). In the PD group the median for those reconvicted was 22 months compared to 45.5 months for those not reconvicted; and a significant difference in means (MWU, $Z = 5.09$, $p < .0001$).

5.7 Number of Previous Appearances

People who were reconvicted had more previous court appearances resulting in convictions than those who were not reconvicted. In the CS group the median number of previous court appearances was 3.4 for those reconvicted and 2.3 for those not reconvicted (MWU, $Z = 2.75$, $p < .01$). In the PD group the median number of previous court appearances was 4.8 for those reconvicted and 3.4 for those not reconvicted (MWU, $Z = 2.75$, $p < .01$).

5.8 Age at First Conviction

People who were reconvicted during the follow-up year had been significantly younger at the time of their first conviction than those who were not reconvicted. In the CS group, the mean age at first conviction for those who were reconvicted was 19.0 years (S.D. = 4.2) compared to 24.1 years (S.D. = 10.6) for those not reconvicted, ($t = 5.89$, $df = 417$, $p < .0001$). In the PD group, the mean age at first conviction was 18.5 years (S.D. = 3.4) for those reconvicted, compared to 22.7 years (S.D. = 8.1) for those not reconvicted, ($t = 7.56$, $df = 457$, $p < .0001$).

5.9 Type of Index Offence

There was a significant association between the type of offence and whether or not a person was reconvicted in both the CS group ($X^2 = 16.78$, $df = 3$, $p < .01$) and the PD group ($X^2 = 16.35$, $df = 3$, $p < .01$). In the CS group proportionately fewer traffic offenders were reconvicted; (there were no other significant associations). In the PD group, proportionately fewer traffic offenders were reconvicted and proportionately more offenders against the person; (there were no other significant associations).

5.10 Seriousness of Index Offence

People who were reconvicted tended to have been convicted of a slightly less serious index offence than those who were not, although the difference reached statistical significance only in the PD group. In the PD group the median seriousness rating of those reconvicted was 73.10 compared to 72.87 for those not reconvicted (MWU, $Z = 2.15$, $p < .05$). In the CS group the median seriousness rating of those reconvicted was 73.04 and for those not reconvicted was 73.24 (MWU, $Z = 1.76$).

5.11 Plea and Representation in Court

Neither the type of plea made nor whether a person had been represented in court were significantly related to whether or not an offender was reconvicted, in either group. In the CS group 93% of those reconvicted and 88% of those not reconvicted had pleaded guilty to the index offence ($X^2 = 2.23$). In the PD group 92% of those reconvicted and 90% of those not reconvicted had pleaded guilty ($X^2 < 1$). In the CS group 80% of both those reconvicted and those not reconvicted had been represented for the index offence ($X^2 = 0$). In the PD group 76% of those reconvicted and 80% of those not reconvicted had been represented ($X^2 = 1.00$).

CHAPTER 6 ANALYSIS OF COMPARABLE RECONVICTION RATES
IN EACH SENTENCE GROUP

6.1 Summary of Chapter 6

It was found that 38% of people sentenced to community service were reconvicted within one year of receiving the sentence compared to 59% of people sentenced to non-residential periodic detention (Chapter 3). However, such a difference in reconviction rates did not necessarily mean that the sentence of community service produced lower reconviction rates than the sentence of periodic detention. This study also found (Chapters 4 & 5) that significantly more of the people sentenced to community service had the kind of history which meant they were less likely to be reconvicted in any case.

Therefore, if the reconviction rates of community service offenders were to be looked at more meaningfully in relation to the rates for periodic detention offenders, it was necessary to compare people who were equally likely to reoffend before they experienced the actual sentence. And so each of the two sentence groups were subdivided on the factors identified within the study in such a way that people who had similar criminal backgrounds but who were given different sentences (community service versus periodic detention) could be compared.

The first thing these comparisons showed were that the overall reconviction rates of 38% and 59% varied greatly when smaller more specific groups were studied. The reconviction rates for groups sentenced to community service ranged from 13% to 74%, and for groups sentenced to periodic detention, rates ranged from 25% to 80%. That is to say, reconviction rates depended to a great extent on factors other than the sentence a person was given.

The comparisons further showed that when people who were most likely to reoffend were compared, there was no significant difference in reconviction rates between the two sentence groups. Similarly, when people who were at lowest risk of reconviction were compared, there was no significant difference in the reconviction rates of people sentenced to community service compared to people sentenced to periodic detention. In moderate risk groups, however, the reconviction rates of people sentenced to community service were significantly lower than the rates of people sentenced to periodic detention.

Given the considerable variability in reconviction rates within a sentence type (e.g. 13% to 74% for community service), and given the similarity in reconviction rates for extreme risk groups across sentence types and the limited scope of the control variables, the apparent difference in the moderate risk groups was thought to be of questionable validity. It was likely that the factors used in the study were not detailed enough for comparisons of reconviction rates in the moderate risk groups.

The study concluded that for people who have the same likelihood of reoffending prior to sentencing, there is unlikely to be any difference in reconviction rates following community service as opposed to periodic detention. Moreover since several factors other than the sentence received were shown to be strongly related to whether or not a person was reconvicted, reconviction rates are unlikely to provide a sensitive measure of a sentence's effectiveness.

6.2 The Choice of Subgroups

People in the community service sentence group had been found to have a significantly lower reconviction rate (38%) than people in the non-residential periodic detention group (59%); see Chapter 3. The follow-up period and procedure for measuring reconviction was the same for both groups. However if the individuals in the two sentence groups were significantly different in ways which were also shown to affect the reconviction rate then the difference in rates might be due to these factors. In order to extend the comparison of reconviction rates more directly to the sentences themselves, it was necessary to 'control for' (i.e. take into account) these possibly confounding factors so that they did not obscure a comparison.

The two sentence groups were studied for differences in their demographic features and criminal background (Chapter 4). Differences were found between the groups in relation to sex; the presence of a previous criminal history; and, for those who had a previous history, in the seriousness of their most recent and most serious previous sentences and in the number of previous convictions. Differences were also found in their age at first conviction, and in relation to the type of offence and its seriousness rating.

Several of those demographic and criminal features were also shown to be related to reconviction rate (Chapter 5): namely the presence of a previous history; the seriousness of the worst previous sentence; the number of previous convictions; a person's age at first conviction and the type of offence and its seriousness rating. These, therefore, were the six factors, out of all those examined in the present study, which were known to be possible confounders in any examination of an independent effect of the sentences. And these factors therefore, had to be 'controlled for' if a comparison between sentence types were to be made.

A seventh factor was also considered as a possible confounder. The decision whether or not a person was given an additional sentence of probation, seemed intuitively, to be a factor which should be included in a more detailed analysis of reconviction rates in the two sentence groups⁽⁶⁾. Probation officers decide to recommend, and the bench decides to sentence a person to probation for various reasons: a defined need for which specific help is necessary through an official channel; a vague recognition that the offender's lifestyle, circumstances, personality etc. predisposes them to reoffending and places them in need of some assistance or official oversight; a need to enforce a court order, for instance, of restitution; a belief that supervision may assist them to complete the CS or PD sentence, and is in some way 'safer'.

In a very general way, therefore, the decision that a person should also receive probation, in conjunction with another community-based sentence, is often an indication that the probation officer who met the individual and assessed their personal circumstances felt they were 'more at risk' of reoffending than people whom they did not consider needed additional supervision. This loosely-defined summary measure seemed a valuable addition to the rather limited quantitative factors examined in the study. It made available to the study a more recent and more personal assessment of an offender's likelihood of reoffending. Therefore this factor was studied in the same way as the other factors to discover if it was, in fact, a potential confounder.

A difference had been found between the two groups: a significantly higher proportion of the PD group had been given additional probation (Chapter 3). Further analysis showed that although being given additional probation was not related to reconviction in the PD group ($X^2 < 1$), people given probation in the CS group did have significantly higher reconviction rates than those who were not ($X^2 = 18.78$, $df = 1$, $p < .0001$). Therefore, the decision that a person should be given additional supervision turned out to be a factor which could well obscure a comparison between the two types of sentence and therefore it had to be 'controlled for' in the same way as the other six potential confounders.

Note (6): Whilst the decision that a person should be given probation was a potentially confounding factor, the experience of the sentence was, by definition, a sentence difference (Schneider, Griffith, & Schneider, 1982). However, in this study, no direct analysis was made of the sentence of probation itself. In a larger study of the reconviction rates of community service and periodic detention, more complete sentence information could be investigated (taking into account the length of the main sentence, the presence of additional probation, disqualification, fine etc).

Once potential confounders are identified, the best comparison would be between subgroups similar on all the confounders. However, the number of people studied rarely allows this. In the present study, there were sufficient offenders to sub-divide on two factors. Therefore an exploratory analysis was made of the CS and PD sentence groups, sub-dividing them on each of the seven potentially confounding factors, one at a time, in order to find the strongest confounders. The results of this analysis are given in Appendix C, page 245.

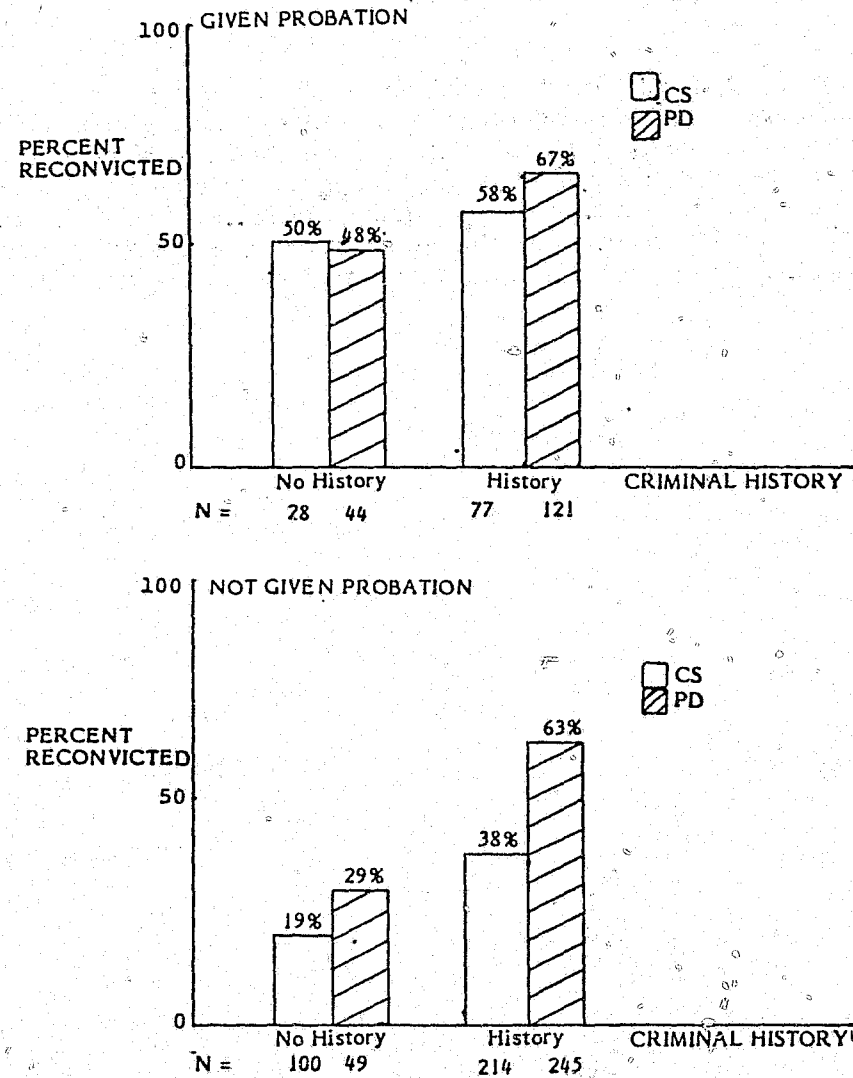
The decision whether or not to sentence a person to additional probation was selected as the first factor on which to sub-divide the total groups. This factor was chosen firstly because the analysis showed it to be the strongest confounder which enabled every member of the two groups to be included in the first subdivision, and secondly because it was the most recent confounder in time. When the groups had been subdivided on this factor, they were further sub-divided on each of the remaining potential confounders.

In this way a CS subgroup who had been given probation and who had no previous history could be compared with a similar PD subgroup; CS and PD subgroups who had been given probation and who had experienced a previous custodial sentence could be compared; subgroups who had not been given probation and who had committed a traffic offence could be compared; and so on. The results of each of the comparisons are described below and details of all the relevant statistical tests are given in Appendix C, Table 2, page 247.

6.3 Presence of Previous History

Figure 24 shows a comparison of the reconviction rates of pairs of CS and PD subgroups who were similar with respect to whether or not they had been given probation and whether or not they had a previous criminal history. The CS reconviction rate was significantly lower than the PD reconviction rate in the pair of subgroups who had not been given probation and who had a previous criminal history : 38% compared to 63%. However there was no significant difference in the reconviction rates of CS and PD in any of the other pairs of subgroups.

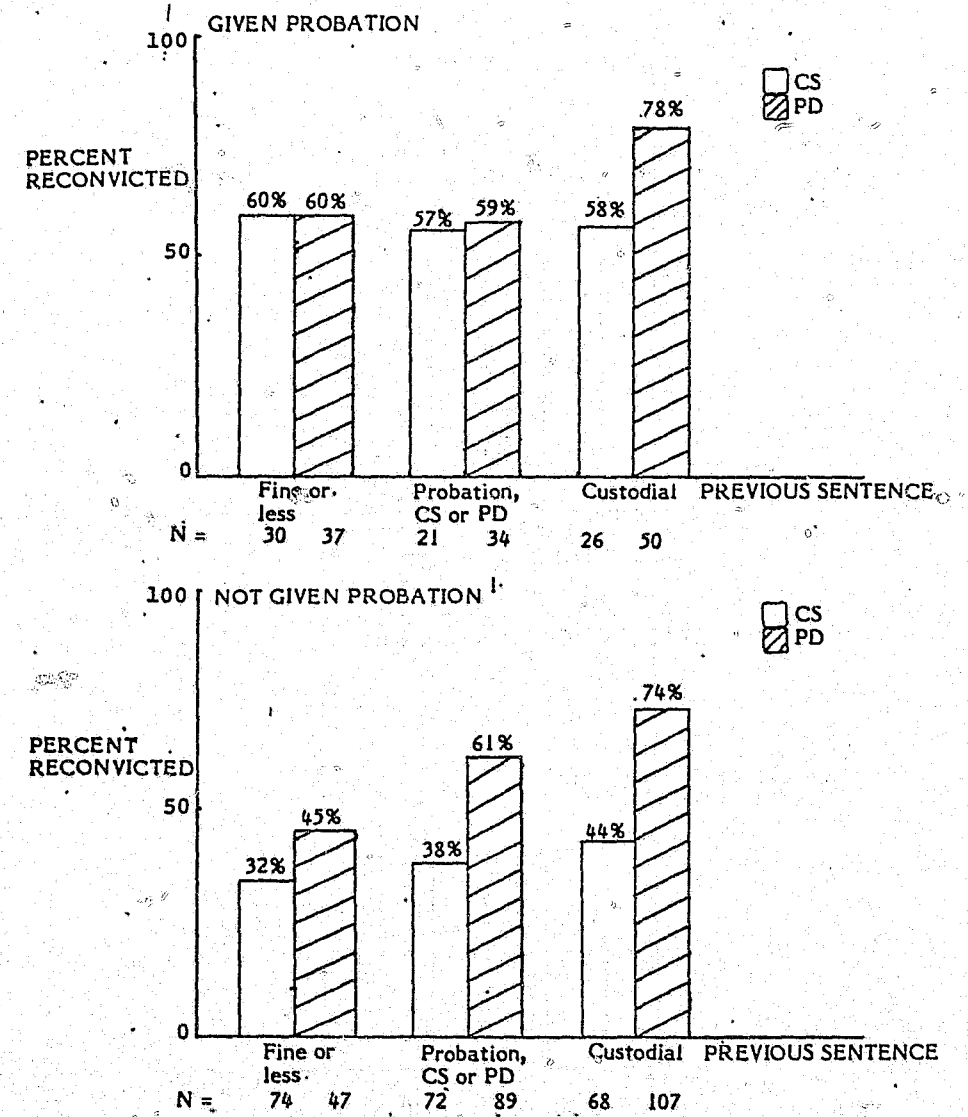
FIGURE 24 : RECONVICTION RATES FOR CS AND PD GROUPS (GIVEN AND NOT GIVEN PROBATION) SIMILAR WITH RESPECT TO PRESENCE OF A PREVIOUS HISTORY.



6.4 Most Serious Previous Sentence

Figure 25 gives a more detailed breakdown of those people who had a previous criminal history and compares subgroups of CS and PD who were similar with respect to probation and with respect to the most serious previous sentence they had experienced. The CS reconviction rate was significantly lower than the PD rate in subgroups who had not been given probation and whose previous most serious sentence was probation, community service or periodic detention (38% compared to 61%) and whose previous most serious sentence was custodial (44% compared to 74%). However, there was no significant difference in the reconviction rates of CS and PD in any of the other pairs of subgroups.

FIGURE 25 : RECONVICTION RATES FOR CS AND PD GROUPS (GIVEN AND NOT GIVEN PROBATION) WITH SIMILAR MOST SERIOUS PREVIOUS SENTENCES.

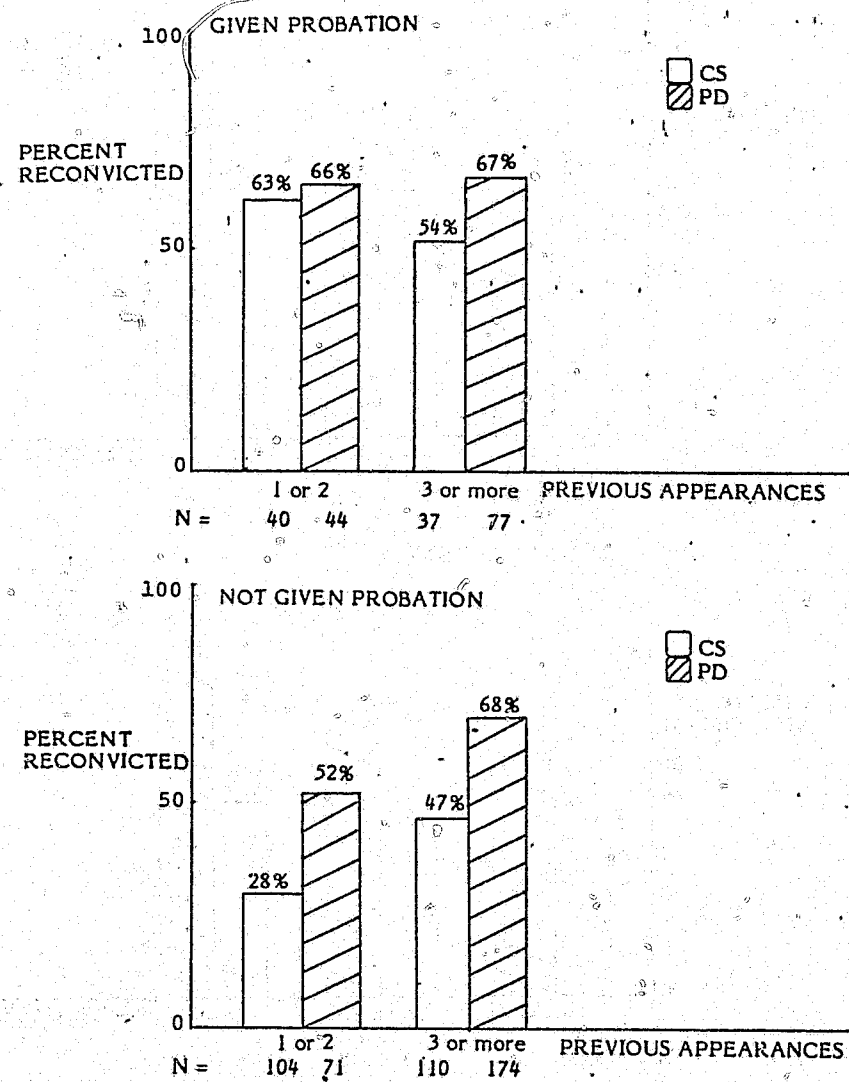


Note 1 : Missing data for 2 PD cases.

6.5 Number of Previous Convictions

Figure 26 shows a breakdown of those people who had a previous criminal history, according to the number of their previous court appearances resulting in a conviction, again also controlling for whether or not a person had been given probation. The CS reconviction rates were significantly lower than the PD reconviction rates in both pairs of subgroups which had not been given probation; 28% compared to 52% in the subgroups who had 1 or 2 previous appearances; and 47% compared to 68% in the subgroups who had 3 or more previous appearances. However, there was no significant difference in the reconviction rates of the pairs of subgroups who had been given probation and who were similar with respect to the number of previous convictions.

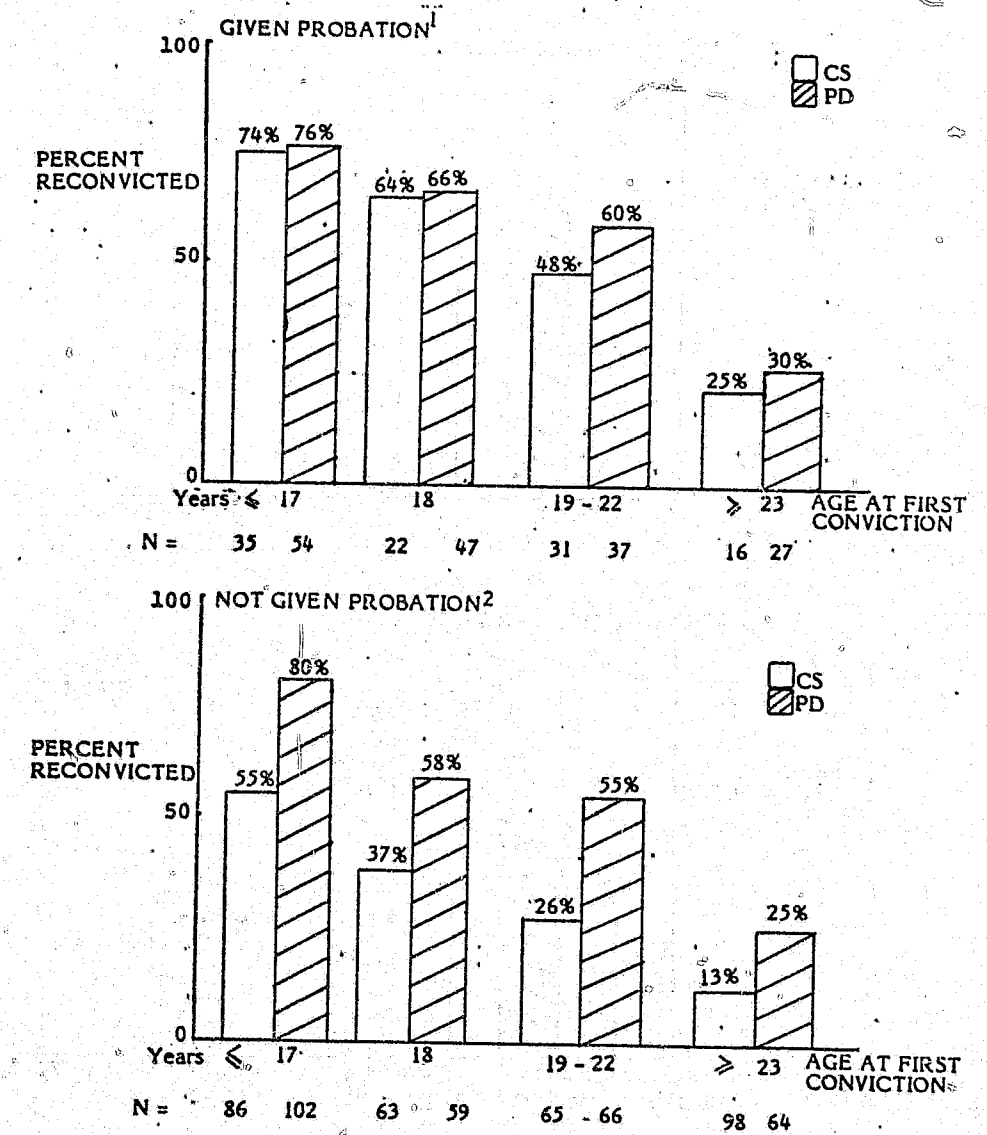
FIGURE 26: RECONVICTION RATES FOR CS AND PD GROUPS (GIVEN AND NOT GIVEN PROBATION) WITH SIMILAR NUMBER OF PREVIOUS COURT APPEARANCES.



6.6 Age at First Conviction

Figure 27 shows subgroups similar with respect to probation and age at first conviction. The CS reconviction rates were significantly lower than the PD reconviction rates for the subgroups who were not given probation and who were 17 years or less at the time of their first conviction (55% compared to 80%); 18 years (37% compared to 58%); and between 19 and 22 years (26% compared to 55%). The reconviction rates of other pairs of CS and PD subgroups were not significantly different.

FIGURE 27: RECONVICTION RATES FOR CS AND PD GROUPS (GIVEN AND NOT GIVEN PROBATION) SIMILAR IN AGE AT FIRST CONVICTION.

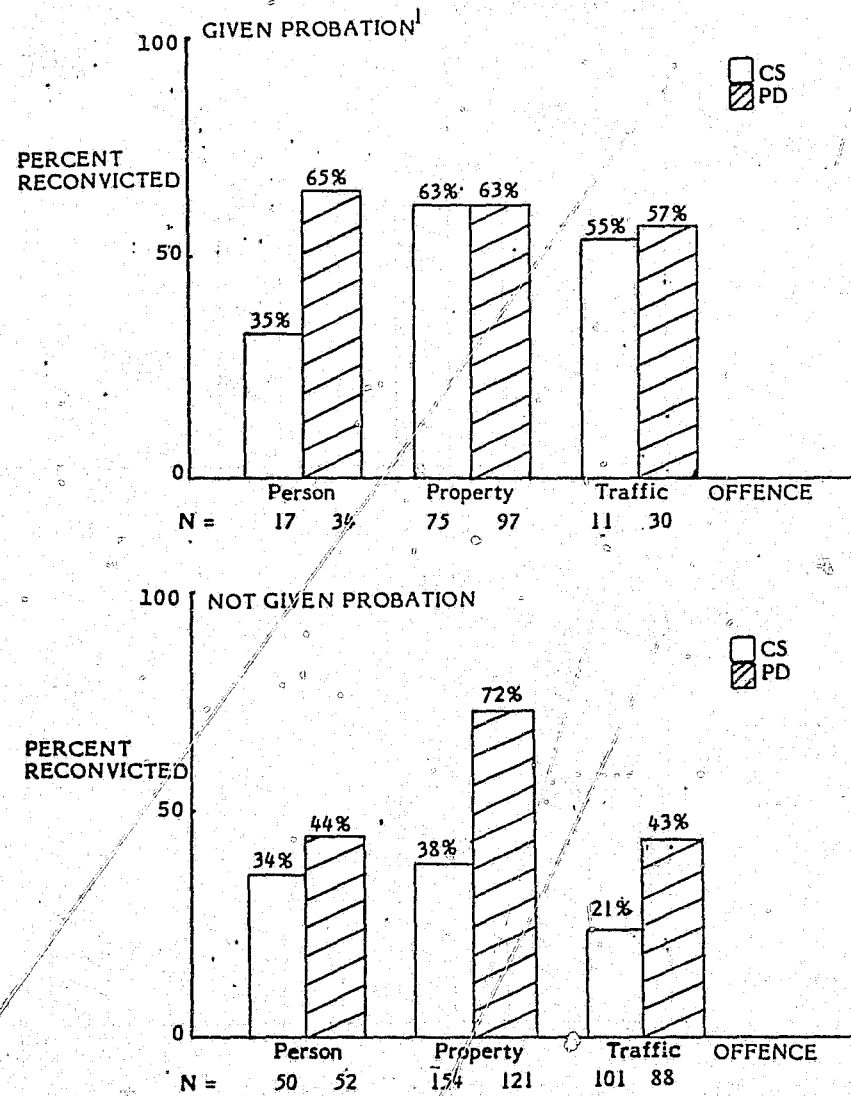


Note 1: Missing data for 1 PD case.
 Note 2: Missing data for 3 CS cases and 3 PD cases.

6.7 Type of Index Offence

Figure 28 shows the reconviction rates for pairs of CS and PD subgroups who were similar with respect to probation and to the type of index offence (excluding offences against justice due to too few cases in the groups). Comparing subgroups who had not been given probation, the CS reconviction rates were significantly lower than the PD rates for property offenders (38% compared to 72%) and traffic offenders (21% compared to 43%). However, there was no significant difference in the reconviction rates of any other pairs of subgroups.

FIGURE 28: RECONVICTION RATES FOR CS AND PD GROUPS (GIVEN AND NOT GIVEN PROBATION) WITH SIMILAR TYPE OF INDEX OFFENCE.

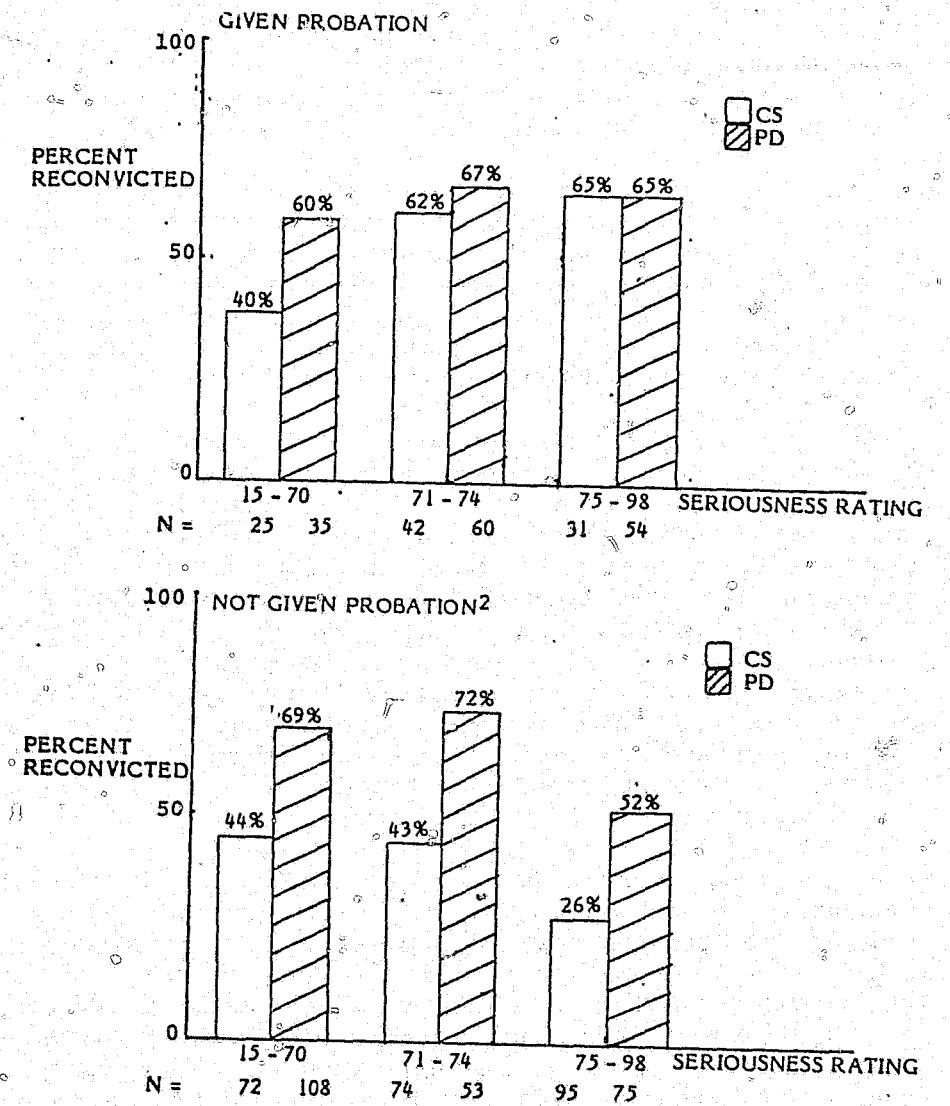


Note 1: Offences against justice excluded because too few cases (CS: 2; PD: 4)

6.8 Seriousness of Index Offence

Figure 29 compares subgroups of CS and PD similar with respect to probation and seriousness of index offence. The CS reconviction rates were significantly lower than the PD rates for the three pairs of subgroups who did not get probation and who had a seriousness rating of up to 70 (44% compared to 69%); 71 to 74 (43% compared to 72%); and 75 or more (26% compared to 52%). There was no significant difference, however, in the reconviction rates of the CS and PD subgroup pairs who had received probation and who were similar with respect to seriousness of index offence.

FIGURE 29: RECONVICTION RATES FOR CS AND PD GROUPS (GIVEN AND NOT GIVEN PROBATION) WITH SIMILAR SERIOUSNESS OF INDEX OFFENCE.



Note 1: Grouped overall approximately in tertiles. Maximum seriousness = 98

Note 2: Missing data for 1 CS case.

6.9 Conclusion

The detailed analysis of reconviction rates showed that although the overall reconviction rates had been found to be 38% for the CS group and 59% for the PD group (Chapter 3) these rates varied a great deal when more specific groups were studied.

The highest reconviction rate following community service (74%) came from a subgroup who had been given additional probation and who had experienced their first conviction at 17 years or younger. The lowest rate (13%) came from the group not given additional probation who had been 23 years or older at their first conviction.

The highest reconviction rate following periodic detention (80%) came from a subgroup who had not been given additional probation and who were 17 years or younger at the time of their first conviction. The lowest rate (25%) came from the group not given probation who were 23 years or more at the time of their first conviction.

The fact that reconviction rates were shown to be so strongly related to factors other than the sentences suggested that the differences in reconviction rates between the two sentence groups was probably due to factors other than the sentences themselves. Moreover, the controlled comparisons showed that when subgroups of CS and PD, who were similar in ways related to reconviction, were compared, the 'apparent' difference between the sentences disappeared in many instances.

There was no significant difference in the reconviction rates of people sentenced to community service and to periodic detention when they were 'higher risk' offenders who had been given additional probation and were similar in either the presence of a criminal history, the type of previous sentence, the number of previous court appearances, their age of first conviction, the type of offence committed or its seriousness. Nor was there a significant difference in reconviction rates in the 'lowest risk' offenders who had not been given additional probation and who had either no previous criminal history or no worse than a previous fine, or who had been first convicted of an offence at an older age (23 years or more). Nor was there any significant difference in the reconviction rates of lower risk offenders who had not been given probation and who had been convicted of either offences against the person or against justice.

In some cases, however, the reconviction rates of offenders sentenced to community service were significantly lower than the rates of offenders sentenced to periodic detention despite the fact that the comparisons attempted to take account of important differences between the type of people who received each sentence. When 'moderate risk' offenders who had not been given additional probation but who had a previous criminal history were compared, it was found that the reconviction rate of the community service subgroup was 38% compared to 63% for the periodic detention subgroups. Similar differences were found when groups who had

not been given probation and who had received previous sentences more serious than a fine were compared, with the greatest difference being between groups who had previously been to prison; 44% for community service compared to 74% for periodic detention. Reconviction rates for community service subgroups were significantly lower than those for periodic detention subgroups not given additional probation, who had a similar number of previous court appearances, who were similar in age at first conviction (when this was 22 years or less), whose offence was similar in its seriousness, or who had been convicted of property or traffic offences.

In summary, the detailed analysis described in this chapter showed that reconviction rates depended to a great extent on factors other than the actual sentence. Moreover, it showed that when certain of these factors were taken into account when comparing the sentences of community service and periodic detention, in many cases there was no significant difference in the relative reconviction rates. Specifically, there was no difference in the reconviction rates of community service and periodic detention groups when extreme groups were compared - the highest risk groups and the lowest risk groups.

In the case of the moderate risk groups, there was an observed difference in reconviction rates; and one possible interpretation of this finding is that people who, in any case, are moderately at risk of reconviction would be less likely to be reconvicted if they were given community service rather than periodic detention. However, overall, this study suggests an alternative interpretation.

Firstly, the study showed that reconviction rates varied greatly in relation to factors other than the sentence given; and this degree of variation, despite the sentence involved, casts doubt on the validity of an apparent difference between sentences. Secondly, although the confounders used in this study were carefully chosen from the available pool of variables, that pool was limited in its nature and range. For example, it did not include background information about employment, education and family circumstances; nor did this study examine post sentence circumstances which might have differentially affected reconviction. It is unlikely, therefore, that the confounders used could sufficiently control for all the various degrees of predisposition to reconviction within the offence groups. That is, although the controls were clearly sufficient to produce similar subgroups at the extremes of the range of predisposition to reconviction (the lowest and highest risk groups), it is doubtful whether they were sufficient to distinguish subtle but important variations in likelihood of reconviction within the moderate risk groups.

Furthermore, although the overall reconviction rate for community service of 38% (reported in Chapter 3) meets the set recidivism objectives for this sentence reasonably well, this study strongly suggests that given the demonstrated variability of reconviction rates when related to other factors, such measures are unlikely to provide sensitive estimates of the effectiveness of a sentence.

APPENDICES

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2. APPENDIX A

SERIOUSNESS RATINGS USED FOR OFFENCES

(Note: These ratings were adopted from a small pilot study by the Police Department which attempted to establish the relative importance/seriousness of all offences for urgency of police clearance.)

<u>OFFENCE</u>	<u>RATING</u>
<u>AGAINST THE PERSON</u>	
<u>VIOLENCE</u>	
<u>Homicide</u>	
Murder	98
Attempted Murder	95
Manslaughter	93
Infanticide	88
Abortion	60
Aids Suicide and Pact	68
<u>Kidnapping & Abduction</u>	
Kidnapping	95
Abduction	73
<u>Robbery</u>	
Aggravated Robbery	83
Non aggravated Robbery	70
Assault with Intent to Rob	73
Compelling Execution of Documents	59
<u>Grievous Assaults</u>	
Wounding with Intent	89

3.

Injury with Intent	85
Aggravated Wounding/Injury	85
Disabling/Stupefying	85
Dangerous Acts with Intent	83
Injure if Death-Manslaughter	75
Miscellaneous Grievous Assaults	75
<u>Serious Assaults</u>	
Aggravated Assault	89
Assault with Intent to Injure	86
Assault on Child Under 14 years	94
Assault by Male on Female	83
Assault Police (Crimes Act)	85
Assault Person Assist Police (Crimes Act)	85
Assault Person Ex Lawful Process	86
Common Assault (Crimes Act)	76
Misc. Common Assault (Crimes Act)	76
<u>Minor Assaults</u>	
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COMMUNITY SERVICE SENTENCE EVALUATION
PROBATION OFFICER QUESTIONNAIRE

A. INTRODUCTION

EXPLAIN PURPOSE OF THE STUDY -
"TO SEE HOW C.S. IS WORKING"
MENTION CONFIDENTIALITY
PLEASE ANSWER THE QUESTION ON THE BASIS OF YOUR EXPERIENCE
IN YOUR PRESENT POSITION

B. BASIC INFORMATION SHEET

(FILL IN GAPS AT END OF INTERVIEW)

Probation Officer : _____ Position : _____
District : _____
Date of Interview : _____
Time : From _____ to _____
Total minutes : _____
Place of Interview : _____
Interviewer : _____
How long has this officer been a probation officer ? _____ years
How long in this district ? _____ years

1. First I would like to get an indication of the extent of your involvement with the community service sentence. I will read a list of activities associated with the community service; please tell me if these activities are a part of your present work as a probation officer.

	Part of Work	Question 2 How many times in last three months?
1.1 Refer offenders for community service assessments?	Yes No	_____
1.2 Conduct community service assessments when requested by Judge when requested by P.O.	Yes No Yes No	_____ _____
1.3 Make recommendations about CS in a probation reports.	Yes No	_____
1.4 Recruit community service sponsors.	Yes No	_____
1.5 Arrange placement between offenders and sponsors.	Yes No	_____
1.6 Decide if an offender has completed community service.	Yes No	_____
1.7 Resolve problems which may occur between offenders and community service sponsors.	Yes No	_____
1.8 Initiate breach proceedings when offenders do not complete community service.	Yes No	_____

2. Now lets go back over each of the activities which are a part of your work. As I read these activities back, please give me your best estimate of the number of times you have performed this activity in the past three months.

215.

APPENDIX B

3. What are the aims of a community service sentence?
 PROBE TO SECURE AS MANY ITEMS AS POSSIBLE. (NUMBER AS YOU GO)

Aims

3.2
Is aim being accomplished?

Yes	No	Yes, But

3.1 You have mentioned several aims for the community service sentence (including REPEAT IF MORE THAN THREE AIMS HAVE BEEN LISTED IN QUESTION 3), which of these do you consider the most important?

PLACE A (*) BESIDE THE MOST IMPORTANT AIM.

3.2 As I read back each aim, please tell me if you think the community service sentence is accomplishing it

FOR ANY NO OR QUALIFIED RESPONSE, PROBE TO SECURE VIEWS AS TO WHY COMMUNITY SERVICE IS NOT ACCOMPLISHING THE AIM.

4.

I want you to think about the most recent offenders for whom you prepared (FOR PROBATION OFFICERS) a probation Report or (FOR COMMUNITY SERVICE SUPERVISORS) a community service assessment) and who was sentenced to community service. If the community service sentence had not been available, what sentence do you think this offender would have received? WHEN THEY'VE DONE THE FIRST, ASK Now can you think of the one before that?

Cue

What & How Much?

1. _____
2. _____

5. Do you find out if an offender has consented to the community service sentence?

Y N



How do you find out if an offender consents to the community services sentence?

- _____
- _____
- _____
- _____
- _____

5.

6. What things do you take into account in deciding if an offender is appropriate for community service?
(PROBE TO SECURE A COMPREHENSIVE LIST)

6.1 Can you tell me 3 things which would make a person really appropriate for Community Service?

6.

6.2 Can you tell me 3 things which would make a person really inappropriate for Community Service?

7. Now lets think about getting a suitable placement for an offender. At the time of sentencing do you:

_____ have a general idea that a suitable placement is available
or
_____ know that a specific placement has been arranged?

8. Do you always, usually, sometimes or never involve the offender in the process of deciding if a sponsor is suitable for the offender?

Always _____ Usually _____
Sometimes _____ Never _____ N/A _____

If yes, ask, how do you usually do this?

7.

9. What things do you take into account in deciding if a sponsor is suitable for community service?
(PROBE TO SECURE A COMPREHENSIVE LIST)

9.1 Have you ever turned down a person or organisation as a sponsor?

Y N

Why was that?

10. Over the last year, have you initiated any breach proceedings because an offender has not completed community service?

Y N → GOTO Q 12

About how many times _____?

8.

11. Please recall the most recent breach proceeding. What was the outcome of the proceedings? Now can you recall the one before that?

FOR EACH OUTCOME ASK: Were you satisfied or dissatisfied with the outcome? PROBE TO SECURE REASONS FOR EITHER SATISFACTION OR DISSATISFACTION.

	<u>Outcome</u>	<u>Satisfaction</u>		<u>Reason</u>
		Sat	Disat	
1.	_____			_____
	_____			_____
	_____			_____
2.	_____			_____
	_____			_____
	_____			_____

12. I'm going to read out some tasks which must be done in the administration of the community service sentence. Please indicate whether you think these tasks should be done by the judge, probation officer responsible for CS, sponsor or offender. (GIVE THE JUDGE ETC CARDS). I want to know the person who should be finally responsible.

Person who should be finally responsible

	Judge	PO	Sponsor	Offender
12.1				
12.2				
12.3				
12.4				
12.5				
12.6				
12.7				
12.8				
12.9				
12.10				
12.11				
12.12				
12.13				
12.14				

13. Do you make recommendations regarding sentencing in your probation reports?

Y N—N/A—GOTO Q 14

13.1 Please try to recall the most recent offender for whom you recommended community service. Did the judge accept your recommendation? If No, inquire as to what sentence was imposed. Did you also recommend probation for this offenders? WHEN THEY'VE DONE THE FIRST, ASK Now can you think of the one before that?

Cue	CS Accepted?	Probation Recommended?
1. _____	Yes No D/N _____	Yes No _____
2. _____	Yes No D/N _____	Yes No _____

If probation was recommended for any case ask, what were the reasons you recommended probation along with community service for these offenders?

13.2 What makes you decide to recommend community service rather than non-residential periodic detention?

11.

13.3 What makes you decide to recommend community service rather than a fine?

14. Now I will ask about your satisfaction or dissatisfaction with three aspects of community service. As I read each statement, please indicate whether you are very satisfied, satisfied, dissatisfied, or very dissatisfied with this aspect of community service (HAND PROBATION OFFICER SATISFACTION SET) in this district.

14.1 Are you very satisfied (VS), satisfied (S), dissatisfied (D), or very dissatisfied (VD) with the type of offenders being sentenced to CS in this district. VS S D VD

15. PROBE :

14.2 Type of community service opportunities available for offenders in this district. VS S D VD

15. PROBE :

12.

14.3 Way in which completion of the sentence is enforced in this district? VS S D VD

15. PROBE :

15. Now lets go back to the aspects with which you are dissatisfied. Please tell me what it is about that dissatisfies you? REPEAT FOR ANY ITEM IN QUESTION 14 FOR WHICH THERE WAS DISSATISFACTION.

(USE PROBE SPACE BY THE QUESTION ABOVE)

16. What do you see as the benefits of community service?

PROBE FOR OFFENDER

PROBE FOR COMMUNITY

13.

17. What do you like most about the community service sentence?

18. In what ways could the community service sentence be improved?

19. Do you see reducing the number of people in prison as an aim of the community service sentence?

Yes _____ No _____

THANK YOU FOR YOUR TIME ETC
IF THERE IS ANYTHING YOU WANT TO ASK ME?

COMMUNITY SERVICE SENTENCE EVALUATION
COMMUNITY SPONSOR QUESTIONNAIRE

A. INTRODUCTION

EXPLAIN PURPOSE OF THE STUDY -
" TO SEE HOW CS IS WORKING"
MENTION CONFIDENTIALITY

B. BASIC INFORMATION SHEET

(FILL IN GAPS AT END OF INTERVIEW)

Name of Sponsor Group: _____

Places of Interview : _____

Date of Interview : _____

Time: From _____ to _____

Total Minutes : _____

Interviewer : _____

Respondent : _____

Position with the Sponsor Group : _____

How long involved with Sponsor : _____

Describe (briefly) what the Sponsor Group does

2.

EXPERIENCE WITH COMMUNITY SERVICE

1. When did you take your first person on Community Service?

2. How many have you taken in all?

3. Who were the last 3 people?

Name	Not known before	Known or known of	In what connection
------	---------------------	-------------------------	-----------------------

LIST NAME(S) THEN GO THROUGH AND ASK FOR EACH ONE

Did you know this person before? In what connection?

ALSO, IDENTIFY MOST RECENT ONE (*)

IF MORE THAN ONE SAY:

Some of the following questions will be about your overall experience as a sponsor with the scheme, but others will be about your specific experience with (most recent). I'll tell you when it is about them.

222.

3.

CONTACT WITH PROBATION

4. How was the first contact made with Probation?
 They approached _____
 We approached _____
 Other _____
5. How did you first hear about Community Service?
 Papers, T.V., Leaflet, Poster _____
 Heard about other groups _____
 When we were approached _____
 Other _____
6. Now, I want to ask about communication between you and the probation officer. Excluding things to do with this survey and excluding the monthly hour sheets you return.
- About how many times in the last month have you talked with them on the phone?

- About how many times in the last month have you met with them in person?

- About how many letters in the last month have there been between you?

4.

PLACEMENTS

7. Do you tell the Probation Officer what type of person you want? (PROBE)
- Y N → So you feel that any one would be suitable?
 ↓ Y N → (PROBE FURTHER & GO TO 7.1, NOTING AFTER 'NO' RESPONSE)
 ↓ GOTO Q8
- 7.1 What type is that?

8. Do you meet the person before they start here? (MOST RECENT)
 Y N
9. What do you know about the person (MOST RECENT) before you meet them?
 (PROBE FOR EACH OF THESE)
- Personal Circumstances? _____
 The Offence? _____
 Previous Offences? _____
 Psychological State? _____
 Other? _____
- 9.1 How did you know this?

5.

10. What do you feel you need to know about someone?
(PROBE)

11. Have you ever turned anyone down?

Y N → 13

Why was that?

12. Have you ever had a placement that ended early?

Y N

(IF MORE THAN ONE, ASK FOR EACH & NUMBER)

↓
12.1

6.

12.1 Why was that?

Sponsor wanted it ended _____

C.S. person wanted it ended _____

Known breach _____

Other reason _____

Don't really know _____

IF SPONSOR WANTED IT ENDED ASK

12.2 Why was that?

224.

IF CS PERSON WANTED IT ENDED ASK

12.3 Why was that?

12.4 IF OTHER ASK

What happened?

7.

13. Were regular times set for the person? (MOST RECENT)

Y N → PROBE On a casual basis, then?

Details

GOTO Q14

13.1 What were the hours? (GET DAYS & TIMES)

13.2 How were these times arrived at?

Sponsor set hours _____

Offender set hours _____

Negotiated _____

PURPOSE

14. Why did you decide to become a Community Service sponsor?

8.

15. What are the aims of a community service sentence? PROBE TO SECURE AS MANY ITEMS AS POSSIBLE

Aims

15.2
Is aim being Accomplished

Yes	No	Yes, But

15.1 You have mentioned several aims for the community service sentence (including REPEAT IF MORE THAN THREE AIMS HAVE BEEN LISTED IN QUESTION 15), which of these aims do you consider the most important?

PLACE A (*) BESIDE THE MOST IMPORTANT AIM

15.2 As I read back each aim, please tell me if you think the community service sentence is accomplishing it.

FOR ANY NO OR QUALIFIED RESPONSE, PROBE TO SECURE VIEWS AS TO WHY COMMUNITY SERVICE IS NOT ACCOMPLISHING THE AIM

16. Did you finally know the offence? (MOST RECENT PERSON)

Y N → GOTO Q17

16.1 If community service had not been a possible sentence, what do you think would have happened to MOST RECENT?

(TRY FOR PENALTY PLUS QUANTITY)

225.

9.

COMMUNITY SERVICE AND ITS ENVIRONMENT

17. What did your most recent Community Service person do here? Please be specific.

18. Approximately how many people, apart from the one/those on Community Service, work for this organisation?

Paid Staff = _____
Volunteers = _____

19. While they are with this organisation, about what percent of the time does the CS person spend with other people? (Most recent)

20. Who are they? (BE SPECIFIC)

21. Do you ever have CS people working alongside each other?

Y N



Any problems?

10.

PROBLEMS

22. I want to check with you now if you have had any problems as a result of being a Community Service sponsor. Firstly, I want to discuss any problems you have had with THE PERSON/ANY OF THE PEOPLE ON CS (i.e. total experience)

Has there been any problem with :

- Attendance?
- Punctuality?
- Quality of work?
- Condition in which they show up for work? (drink, drugs)
- Problems with accepting supervision from you?
- Problems of organising time?
- Any others?

No	Yes

(LIST OTHERS HERE)

22.1 I'd like you to tell me what the problem was and what happened. (GO THROUGH EACH ONE MENTIONED).
(MAKE NOTES BELOW OF THE DETAILS. NUMBER THE PROBLEMS IF MORE THAN ONE)

11.

23. Now I'd like to discuss any problems WITH OTHER PEOPLE as a result of your being a sponsor? Either within the organisation or with the people it deals with.

Any problems with

- People not adjusting to having an offender around?
- Problems of trust
- The way people treat the offender?
- Offender's behaviour?
- Offender's appearance?
- Offender taking work away from other people?
- Any other?

No	Yes

(LIST OTHERS HERE)

23.1 FOR ANY 'YES' GET DETAILS

12.

24. Now, I want to discuss any problems you have had with the PROBATION OFFICER YOU DEAL WITH?

Have there been any problems with

- Enough information about the scheme?
- Choice of offender?
- Clear about your responsibilities?
- Accessibility of Probation Officer
- General Support?
- Any other?

No	Yes

(LIST OTHERS HERE)

24.1 FOR ANY 'YES' GET DETAILS

13.

25. I'm going to read out some tasks which must be done in the administration of the community service sentence. Please indicate whether you think these tasks should be done by the judge, probation officer responsible for CS, sponsor or offender. (GIVE THE JUDGE ETC. CARDS). I want to know the person who should be finally responsible.

		Person who should be finally responsible			
		Judge	P.O.	Sponsor	Offender
25.1	Decide if an offender should be considered for CS.				
25.2	Decide if an offender is appropriate for CS.				
25.3	Find a suitable placement.				
25.4	Explain to the offender the purpose of CS.				
25.5	Explain to an offender how CS works.				
25.6	Find out if the offender consents to the sentence.				
25.7	Organise the hours				
25.8	Give tasks to the offender.				
25.9	Decide if the quality of the offender's service is O.K.				
25.10	Keep a record of the hours				
25.11	Discuss with offender any problems with doing CS				
25.12	Attempt to resolve disagreements between offender and sponsor.				
25.13	Start breach proceedings if necessary.				
25.14	Give evidence at breach proceedings if necessary.				

14.

BENEFITS OF CS

26. Has the organisation benefited from the person/people on CS?

Y N → Why not?

↓

In what ways?

27. Has the person/people on CS benefited from you?

Y N → Why not?

↓

In what ways?

15.

28. About how many hours has the organisation had from people on CS in the last month? (IF NO ONE AT PRESENT ASK FOR THE LAST APPLICABLE MONTH)

29. About how many hours has the organisation specifically put into the Community Service scheme over the last month? - for example, supervision, sorting out problems, time with probation

30. About how much per hour is/was the CS help worth to the organisation? (MOST RECENT AND TO NEAREST DOLLAR)

(NOTE IF INAPPLICABLE, WHY SO)
E.G. CS PERSON LEARNING

GENERAL

31. What do you like most about the Community Service sentence?

32. In what ways could the Community Service sentence be improved?

16.

33. Would you take more people Y N Y,B

IF NO OR Y,B - PROBE FOR WHY

34. Do you see reducing the number of people in prison as an aim of the Community Service sentence? Y N

THANK YOU FOR YOUR TIME ETC
IS THERE ANYTHING YOU WANT TO ASK ME?

3.

4. Have you seen this booklet before?
(SHOW "GIVING SERVICE")

Y N

↓
PROBE

Where did you see it? _____
Who showed it to you? _____

5. At the time you were found guilty or pleaded guilty what did you think your sentence would be?

6. At the time you were found guilty or pleaded guilty had anyone told you what your sentence was likely to be?

Y N

↓
What?

Who? _____

7. Do you think community service was the right sentence for you?

Y. → What is it about the sentence that makes it right for you.

N. → What is it about the sentence that makes you think it isn't/wasn't right for you? (PROBE)

- because of the way it was administered?
- because it wasn't suited to your situation?....

4.

8. At the time you were sentenced had you met a community service sponsor?

9. At the time you were sentenced what did you expect community service to be like?

You may know that the least number of hours somebody can get for Community Service is 8 hours and the most is 200 hours.

10. Do you think the number of hours you were given were:

Too few _____

About right _____

Too many _____

(PROBE IF TO SECURE REASONS IF HOURS WERE 'TOO FEW' OR 'TOO MANY')

11. Were you asked if you agreed to do C.S?

Y N _____ → Are you sure?

_____ → when _____

by whom _____

Can you recall that time and tell me what was said? (PROBE)

231.

5.

11.1 Why did you say 'YES'?

11.2 What do you think would have happened if you'd said 'NO'? (PROBE)

11.3 Did you feel under any pressure to say 'YES'? (PROBE)

Y N

12. Did you get anything else besides community service?

Nothing else _____

Fine (How Much) _____

Probation (How Long) _____

Other (Specify) _____

13. Do you think the sentence you were given was:

too harsh _____

about right _____

too easy _____

6.

14. What are the aims of a community service sentence? (PROBE TO SECURE AS MANY ITEMS AS POSSIBLE).

Aim

14.1
Is aim being
accomplished?

Yes	No	Yes, But

14.1 You have mentioned several aims for the community service sentence (including REPEAT IF MORE THAN THREE AIMS HAVE BEEN LISTED IN QUESTION 14), which of these aims do you consider the most important

PLACE A (*) BESIDE THE MOST IMPORTANT AIM.

14.2 As I read back each aim, please tell me if you think the community service sentence is accomplishing it?

FOR ANY NO OR QUALIFIED RESPONSE, PROBE TO SECURE VIEWS AS TO WHY COMMUNITY SERVICE IS NOT ACCOMPLISHING THE AIM.

232.

7.

15. I'm going to read out some tasks which must be done in the administration of the community service sentence. Please indicate whether you think these tasks should be done by the judge, probation officer responsible for CS, sponsor or offender. (GIVE THE JUDGE ETC SHEET) I want to know the person who should be finally responsible.

Person who should be finally responsible

	Judge	P.O.	Sponsor	Offender
15.1				
15.2				
15.3				
15.4				
15.5				
15.6				
15.7				
15.8				
15.9				
15.10				
15.11				
15.12				
15.13				
15.14				

- 15.1 Decide if you should be considered for C.S.
- 15.2 Decide if you are appropriate for C.S.
- 15.3 Find a suitable placement.
- 15.4 Explain to you the purpose of C.S.
- 15.5 Explain to you how C.S. works.
- 15.6 Find out if you consent to the sentence
- 15.7 Decide the hours that you will work
- 15.8 Give tasks to you.
- 15.9 Decide if the quality of your service is O.K.
- 15.10 Keep a record of the hours
- 15.11 Discuss with you any problems with doing C.S.
- 15.12 Attempt to resolve disagreements between you and the sponsor
- 15.13 Start breach proceedings if necessary
- 15.14 Give evidence at breach proceedings if necessary

8.

16. Where are you presently doing C.S.?

16.1 Have you done community service at any other place?

Y N

How many others _____

16.2 Before you got this placement at _____ did you have any idea of what type of community service you wanted to do?

Y N

(PROBE)

17. Were you asked if you knew of a place where you'd like to do your C.S. hours?

Y N → Did you have a choice of places?

Y N

Did you get to do your hours there?

Y N → PROBE FOR WHY

233.

9.

18. I'm going to read out a number of problems we often hear about that happen when someone gets community service. I'd like you to tell if they have ever been a problem for you. And if so, how bad a problem?

Problem	Happened?	
	N	Y
18.1 Showing up late		
18.2 Not liking the work		
18.3 Having problems with other workers		
18.4 Not getting on with the sponsor		
18.5 Finding childcare hard to get		
18.6 Tasks to do not being clear		
18.7 Transport problems		
18.8 Sexual harrasment		
18.9 Getting 'put down'		
18.10 Finding the work too hard		
18.11 Find hard to fit the hours in		
18.12 Doing the sentence makes problems at home		
18.13 Money problems because of doing the sentence		

Can you tell me about any other problems you have had?

10.

19. I'd like you to think about the people you met while doing community service.

	Y	N	Yes, But
19.1 Did you feel comfortable with them?			
19.2 Did you enjoy seeing them?			
19.3 Have you made friends with any of them?			
19.4 Would you like to spend time with them ?			

Outside CS Hours? _____

Any additional comment:

20. What did (do) you do for community service. (Say exactly what it was).

21. Who at _____ knew you were an offender?

Just the supervisor there _____

Some of them _____

All of them _____

234.

11.

21.1 (IF MORE THAN SUPERVISOR) - Who told them?

22. Is (was) anyone else doing CS alongside you?

Y N



PROBE FOR DETAILS

23. Did you do it at set times?

Y N



When

→ How did you arrange the time then? _____

24. Have you had to give up anything because of community service?

Y N



What?

12.

25. How clearly was your work described to you?

(READ RESPONSES)

Very clear _____

clear _____

unclear _____

very unclear _____

26. Do you think you benefited from doing community service?

Y N (PROBE)

27. Do you think your sponsor has benefited from your community service?

Y N (PROBE)

28. Do you think there are any other benefits? (PROBE)

235.

13.

29. Do you think doing community service will make up for what you did?

Y N

30. Overall was C.S. any different from what you expected?

Y N

31. Do you think that doing C.S. has helped keep you out of trouble?

Y N → What would have? _____

↓
How? _____

32. What do you like most about the community service sentence?

14.

33. In what ways could the community service sentence be improved?

THANK YOU FOR YOUR TIME ETC
IS THERE ANYTHING YOU WANT TO ASK ME?

COMMUNITY SERVICE SENTENCE EVALUATION
JUDGES QUESTIONNAIRE

A. INTRODUCTION

EXPLAIN PURPOSE OF THE STUDY -
"TO SEE HOW C.S. IS WORKING"

MENTION CONFIDENTIALITY

PLEASE ANSWER THE QUESTION ON THE BASIS OF YOUR EXPERIENCE
IN YOUR PRESENT POSITION

B. BASIC INFORMATION SHEET

(FILL IN GAPS AT END OF INTERVIEW)

Judge: _____

District: _____

Date of Interview: _____

Time: From _____ to _____

Place of Interview: _____

Interviewer: _____

How long has this person been a District Court Judge? _____ years

How many sentencing conferences have been attended? _____

2.

1. During the last month about how many offenders have you sentenced from this court for imprisonable offences? _____

2. About how many of these do you estimate you have sentenced to Community Service? _____

3. I'm interested in how the possibility of community services is first suggested in this court. Is it your practice to request community service assessments, do the probation officers suggest community service in probation reports, or is the possibility of community service initiated in some other way? CHECK AS MANY AS APPLY; IF MORE THAN ONE MENTIONED SECURE ESTIMATES OF PROPORTION OF TOTAL SUGGESTIONS FOR US WHICH ORIGINATE FROM EACH SOURCE.

_____ REQUESTS ASSESSMENTS

_____ PROBATION REPORTS

_____ SOME OTHERWAY PROBE TO DISCOVER WHO SUGGESTS

4. IF JUDGE DOES NOT REQUEST COMMUNITY SERVICE ASSESSMENTS, SKIP TO QUESTION 7. About how many community service assessments have you requested in the last three months?

237.

5.

9. Would you say that you are satisfied or dissatisfied with the information relevant to a community service sentence contained in probation reports received from this district?

_____ Satisfied
_____ Dissatisfied (PROBE TO SECURE REASONS FOR DISSATISFACTION)

6.

10. What are the aims of a community service sentence? PROBE TO SECURE AS MANY ITEMS AS POSSIBLE. (NUMBER AS YOU GO)

Aims

10.2
Is aim being accomplished?

Yes	No	Yes, But

239.

10.1 You have mentioned several aims for the community service sentence (including REPEAT IF MORE THAN THREE AIMS HAVE BEEN LISTED IN QUESTION 10), which of these do you consider the most important?

PLACE A (*) BESIDE THE MOST IMPORTANT AIM.

10.2 As I read back each aim, please tell me if you think the community service sentence is accomplishing it

FOR ANY NO OR QUALIFIED RESPONSE, PROBE TO SECURE VIEWS AS TO WHY COMMUNITY SERVICE IS NOT ACCOMPLISHING THE AIM.

7.

11. Please recall the most recent offender you sentenced to community service in this district. PAUSE AND GET CUE. If the community service sentence were not available, what sentence do you think is offender would have received?

REPEAT FOR SECOND MOST RECENT OFFENDER

Cue What and How Much?

- 1.
2.

12. Do you have any preference as to the type of service performed by offenders sentenced to community service?

No Preference
Yes (PROBE TO SECURE THE PREFERENCES AND THE REASONS FOR THE PREFERENCES)

13. Do you determine if any offender consents to the community service sentence?

No (GO TO QUESTION 14)
Yes (ASK QUESTION 13.1)

13.1 How do you determine if an offender consents to the community service sentence?

Handwritten lines for response to question 13.1

8.

14. In the last three months have you had any offenders who have not consented to Community Service?

Y N

About how many?

PROBE FOR WHO THEY WERE AND WHAT THEY GOT

Cue What and How Much?

Handwritten lines for response to question 14

15. What things do you take into account in deciding if an offender is appropriate for community service? (PROBE TO SECURE A COMPREHENSIVE LIST)

Handwritten lines for response to question 15

240.

11.

18. Please recall the most recent breach proceeding. What was the outcome of the proceedings? Now can you recall the one before that?

FOR EACH OUTCOME ASK, Were you satisfied or dissatisfied with the outcome? PROBE TO SECURE REASONS FOR EITHER SATISFACTION OR DISSATISFACTION.

	Outcome	Satisfaction		Reason
		Sat	Disat	
1.	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
2.	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

19. Generally are you satisfied or dissatisfied with the options suitable to you when an offender fails to complete community service?

Dissatisfied _____ Satisfied _____

What additional options would you like?

12.

20. What makes you decide to sentence an offender to community service rather than non-residential periodic detention?

21. What makes you decide to sentence an offender to community service rather than a fine?

22. What do you see as the benefits of community service?

22.1 PROBE FOR OFFENDER

242.

13.

22.2 PROBE FOR COMMUNITY

23. What do you like most about the community service sentence?

24. In what ways could the community service sentence be improved?

25. Do you see reducing the number of people in prison as an aim of the community service sentence?

Yes _____ No _____

THANK YOU FOR YOUR TIME ETC
IF THERE IS ANYTHING YOU WANT TO ASK ME?

243.

CONTINUED

3 OF 4

APPENDIX C : RESULTS OF RECONVICTION ANALYSIS OF THE
POST-STRATIFIED SAMPLES

Table 1 presents the results of the analysis of reconviction rates of CS and PD subgroups similar with respect to each of seven potential confounders identified in Chapter 6. Each confounder was categorized (for example the 'most serious previous sentence' was subdivided into three categories; fine or less, probation CS or PD, custodial). Then the CS and PD groups were subdivided accordingly. The reconviction rates of the three pairs of subgroups are shown along with the results of a chi-square test of the difference in proportions. An odds ratio was calculated for each pair of subgroups so that the variability of the categories within each confounder could be assessed (with a chi-square test of homogeneity), to give a measure of the strength of each of the potential confounders. The two significant confounders were the type of most serious previous sentence and whether or not a person had been given additional probation.

Whether or not a person had been given additional probation was chosen as the main factor on which to base a two-factor post-stratification, because it was the significant confounder which allowed all members of the groups to be included and because it was the most recent confounder in time. Table 2 presents the reconviction rates of the CS and PD subgroups after the two-factor post-stratification, along with the results of the chi-square tests of differences in proportions which are discussed in Chapter 6.

TABLE 1: RECONVICTION RATES, ODDS RATIOS AND CHI-SQUARE RESULTS OF COMPARISONS BETWEEN CS AND PD SUBGROUPS AFTER STRATIFICATION ON ONE FACTOR

	Percent Reconvicted and (N)		(1)		Odds ratio	X ² (2) (homog)	p<
	CS	PD	X ²	p<			
<u>PRESENCE OF PREVIOUS HISTORY</u>							
No	26 (128)	38 (91)	3.15	n.s.(3)	1.75	1 ₁	n.s.
Yes	43 (291)	65 (368)	28.10	.001	2.37		
<u>MOST SERIOUS PREVIOUS SENTENCE</u>							
Fine or less Probation,	40 (104)	51 (84)	1.78	n.s.	1.55	14.70 ₂	.001
CS or PD	42 (93)	60 (123)	6.34	.05	2.09		
Custodial	48 (94)	75 (157)	18.05	.001	3.30		
<u>NUMBER OF PREVIOUS APPEARANCES</u>							
1 or 2	38 (144)	57 (115)	9.39	.01	2.24	0 ₁	n.s.
3 or more	49 (147)	68 (253)	12.73	.001	2.18		
<u>AGE AT FIRST CONVICTION</u>							
≤ 17 years	60 (122)	79 (157)	10.41	.01	2.46	1.60 ₃	n.s.
18	44 (86)	61 (107)	5.31	.05	2.05		
19-22	33 (97)	56 (104)	9.68	.01	2.57		
≥ 23	15 (114)	26 (91)	3.47	n.s.	2.04		
<u>TYPE OF INDEX OFFENCE</u>							
Person	34 (67)	52 (86)	4.24	.05	2.10	1 ₃	n.s.
Property	46 (229)	68 (218)	20.37	.001	2.45		
State	27 (11)	62 (37)	2.87	n.s.	4.40		
Traffic	24 (112)	47 (118)	11.72	.001	2.75		
<u>SERIOUSNESS OF INDEX OFFENCE</u>							
15-70	43 (97)	66 (143)	11.70	.001	2.59	1 ₂	n.s.
71-74	50 (116)	69 (113)	7.82	.01	2.24		
75-98	36 (126)	57 (129)	11.15	.001	2.43		
<u>PROBATION</u>							
Given	56 (105)	62 (166)	0.63	n.s.	1.26	3.90 ₁	.05
Not given	32 (314)	58 (293)	39.95	.001	2.91		

Note (1): X² with one degree of freedom throughout
 Note (2): X² (homog) with degree of freedom shown as subscript
 Note (3): n.s. = not significant

TABLE 2: RECONVICTION RATES AND CHI-SQUARE RESULTS OF COMPARISONS BETWEEN CS AND PD SUBGROUPS AFTER STRATIFICATION ON TWO FACTORS

	GIVEN PROBATION Percent Reconvicted and (N)				NOT GIVEN PROBATION Percent Reconvicted and (N)			
	CS	PD	X ² (1)	p<	CS	PD	X ²	p<
<u>PRESENCE OF PREVIOUS HISTORY</u>								
No	50 (28)	48 (44)	0	n.s.(2)	19 (100)	29 (49)	1.31	n.s.
Yes	58 (77)	67 (121)	1.13	n.s.	38 (214)	63 (245)	28.05	.001
<u>MOST SERIOUS PREVIOUS SENTENCE</u>								
Fine or less Probation,	60 (30)	60 (37)	0	n.s.	32 (74)	45 (47)	1.36	n.s.
CS or PD	57 (21)	59 (34)	0	n.s.	38 (72)	61 (89)	7.65	.01
Custodial	58 (26)	78 (50)	2.51	n.s.	44 (68)	74 (107)	14.39	.001
<u>NUMBER OF PREVIOUS APPEARANCES</u>								
1 or 2	63 (40)	66 (44)	0.01	n.s.	28 (104)	52 (71)	9.54	.01
3 or more	54 (37)	67 (77)	1.32	n.s.	47 (110)	68 (174)	11.0	.001
<u>AGE AT FIRST CONVICTION</u>								
≤ 17 years	74 (35)	76 (54)	0	n.s.	55 (86)	80 (102)	13.19	.001
18	64 (22)	66 (47)	0	n.s.	37 (63)	58 (59)	4.64	.05
19-22	48 (31)	60 (37)	0.45	n.s.	26 (65)	55 (66)	9.81	.01
≥ 23	25 (16)	30 (27)	0	n.s.	13 (98)	25 (64)	2.87	n.s.
<u>TYPE OF INDEX OFFENCE</u>								
Person	35 (17)	65 (34)	2.86	n.s.	34 (50)	44 (52)	0.73	n.s.
Property	63 (75)	63 (97)	0	n.s.	38 (154)	72 (121)	29.36	.001
Traffic	55 (11)	57 (30)	0	n.s.	21 (9)	43 (33)	9.96	.01
<u>SERIOUSNESS OF INDEX OFFENCE</u>								
15-70	40 (25)	60 (35)	1.60	n.s.	44 (72)	69 (108)	9.37	.01
71-74	62 (42)	67 (60)	0.08	n.s.	43 (74)	72 (53)	8.99	.01
75-98	65 (31)	65 (54)	0	n.s.	26 (95)	52 (75)	10.71	.01

Note (1): X² with one degree of freedom throughout
 Note (2): n.s. = not significant

REFERENCES

Austin, J. & Krisberg, B.
The Unmet Promise of Alternatives to Incarceration; Crime and Delinquency, July 1982, 374-407.

Bartell, T. & Winfree L.T. Jr.
Recidivist impacts of differential sentencing practices for burglary offenders; Criminology, 1977, 15, 387-396.

Beha, J., Carlson, K. & Rosenblum, R.H.
Sentencing to Community Service; National Institute of Law Enforcement and Criminal Justice, US Department of Justice, 1977.

Bradshaw J.
Unpublished research into the Community Service Scheme in Dunedin, 1982.

Department of Justice, Wellington, New Zealand.
Study Series No. 4: Periodic Detention: A comparison of residential and non-residential centres, 1979.

Department of Justice, Wellington, New Zealand.
Study Series No. 5: Probationers and their Reoffending, 1979.

Department of Justice, Wellington, New Zealand.
Giving Service - A Guide for those Sentenced to Community Service; Probation Series No. 4; Department of Justice, Wellington, 1981.

Department of Justice, Wellington, New Zealand.
Report of the Penal Policy Review Committee; Department of Justice, Wellington, 1981.

Feinstein, A.R.
Methodologic Problems and Standards in Case-Control Research; J. Chron Dis 1979, 32; 35-41.

Fisk, A.
The Community Service Sentence; Law in the Community; 1982; 2, 19-20.

Flegg D.
Community Service - Consumer Survey 1973-1976; Nottinghamshire Probation and After-care Service, 1976.

Fleiss, J.L.
Statistical Methods for Rates and Proportions; John Wiley & Sons, New York, 1973.

Harland A.T.
Court-ordered community service in criminal law; National Assessment of Adult Restitution Programme, School of Social Development, University of Minnesota, Duluth, 1980.

Harris, M.K.
Community Service by Offenders; National Council on Crime and Delinquency, US Department of Justice, 1979.

Hermann, S.
The Community Service Order Programme in Ontario - 3. A One Year Follow-up; Planning and Research Branch, Ministry of Correctional Services, Ontario, 1981.

Ibrahim, M.A. & Spitzer, W.O.
The Case Control Study: The Problem and the Prospect; J. of Chron Dis, 1979, 32, 139 - 144.

Kupper, L.L., Karon, J.M., Kleinbaum, D.G., Morgenstern, H., & Lewis, D.K.
Matching in Epidemiologic Studies: Validity and Efficiency Considerations; Biometrics, 1981, 37, 271-291.

Lancaster County (NB) Pre-trial Diversion Program Evaluation Findings for 1977, Felony Diversions, Lincoln, 1979.

Lee, A.J.
Community Service Orders: Background Papers, Penal Policy Review Committee; Department of Justice, 1982.

McEwan, J.
Assessing the Value of Community Service; New Law Journal; August 1978; 772-773.

Miettinen, O.S.
Under & Overmatching in Epidemiologic Studies; Proceedings of the 5th International Congress of Hygiene and Preventive Medicine, Rome, October 1968.

New Zealand Census of Population & Dwellings, 1981, Department of Statistics, Wellington, New Zealand.

New Zealand Justice Statistics 1980. Department of Statistics, Wellington, New Zealand, 1983.

Oxley, P.
Evaluating Rehabilitation: Community Service Orders in South Australia; Attorney-General's Department, South Australia (in press).

Pease, K., Durkin, P., Earnshaw, I., Payne, D., & Thorpe, J.
Community Service Orders; Home Office Research Studies No. 29; London, 1975.

Pinder, A.
Community Involvement in Penal Policy; N.Z.P.A.R.S. News; January 1981; 1-2.

Polonoski, M.
The Community Service Order Programme in Ontario - 1, 2, & 4; Planning and Research Branch, Ministry of Correctional Services, Ontario, 1981.

Reinken, J., Salmond, C.E., & de Lacey, A.
A critical appraisal? N.Z. Med J., 1983, 96, 176-8.

Schneider, P.R., Griffith, W.R., & Schneider, A.L.
Juvenile Restitution as a sole sanction or condition of probation: An empirical analysis; Journal of research in crime and delinquency, January 1982, 47-65.

Stewart, J.
Alternatives to Prison; Law in the Community; 1982, 2, 15-18.

Willis, A.
Community Service as an Alternative to Imprisonment: A Cautionary View; Probation Journal; 1977, 24, 120-125.

Young, W.
Community Service Orders; Cambridge Studies in Criminology; 1979; Heinemann; London.

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