



Federal Probation

Probation and Felony Offenders

Joan Petersilia

Prosecutors Don't Always Aim to Place

Barbara Boland
Brian Forst

Explaining The 900 Pound Misconduct On the
Public Be Blame?

Francis T. Cullen
Gregory A. Clark
John P. Wozniak

Assessing Treatment of the Offender From Probation
to Capital Punishment

Phillip E. Lampe

Community Corrections Alternatives to All

ACQUISITIONS

David C. Fortner
E. Steven Nash

and Crime Case Law in Court

Jay S. Albanese

in the Home Kitchens

David E. Johnson
Richard E. Harwin

Community Programs in Urban Courts

John J. Reid

and Public in Community Corrections
as Models

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This Issue in Brief

Probation and Felony Offenders.—Author Joan Petersilia summarizes the major findings of a recent Rand study designed to discover whether felony probation presents unacceptable risks for public safety and, if so, what the system could do to overcome those risks. To this end, the study sought to establish how effective probation has been for a sample of felony probationers, to identify the criteria courts use to decide whether a convicted felon gets a prison or probation sentence, to discover whether the prediction of recidivism could be improved, and to see if the system could develop a felony sentencing alternative that poses less risk for public safety. The results show that two-thirds of those sentenced to probation in Los Angeles and Alameda, California, were arrested during a 40-month followup period. Given these findings, the author concludes that the criminal justice system needs an alternative form of punishment intermediate between prison and probation. The article recommends that programs incorporate intensive surveillance with substantial community service and restitution.

Prosecutors Don't Always Aim To Pleas.—Barbara Boland and Brian Forst examine a new data base on prosecution practices across the county, focusing on the prevalence of guilty pleas relative to trials. They find substantial variation in the number of pleas per trial from jurisdiction to jurisdiction; they also find evidence that this variation is driven substantially by differences in prosecution styles.

Explaining The Get Tough Movement: Can The Public Be Blamed?—This article assesses the common assertion that the current movement to get tough with offenders is a reflection of the public will. Through an analysis of data collected in Texas, authors Francis T. Cullen, Gregory A. Clark, and

John F. Wozniak discovered that citizens do indeed harbor punitive attitudes. However, the data also revealed that few citizens are intensely fearful of crime (a supposed cause of punitive attitudes) and that support for rehabilitation as a goal of corrections remains strong. Taken together, these findings suggest that the get tough movement can only partially be attributed to public desires. Instead, a full explanation must attend to the changing social context that not only shaped public views but also en-

CONTENTS

Probation and Felony Offenders	Joan Petersilia	4
Prosecutors Don't Always Aim to Pleas	Barbara Boland Brian Forst	10
Explaining the Get Tough Movement: Can the Public Be Blamed?	Francis T. Cullen Gregory A. Clark John F. Wozniak	16
Assessing Treatment of the Offender: From Probation to Capital Punishment	Philip E. Lampe	25
Community Service: All Things to All People	David C. Perrier F. Steven Pink	32
The Effect of Casino Gambling on Crime	Jay S. Albanese	39
The Alcoholic Bank Robber	Louis Lieberman James F. Haran	45
The Cornerstone Program: A Client Outcome Study	Gary Field	50
Probation and Parole in Canada: Protecting the Canadian Public?	Andre Normandeau	56
Media Magic, Mafia Mania	Frederick T. Martens Michele Cunningham-Niederer	60
Departments:		
News of the Future		69
Looking at the Law		72
Reviews of Professional Periodicals		75
Your Bookshelf on Review		78
It Has Come to Our Attention		81

couraged politicians to champion a "law and order" policy agenda across the nation.

Assessing Treatment of the Offender: From Probation to Capital Punishment.—Debate surrounds the issue of effectiveness and/or appropriateness of the various options available in sentencing criminals. While there are many reasons for differences of opinions, the basic—and often most overlooked, according to author Philip E. Lampe—is the lack of official goals. The way a criminal is treated (means) should be guided by what the system hopes to accomplish (ends). It is impossible to assess the effectiveness of any form of treatment without considering it in relation to a specific goal. The author contends, therefore, that until the criminal justice system establishes official goals, no final assessment regarding treatment can be made.

Community Service: All Things to All People.—One of the more popular criminal justice system reforms today has been the introduction of community service. To advocates of competing penal philosophies, community service has been heralded as an innovative measure which incorporates elements of punishment, reparation, rehabilitation, and reintegration in equal force. Whether the objectives in these varying penal philosophies can adequately be achieved within the framework of community service is the focus of this article by David C. Perrier and F. Steven Pink. Apart from the debate concerning the range of objectives community service was originally designed to achieve, the authors hold that there is little doubt about its appeal to protagonists of competing philosophical perspectives.

The Effect of Casino Gambling on Crime.—The legalization of casino gambling is currently being considered by a number of states and cities as a way to improve the local economy without raising taxes. A significant encumbrance to its widespread adoption, however, has been the fear that the introduction of casinos will result in increased crime. Until now, no investigation has been rigorous enough to generate conclusive evidence to support this claim. Author Jay S. Albanese examines the relationship between casino gambling and crime in Atlantic City, and accounts for the inconclusive findings of earlier work by controlling for the effects of increases in the population at risk, police manpower, and statewide crime trends. The author hopes that through such objective investigations, both legislators and the public can more confidently assess the benefits and liabilities of casino gambling.

The Alcoholic Bank Robber.—Authors Louis

Lieberman and James F. Haran studied 500 bank robbers convicted between 1964 and 1976. Data collected from presentence investigations, probation department files, and the Federal Bureau of Prisons and other sources indicated that of those studied, 12½ percent were alcoholic, an additional 48 percent were moderate drinkers, and those remaining were abstainers at the time of their arrest. According to the authors, alcoholic bank robbers tended to be older, white, poorly educated, separated or divorced, and on welfare. They were less likely than moderate and nondrinkers to use marijuana or opiates. They were more likely to have had multiple prior convictions for both violent and property crimes than were moderate or nondrinkers. Other variables presented: religion, church attendance, mental health status, and cocaine and other illicit substance use.

The Cornerstone Program.—Author Gary Field describes Oregon's pre-release treatment program for chemically dependent, recidivist offenders and presents the results of client outcome studies. The treatment program, Cornerstone, is a 32-bed residential program lasting 6 to 12 months followed by 6 months of outpatient treatment. The client population is chronically disabled by both alcohol or drug history and by criminal history. The five major categories of treatment intervention used at the Cornerstone Program are a therapeutic community, treatment contracts, intensive counseling, life skill training, and community followup treatment. The author evaluates Program results in the areas of client self-esteem, symptomatology, knowledge learned, and subsequent criminal activity and prison recidivism. As a function of the treatment program, Cornerstone clients showed enhanced self-esteem, reduced psychiatric symptomatology, increased knowledge in critical treatment areas such as alcohol and drug abuse, reduced criminal activity, and reduced prison recidivism.

Probation and Parole in Canada: Protecting the Canadian Public?—Even if North Americans share basically many sociocultural values, Americans and Canadians are different in matters related to criminal justice, especially with regard to sentencing, probation, and parole. According to author Andre Normandeau, interviews with Canadian probation and parole officers, as well as correctional administrators, show that Canadians are not turning "to the right." There is no significant emphasis on control and punishment. In fact, Canadians still believe in rehabilitation and their mood and temper still meets Winston Churchill's test of civilization.

Community Service: All Things to All People

BY DAVID C. PERRIER, PH.D., AND F. STEVEN PINK*

IN THE evolution of the penal reform movement in Canada the concept of community service represents a significant advance in the overall treatment of offenders. In the early part of the 20th century a more conservative approach dominated the fight against crime and was embodied in the principle of protecting society through incapacitation. Although older notions, such as the community's revenge on the criminal or punishment designed to expiate his or her crime, had been abandoned, the idea was to temporarily remove or permanently remove (i.e., through the death penalty) the criminal from society. Public opinion certainly supported the measures and when translated into social action meant nonintervention. By mid-century, following a period of economic prosperity, people acknowledged that detention, a means of protecting society against victimization by criminals, was only one of the elements of a modern anticrime policy and that it should be supplemented by the social rehabilitation of offenders through measures such as probation. Within the last three decades, however, the coercive characteristics of rehabilitation programs have become the focus of criticism of the liberals' claims that rehabilitation is an effective and humane method of crime control. In addition, the rehabilitative ideal was seen as removing the concept of just desserts—that people get what they deserve. Society was seen as no longer interested in a “just” cure but only in a cure, not in a “just” deterrent but only in a deterrent. It was this type of attack on the rehabilitative model of corrections that formed the basis for the return to an emphasis on retribution and acceptance by some of what is called the “justice” model. The result of such criticism led those supporting the rehabilitative philosophy to turn their attention to the principle of integrating the offender back into the community through such community based programs as community service. Notably this relatively new approach incorporated numerous elements that appealed to protagonists of conflicting penal philosophies. Although its suc-

cess or failure as a correctional measure has yet to be determined, it undeniably represents all things to all people.

The use of community service is a comparatively recent development in the noncustodial treatment of offenders. To some workers within the criminal justice system its introduction has been heralded as exciting, imaginative, and challenging. The optimism of others has been tempered by the desire to see its successful application and proven effectiveness. That such a new concept at least gained tacit approval among criminal justice workers is by no means accidental, and as expressed in the Wootton Report (1970 Para. 33 and 34) “such services should appeal to different adherents of different penal philosophies.” Although the provisions of legislation bringing into effect community service were fairly clear, what remained ambivalent and deliberately vague were statements concerning its philosophy. As indicated by Harding (1980:9):

Presumably, it was felt that the success of the community service measure would be assured by allowing it to be all things to all men ... A scheme was therefore devised which could and did appeal to protagonists from many different and sometimes conflicting philosophical perspectives.

There is no logical reason why a particular sentence cannot be punitive, reparative, and rehabilitative in equal measure. However, there is perhaps some doubt whether a community service order can in fact satisfy these aims in equal force. Not surprisingly, introduction of such a flexible measure as community service gave rise to debate not only over its primary purpose, but over who should be the beneficiary of such a measure. In response to this latter issue, it is first essential to understand the basis upon which community service is implemented. To date, few attempts have been made to analyze how these objectives may all be achieved within the framework of the community service order. Consequently, the purpose of this article will be to examine and account for the popularity of community service among supporters of competing penal philosophies.

The first recommendations for community service arose out of the 1970 report of the Advisory Council on the Penal System, chaired by Baroness Barbara Wootton. Subsequent legislative approval was given in 1972 by the passage of the Criminal Justice

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treatment because improvement implies greater competence or facility in achieving a desired goal.

In conclusion, greater concern is needed in establishing an official goal or hierarchy of goals for the legal system in the United States. Only then will any meaningful study and dialogue be possible regarding the relative merits of the various forms of treatment.

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Act, when community service orders were first introduced to the Magistrates and Crown Courts in England and Wales. The main differences between the original Wootton Report and the Act relate primarily to the number of hours of community service which the courts could order and the period over which its performance could be spread. In addition, the Act as opposed to the earlier report's proposals, required that a community service order should always be a sentence in its own right and not simply a condition of a probation order. Under provisions of the Criminal Justice Act of 1972:

Where a person who has attained the age of seventeen is convicted of an offence punishable with imprisonment, the court by or before which he is convicted may, instead of dealing with him in any other way (but subject to subsection 2 of this section), make an order (in this Act referred to as a community service order) requiring him to perform unpaid work in accordance with the subsequent provisions of this Act for such a number of hours (being in the aggregate not less than forty nor more than two hundred and forty) as may be specified in the order.

The minister of state who guided the community service section of the Criminal Justice Act through the House of Commons was in little doubt about its purpose. He and others saw the measure as a means of reducing prison overcrowding and an alternative to a custodial sentence. Subsequent works produced by Young (1979) and Harding (1980) have demonstrated that overcrowding in prisons was a perennial problem for which the community service legislation was thought to represent a solution.

During the past decade, use of the community service order has spread throughout most of the United States and Canada. The community service movement in Canada had been given considerable momentum and encouragement by the Law Reform Commission. The Commission's 1976 report on sentencing dispositions concentrated largely on restitution and community service orders. This report proposed that community service should be a formal sentencing disposition; nonetheless, community service work orders remain today as part of a probation order. A brief look at provincial policy throughout Canada illustrates the diversities, yet similarities, of individual use. Until 1976, community service was basically a vague correctional concept and relatively untried and untested to that point.

In British Columbia the concept was proposed as early as 1970 at the British Columbia Correctional Association Biennial Institute. During February 1974, a 5-year plan was implemented whereby community service was developed as an alternative to fines or imprisonment. Since 1975, judges in Ontario have included community service work orders as a condition of a probation order. In November 1977, the Ontario Ministry of Correctional Services

and the Attorney General embarked on an experimental community service order program in various rural and urban settings. Many of these pilot projects were operated by private agencies with provincial funding and were set up basically as an alternative to incarceration as well as to allow the participation of the community in the criminal justice system. Nova Scotia's community service order program has been operational since 1976, existing mainly as an alternative to traditional methods of sentencing.

The Canadian development of community service, while somewhat slow in starting, now appears to be well under way. Currently, the criminal code in Canada allows the imposition of a community service order under section 663 (2)(H) which reads as follows:

663(2) The following conditions shall be deemed to be prescribed in a probation order, namely, that the accused shall keep the peace and be of good behavior and shall appear before the court, and, in addition, the court may prescribe as conditions in a probation order that the accused shall do any one or more of the following things (4) specified in the order, namely, comply with such other reasonable conditions as the court considers desirable for serving the good conduct of the accused and for preventing a repetition by him of the same offence or the commission of other offences.

Recognition that a community service order may best fulfill the interest of society has led to proposals for additional legislation covered in Bill C-21. As specified in section 668(1) of this bill, a community service order would be considered appropriate:

668(1) where an accused is convicted of an offence other than one for which a minimum punishment is prescribed by law and in respect of which the court would otherwise have sentenced the accused to a term of imprisonment of less than two years, the court may, having regard to the nature of the offence and the circumstances surrounding its commission order the accused to perform community service for a specified number of hours that is not less than forty or more than two hundred and forty if, (A) the accused consents in writing to the order; (B) there is a program of community service in respect of the area in which the service is to be performed, approved by order of the lieutenant governor in Council of the Province in which the court is sitting; and (C) the court is satisfied, after considering a pre-sentence report, that the accused is suitable for such a program.

Community service in Canada is imposed as a condition of probation while in England it is regarded as a distinct disposition. Similarly, the record to date of community service programs in the United States indicates that they have been used primarily for cases that might otherwise be handled by fines or probation, rather than for cases in which a jail sentence is the traditional alternative (Beha and Rosenblum, 1977). Despite the differences in use, the proliferation of community service programs attests to their broad-based appeal to the community of criminal justice professionals.

The popularity of the concept of community service, although differentially structured in various

countries, was evident in that it appealed both to advocates of traditional belief systems as well as proponents of newer ones. Over the past two decades a new generation has arisen advocating new morals and ideologies which were considered extremely liberal compared to those of the generation's conservative counterparts. The basic element of this liberalizing philosophy was "to care for and accept other people no matter their actions or views." On the other hand, opponents of the liberalization of penal policy, although maintaining a traditionalist approach for dealing with offenders, were equally accepting of the doctrine of community service.

It is difficult to believe that representations of such opposing philosophies or ideologies would ever unite long enough to find a solution to problems within the criminal justice system. However, the community service order was to be their answer simply because it expressed both of their views and seemingly fulfilled both of their objectives.

For the liberals, the community service order kept the offender out of prison as well as contributed to his or her rehabilitation. Among the elements of liberal penal philosophy are a need for greater humanitarianism, a desire for a more effective rehabilitative instrument than prisons, and a belief in the beneficial effects of community based corrections rather than the debilitating effects of imprisonment.

The conservatives, on the other hand, particularly in Britain, were pleased because community service orders supposedly reduced prison populations which in turn would reduce their operating costs. Furthermore, as a noncustodial disposition, community service appeared to be much tougher than a fine or probation. Finally, a community service order would directly benefit the victim even though the victim may only be the community at large. Consequently, for the traditionalist problems of prison cost, overpopulation, laxity among noncustodial alternatives, and needs of victims were addressed through the concept of community service.

From the outset community service attracted proponents of different penal philosophies. Consequently, questions concerning the philosophy of community service still arise, and it is inevitable that striking the right balance between the deterrent and the rehabilitative aspect of community service will always be the source of some debate. In essence, the debate surrounding the community service order is whether community service should be used as a tariff measure which incorporates elements of punishment and/or reparation, or whether it should be used as an individualized measure to suit the perceived needs of the offender.

When examining penal philosophies in relation to the imposition of a community service order, one has to be cognizant primarily of the purposes for which the order is imposed rather than how it may be perceived by people and, in particular, by the recipient. For example, the determination of whether a program is punishment or reformation must derive from an evaluation of the intent or aims of the program as well as a review of its operating characteristics. Should such aims prove unrealistic or have unintended consequences, such result raises the specter that the measure adopted is dysfunctional. Furthermore, it is important to recognize that, regardless of the aims or objectives associated with the imposition of a sentence, constraints such as limited resources or management problems bear heavily on the realization of these aims.

Because community service is a penal measure, all the traditional arguments about punishment are inevitably linked to it. Generally speaking, we would contend that a person has been punished if, as a consequence of some culpable action or inaction previously defined by law as a crime, that person faces some carefully imposed pain, suffering, or loss of otherwise available rights. Even though we may agree on this definition of punishment, the more important concern must be in justifying why we believe some people deserve to be punished and whether in effect the imposition of a community service order fulfills that purpose.

Of the various attempted justifications for punishment, it is probably that of retribution which sits least comfortably on the human conscience. The retributive theory holds that the primary justification of punishment is always found in the fact that an offense has been committed which deserves punishment, not in any future advantage to be gained by punishment's infliction. This brief description fits most formulations of retribution, since it emphasizes the following common features: that punishment should focus on the offender rather than society at large; that the gravity of the offense should roughly dictate the extent of the sanction; and above all, that the offender must suffer because he is responsible for his evil-doing.

Insofar as community service may be used to give expression to what is at the very core of the retributist perspective, namely, that the punishment should fit the crime, there is very little evidence to suggest that this is the case. Not only is it questionable just how far it is possible to develop such a scheme, but in actual practice there is no evidence to suggest that a tangible link exists between offenses committed by individuals and community service orders handed down. In fact, studies

(Young, 1979; Harding, 1980; Polonoski, 1981; Pink and Perrier, 1983) in England and Canada on sentencing practices involving community service have demonstrated considerable disparity among courts in the types of offenders receiving them as well as in the nature of community service among what appears to be similar types of offenders. According to Harding (1980:45):

There are increasing signs that the community service order is being indiscriminately applied. No consensus exists among ... courts concerning the types of offenders for whom community service is appropriate.

If, in the British experience, community service as a tariff measure was being used as an alternative to custody, its tariff location would be equivalent to, or just below, the tariff location of a custodial sentence. As expressed in one recent report, "community service would be the ideal middle ground between probation and prison" (Krajick, 1982:7). Following from this, the severity of offenses for which community service would be ordered would be equivalent to, or just below, the severity of offenses for which custodial sentences would be ordered. Unfortunately, inconsistent court practices and policies, as demonstrated by Harding (1980) and Pease (1975), do not provide a consistent framework within which to employ community service and as a result undermine attempts to locate community service orders within what is known as a tariff system.

The fact that Britain's magistrates in many areas regard community service as an alternative to non-custodial sentences at least as much as—and possibly more than—an alternative to custodial sentences, further contributes to the dilemma of viewing a community service order as a tariff measure. In Canada, magistrates, as their British counterparts, exhibit little agreement on the use of community service orders. As demonstrated by Polonoski (1981), this option has been used simply as another condition of probation, as a more stringent form of probation, as an alternative to incarceration, and as a separate sentencing option. Although the community service order legislatively resides currently under the umbrella of a probationary disposition, variations in its use when compared to other noncustodial measures enhance the difficulties of placing it within a tariff system.

Notwithstanding the difficulties of the community service order fulfilling the doctrine of proportionality inherent within a retributive perspective, those interested in a punitive approach are quick to point out the deprivational characteristics associated with its use. To some, the punishment inherent in a community service order resides in the deprivation of leisure time, while for others the

nature of the tasks experienced by the offender adds an additional punitive dimension. Concerning the deprivational nature of community service Radzinowicz and King (1977:300) point out:

Leisure is still a highly valued commodity ... As an alternative to the complete deprivation of freedom implicit in imprisonment, the partial deprivation of leisure seems a good compromise.

Any examination of community service provided by offenders in current operational programs would raise serious doubts that participants find the work unpleasant. Even though the work may be physically strenuous or emotionally demanding, the majority of recipients of a community service order tend to report having positive rather than negative experiences. Negative experiences, rather than being a function of the nature of the task undertaken, may be more a by-product of a poorly administered program or of certain idiosyncracies of the offender. Inadequate matching by community service organizers, poor supervision, or inadequate task specification as well as poorly developed work habits of the offender all contribute to the offender's perception of the task being unpleasant.

One basic alternative to retributive justifications for punishment comes from those who adopt the utilitarian-deterrence model advanced by representatives of the classical school such as Beccaria and Bentham. The basic thesis of any utilitarian-deterrence position is that the just punishment of offenders must entail some sort of futuristic benefit. A just punishment is one that serves a useful social purpose by preventing crime. This perspective on punishment today has a broad-based appeal largely because we tend to be troubled by the contention that we should simply punish people for violating the law without regard to any future benefits.

With the introduction of community service, we witnessed the introduction into the penal system of a new dimension emphasizing reparation to the community. By performing work of benefit to the community, the offender is converted from being a drain on its resources to being a useful contributor to its general welfare. The bulk of community service work is done usually for private, nonprofit agencies in the offender's community.

Clearly people feel today that the victim, albeit society, should no longer be forgotten, nor should offenders be allowed any longer to evade their responsibilities and cause loss, damage, or injury with impunity. This trend toward rediscovering the victims and providing services to meet their needs has arisen over the past decade. For example, sexual assault centers have been established in many Canadian communities. Doctors, hospitals, and social agencies are taking concerted action to identify and

deal with child abuse. With federal assistance, most provinces have established crime compensation programs. Several jurisdictions are making use of restitution and victim-offender reconciliation. Transition houses for battered women are now located across the country.

The reparative element of the community service order is alleged to fulfill a general obligation on the part of the offender to recompense society and not specific victims. Initially, it may be difficult for some to recognize community service as reparation the more it is removed from the actual victim of the offense. Herein lies an important distinction between the community service order and other reparative measures. There is little, if any, movement in the direction of enabling the offender to provide a service directly to the victim, if only because victims are not often receptive to the idea. According to Young (1979:37) community service provides symbolic reparation which is closely allied to various versions of retribution as a justification for punishment:

It is true that retribution is commonly understood to be the repayment of an evil with an evil, whereas community service is designed to benefit society. But the fact that the payment takes the form of work that will help some person or persons in need does not of itself make reparation an apt description of it. It might merely make it a more appropriate retributive sentence than, say, imprisonment, which often works to the disadvantage of both society and the offender.

Associated with the reparative element of community service is the notion that it may be a useful expiatory process. Proponents of this view argue that it is a useful device for some offenders with strong guilt feelings because their performance of work for others offers atonement for their offending behavior.

Concerning the deterrent value of community service, several recent studies (Polonoski, 1981; Pink and Perrier, 1983) have concluded that community service, like most other sanctions, has never proven to reduce crime among participants. Apart from the difficulty in finding an adequate measure of success, recidivism rates among community service participants, although often lower than rates for persons in other available programs, may be attributable to the low risk nature of the offender population. However, in a limited way, community service does play a role as far as individual deterrence is concerned. In the first instance, work during the offender's leisure time may reduce the individual's opportunity and motivation to commit further crimes. As expressed by Young (1979:47):

It is believed that offending is often the result of boredom and aimlessness, especially among the young; thus community service, in usefully occupying their free time and providing a creative outlet for their energies and abilities, might obviate the need to participate in less desirable activities.

For the traditionalist maintaining a conservative stance there is growing realization that community service may have limited practical utility in reducing jail populations, particularly in certain areas, such as Canada and the United States, but it has, in fact, widened and strengthened the net of social control. Rather than reducing the inappropriate use of incarceration as a criminal sanction, the community service program has extended a degree of control over people who previously would have been supervised in some other less intrusive measure.

As a more primitive form of probation, community service remains ideologically attractive to those who are interested in making the offender pay for his or her misdeeds. The idea of work in the community as a punishment and partial deterrent has had a long history in most countries but largely in the form of involuntary servitude. That recipients of a community service order are not prisoners remains the sole distinction between traditional inmate forced labor and community service. Offenders who refuse to complete the work set out in a community service order still run the risk of further sanctioning by the courts.

Just how much offenders should "pay" as far as community service is concerned remains unanswered. Contemporary retributionists concede this point. There is wide disagreement about how jail time or fines are converted into community service. The idea of community service as a substitute sentence raises the problem that inequities may result. For example, if community service is being used as a substitute for nonpayment of fines by indigent people, it may result in sentencing disparities based upon the ability to pay. Those who advocate a retributive position, while recognizing the impossibility of directly translating their philosophical understandings of justice embodied in "lex talionis" into terms that can be incorporated into actual social policy, remain firmly in support of the notion of "just desserts."

Regardless of these problems, the disenchantment with doing things for the offender, the continued drain on public resources without any promising results, and the desire for stronger punitive or deterrent means led to acceptance of the concept of community service among the more conservative elements of the population.

Other goals of punishment are those that involve efforts at changing the individual who is punished. This reformatory or rehabilitative ideology toward offenders did not come about because of any one event or idea. Perhaps the most influential factor was the development of the scientific viewpoint and its application to the behavioral sciences. The increasing recognition that punishment was not ac-

completing its stated objectives, coupled with reformative developments such as probation, helped change man's view of the criminal. Another major influence was the belief in the philosophy of humanism with its concern for human welfare. In any event, from a rehabilitative point of view punishment is justified only insofar as it can be shown to reform the individual. This position may consist of inflicting suffering on the individual as a condition for self reform or it may envisage the use of the coercive power of the state to impose a regime of social and psychological therapy. In the latter case punishment as such is ruled out and the use of confinement is subordinated to the rehabilitative goal. Regardless of the approach, the focus of this ideology emphasizes the reformative aspects of punishment rather than the moral obligations to punish.

Many of the advocates of the doctrine of rehabilitation are now emphasizing reintegration of the offender into the community, resulting in a strong emphasis on community based programs. Generally, community based corrections denote maintaining the offender within the community, that is, sharing deviance control with other social institutions. The rationale for the move to treatment of the offender in the community is based on several interrelated postulates. Economically, it is attractive when compared with present costs of traditional imprisonment. Secondly, it is a logical outcome of the awareness of the ineffectiveness of prisons to deter or rehabilitate offenders. Thirdly, community based corrections is said to provide a more humane environment than the often destructive atmosphere of prison. There are probably two additional undercurrents to the idea of community treatment: one is the impact of the labeling perspective and the other is the renewed interest in community responsibility for crime prevention and control. To an extent this community based movement is reflective of the idea that the offender must learn to cope with and adjust to the world and this cannot take place in the artificial milieu of an isolated institution.

That community service as part of this community based movement has the potential to contribute to the rehabilitation of the offender is aptly expressed by Young (1979:41):

... community service may rehabilitate through any of the following: the fostering of social responsibility; contact with other workers; the constructive use of leisure time; the development of long-term interests and skills, and even new employment opportunities; and the resumption of a work habit by the unemployed and unemployable.

Unlike the community based disposition, probation, community service programs raise no expectations of rehabilitating "maladjusted" individuals

through treatment, but rather require that the offender be accountable only for providing the required amount of service to the community. In contrast to the problem-centered approach of probation, community service is an ability-oriented and work-focused approach based on clear and explicit conditions. As Harding (1980:13) pointed out:

... offenders become the dispensers of service rather than recipients of aid. Paradoxically, this perpetuates a rehabilitative ideology and turns it on its head: offenders become both helpers and the focus of help.

Finally, community service, in contrast to other requirements of probation, is usually performed in public view, and it is assumed the offender will behave in a socially acceptable manner. The basis of this approach is to utilize the talents and skills of offenders in such a way as to counteract their more negative and antisocial tendencies.

The community service order, because of its broad appeal among advocates of different penal philosophies, is likely to be perceived as the new panacea in penal treatment. However, it is a sobering thought that for many decades custodial sanctions were believed to fulfill many positive but contradictory societal functions: they could punish, deter, as well as reform. Today this belief has been supplanted by an almost blind faith in the ability of community based measures, such as community service, to accomplish the same ends. Although the success of this measure remains to be seen, it is not surprising that among advocates of different penal philosophies community service sentencing remains one of the more popular criminal justice system reforms in recent times.

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