



# Research Publication

## **Community Service Order evaluation: A profile of community service order offenders**

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**Research Publication No. 7**  
**October 1983**  
**ISSN 0813 5800**

**NSW Department of Corrective Services**

# Research Publication



Material published by the  
Research Division includes  
Research Digests, Research  
Bulletins, and Research  
Publications.

## COMMUNITY SERVICE ORDER EVALUATION

A profile of community service order offenders

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Department of  
Corrective Services

October 1983

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ISSN 0813-5800

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### **Abstract**

This report is based on a record study of 270 offenders sentenced to Community Service Orders in New South Wales between July 1980 and July 1982. Subjects comprised a 50% sample of all cases in which the order was completed successfully and all breached or revoked cases.

It was found that the scheme has a success rate, defined as completing the order without breach or revocation, of 88%. Success on the scheme was found to be related strongly to offence, length of order, and past criminal record, and weakly to marital status, but not to any measurable characteristics of the order itself.

In a related study of the police records of all breached cases and a matched group of successful cases it was found that those who failed had more serious past records: they were more likely to have committed property offences and to have been detained as juveniles and adults than successful cases. Although less than 10% of C.S.O. recipients were first offenders the past offences of a smaller sample whose police records were analysed indicated that very few had committed homicides, assaults, fraud offences, robberies or sexual offences in the past.

About half of those workers whose orders were breached were sentenced to prison for an average period of three to six months.

Other major findings were that almost half the offenders were convicted of driving offences, largely associated with alcohol and a little under half were engaged in full time work.

Three major recommendations were made:

- 1) That magistrates be encouraged to consider sentencing to a C.S.O. in more serious cases.
- 2) That the aims and policies of the scheme for unemployed offenders be reconsidered.
- 3) That the effect of sentencing to a C.S.O. in more serious cases be carefully monitored so that failure rates are contained within acceptable levels.

## INTRODUCTION

It has been argued that an evaluation of a penal measure should either describe the scheme in such a way as to indicate directions of change or show whether the scheme is producing a measurable change in offenders (Pease, Durkin, Earnshaw, Payne & Thorpe, 1975). Reconviction rates are commonly used as an ultimate measure of change in offenders. However, it is also important to consider intermediate measures such as rates of revocation on the scheme, possibly indicating failure to modify attitudes or behaviour in the short term, or the incidence of positive responses that might indicate change towards socially desirable behaviour.

An earlier report (Community Service Orders in NSW: How participants evaluate the scheme, 1983) has attempted to describe the scheme in NSW and indicate some measurable benefits to offenders. This report examines the issue of failure on the scheme through an examination of revocation rates and characteristics of those offenders whose orders were breached.

It is difficult to compare data on revocations in NSW with other schemes because of substantial differences in

- a) the kinds of offenders placed on a C.S.O. scheme in different jurisdictions;
- b) definitions of failure of a C.S.O., and methods for calculating failure rates;
- c) policies for prosecuting breaches;
- d) variables examined when comparing successful cases with failures.

The kinds of offenders sentenced to a C.S.O. in any jurisdiction will vary with differences in legislation under which the courts are operating, ages and backgrounds of offenders appearing before the courts, familiarity of magistrates with the scheme and the preferences of sentencers for lenient as opposed to severe penalties (Young, 1979).

Failure on Community Service is usually defined in terms of revocation due to a further offence or breach of conditions. However, in one study offenders who absconded were analysed separately from defaulters, defined as individuals who missed more than one in ten days without proper excuse (Mackay and Rook, p 74). Some researchers distinguished cases which were terminated for reasons other than successful completion or revocation, such as lapse of the order or change in the offenders' circumstances (Community Service by Offenders, 1976). Failure rates may vary depending on whether marginal cases are classified as "successes" and absconders classified as "failures" or treated separately. Whether failure rates are derived from distinct persons, some of whom may be subject to consecutive orders, or separate sentences of a C.S.O., may also result in different figures from the same data.

The importance of policies concerning the prosecution of breaches on the statistical treatment of failure rates was also noted by Pease et al who stated:

"It is apparent that breach proceedings are not instigated in the same circumstances or at the same stage in all areas.

Early on the community service organisers inclined to the view that breach proceedings should not be taken until there had been at least three failures (without reasonable excuse) to attend work appointments, but there are differing criteria about what is an acceptable absence, between the areas and between different stages of an order in any specific area". (1975, p 44)

Policies regarding cases where a custodial sentence was imposed while a C.S.O. was in effect may also affect failure rates. In some areas offenders were permitted to complete their C.S.O. after discharge from prison while in others the order was automatically revoked.

Finally, the value of data available on "failures", however defined, may be limited by the types of variables examined when comparing successful cases with failures.

Therefore it may be misleading to compare revocation rates across different schemes but a researcher may nonetheless draw conclusions from consistent results of studies from different jurisdictions.

Combining data from six areas, Pease et al concluded that longer past criminal records and prior imprisonments were significantly associated with unsatisfactory terminations but that current offence was not related to outcome (1975, p 50). Mackay and Rook reported in their study of the Tasmanian scheme that C.S.O. defaulters were more likely to have had a prior prison record and prior property convictions than successful cases (p 84). In addition the Tasmanian study suggested that an unstable work record and irregular family relationships were associated with failure.

However, it is possible that aspects of the Community Service Order itself may influence behaviour on the scheme and hence outcome. In a study of performance on parole it was found that some variables pertaining to experiences while on parole were related to outcome, in addition to past record and demographic variables (Gorta, Cooney, George and West, 1982). Specifically the presence of drug or alcohol problems during parole, employment and address changes were significantly related to parole revocation.

Hence in this study file data extracted on both successes and failures on C.S.O.s comprised demographic data, court and sentencing data, past record data and details of work placements during the order. Failures were defined as offenders whose orders were breached or revoked: cases which were terminated for other reasons such as lapse or personal circumstances were classified as successes, while rates were derived from distinct persons.

Part I of this report deals with an analysis of data extracted from C.S.O. files on a large sample of cases whose orders were completed in the first two years of the scheme's operations. Factors related to successful completion of the scheme were analysed. Part II deals with a detailed analysis of the past records of a smaller sample of breached and successful cases.

# PART I: PROFILE OF COMMUNITY SERVICE ORDER OFFENDERS

Community Service Orders provide an additional sentencing option for magistrates. The Community Service Orders Act 1979 empowers courts in N.S.W. to sentence selected offenders to a maximum of 300 hours of unpaid community work. The scheme began in four Probation and Parole Offices in July 1980 and has been gradually extended to more than 30 areas of the state.

## Aims and Methodology

This study has two main aims:

- i) to examine the way the Community Service Order Scheme is being used in N.S.W. by providing a descriptive profile of offenders sentenced to Community Service Orders;
- ii) to determine factors which may be related to successful completion of the Order by comparing the profile and experiences of those who completed their order with those who were breached.

Data were extracted from the community service files of 270 offenders who had completed their orders. These 270 files included all the breached and revoked cases and a 1 in 2 sample of "successful" completions at the time of data extraction, July 1982. The information recorded from the files included: demographic data, court and sentencing data, past criminal history, details of work placements during the order, and completion information.

## Summary of Findings

### Criminal data

Of the 270 cases sampled, 46% of C.S.O. recipients were convicted of driving offences. The most common length of order was 100 hours. Only 9% were first offenders in the strict sense of having no prior convictions.

### Demographic Characteristics

Males dominated the sample (92%). Ages of subjects ranged from 18 to 62 years. Exactly half were either unemployed or working part-time.

### Work Placements

Sixty percent worked with volunteers at their C.S.O. task. The most common jobs comprised maintenance and small repair tasks. Females tended to work indoors or provide individual assistance.

### Location

Cases at city offices were more likely to be under probation and parole supervision while completing their C.S.O.s and to have longer orders to complete than country offenders.

### Successes

A weighted total of 88% of cases completed their orders successfully. Compared with those who breached their orders, these workers were more likely to be married, to have committed a driving offence which resulted in an order of 100 hours or less and to have had less than two previous convictions. There was no relationship between

work assignment and outcome.

### Failures

Of those workers who breached the conditions of their order, 56% were subsequently imprisoned for the term of 3 to 6 months on average. Over half of these cases had failed to fulfil more than one condition of their order. There was no significant relationship between the original offence and the sentence imposed for breach of the order.

## Detailed Results

### 1) Who were sentenced to Community Service Orders?

#### a) Demographic characteristics

Most of those sentenced to Community Service Orders were male (92%). Their ages ranged from 18 years to 62 years with a median age of 23 years 10 months. Over half of the offenders had never married (52%); others were married (22%), had a de facto relationship (13%), were divorced (7%), separated (6%) or widowed (0.4%). Over half were employed either full-time (48%) or part-time (10%); others were either unemployed seeking work (33%), unemployed not seeking work (7%) or occupied with home duties (2%).

#### b) Current offence and sentence details

The offences for which these people had been convicted are portrayed in Table 1. From this table it can be seen that those sentenced to C.S.O.s had been convicted of a wide variety of offences, the most common of which were: "driving under the influence" (20%); "driving whilst disqualified" (19%) and "stealing" (13%).

**Table 1: Major Current Offence (grouped)**

	% of C.S.O. workers (n = 270)
<b>Driving Offences</b>	
Driving under the influence	20
Driving whilst disqualified	19
Dangerous driving	3
Other driving offences (occasioning injury, culpable driving, negligent driving, refuse breath test, unlicensed driver, fail to stop after accident, speeding)	4
<b>TOTAL Driving Offences</b>	<b>46</b>
<b>Stealing and Fraud Offences</b>	
Stealing	13
B.E.S.	6
Larceny Motor Vehicle	6
Other offences against property	4
Fraud	7
Forgery and uttering	3
Misappropriation	2
Receiving	1
<b>TOTAL Stealing and Fraud Offences</b>	<b>42</b>

Assaults and Robberies	
Minor Assault	2
Major Assault	1
Assault of unspecified nature	1
Robbery	1
Other serious offences (extortion, arson)	1
<b>TOTAL Assaults and Robberies</b>	<b>6</b>
Drug and Miscellaneous Offences	
Selling drug	2
Possess drugs	1
Breach of recognizance	1
Miscellaneous minor offences (perjury, resist arrest, possess firearm, other drug offence)	2
<b>TOTAL Drug and Miscellaneous Offences</b>	<b>6</b>

The 270 offenders were sentenced to a C.S.O. from a total of 51 courts, with one-quarter of the offenders (25%) sentenced by three courts: Central Court of Petty Sessions, Goulburn and Gosford Courts of Petty Sessions. This, in part, reflects the areas of the state in which the scheme has been running longest. The sentences were passed by 50 magistrates and 17 judges, of whom two magistrates passed almost one-quarter of the sentences (23%).

In a majority of cases the recommendation for a C.S.O. was instigated by the court (81%).

The majority of offenders were legally represented at court. Over one-third were represented by a private solicitor (39%), another third were represented by a public solicitor (38%), with the remainder being represented by Legal Aid (14%), the Aboriginal Legal Service (3%) or were not represented (5%). At the time of sentencing, 95% of clients were on bail, while only 5% were in custody.

The number of hours of work involved in the order ranged from 30 to the maximum of 300 hours. The median length of order given was for 100 hours, which was in fact the length of the order in one-third of the cases sampled (33%). Half of the orders (50%) had no additional conditions imposed. The remaining orders included additional conditions of: disqualification paired with fine or compensation (15%); disqualification (14%); compensation (8%); fine (7%); supervision (2%) or other multiple conditions (4%). Just over one-quarter were dual supervision cases. The majority of these were being supervised by the Probation and Parole Service while on probation (26%), others were on parole (2%). Organizers rated the likelihood of imprisonment for each case prior to sentencing on a scale from 0 (prison very likely) to 12 (prison very unlikely). The median score was 2.92, with 84% of scores less than 6.

### c) Previous Criminal History

Only ten percent had had no previous convictions. The remainder had had between one and forty previous convictions. On average, offenders had had between four and five previous convictions.

### d) The work

The number of work placements for an offender ranged from 0 to 13. The four offenders who had no such placements were those whose orders were revoked, having failed to attend any C.S.O. work. The majority of offenders completed their orders in one (37%), two (23%) or three (15%) placements.

Six out of every ten workers (60%) were working alongside volunteers and one out of five (20%) were lone workers having little contact with recipients or the public. Others either gave individual assistance (12%) or worked in a group of C.S.O. recipients having some contact with the public (7%). Only 2% worked as a group of C.S.O. recipients, supervised by a departmental employee and having only incidental contact with the public during their work hours. The most frequent type of work performed was maintenance and doing odd jobs such as painting, cutting lawns, fencing and renovating goods (46%). Others were involved with environmental improvement, including landscaping, clearing a cemetery, and laying concrete (14%), giving individual aid (9%), domestic duties (7%), general sorting or store duties (7%), pick up and delivery jobs (4%), clerical (3%) and sporting activities (2%). The remaining workers (8%) were involved with a variety of other types of work.

The work was most often a benefit to the community as a whole (26%), children (22%) or the poor (19%).

### e) Completion Details

The Community Service Order Act 1979 requires that an order be completed within 12 months unless an extension has been sought. On average, workers in this sample completed their order in less than six months (23.8 weeks).

When examining the proportion who successfully completed their order, it must be remembered that for this study, a one-in-two sample of the successful completions and *all* of those were breached or revoked at the time of data collection were included. When the proportions were re-weighted to take account of this it was found that 88% had completed successfully, 2% had been breached and 10% re-

**Table 2: Outcome of C.S.O.**

Outcome	Reweight percentage (n = 270)
Completed successfully	88.2
Breached but allowed to continue	1.9
Revoked (Section 25)	4.3
Revoked (Section 19)	2.7
Revoked (Section 18)	2.5
Order expired without completion	0.4

voked. Further completion details are presented in Table 2.

Revocation under Section 25 of the Act refers to revocation following a breach of requirements of, or relating to, the community service order: for example, fail to attend. Revocation under Section 19 of the Act follows conviction for a further offence and revocation under Section 18 refers to revocation of the

order on application concerning circumstances that have arisen since the order was made: for example, ill health of the worker preventing him from completing his order. However, some workers revoked under Section 18 committed breaches of their C.S.O. or further offences while breach action was being taken so this classification includes many cases similar to those dealt with under Section 19 and 25.

Of those who were breached, the most common single reason was "failure to attend" (37%). No one, in this study, had been breached for "failure to work" while attending. Others were breached for the following reasons: "in custody, unable to work" (3 workers); "failed to notify change of address" (2 workers); "ill health" (2 workers); "committed breach of regulation" (1 worker): with the majority breached for a combination of reasons (44%).

Over half of those breached (56%) were sentenced to prison for their breach. Prison sentences ranged from less than one month to sixteen months, with the average term being between three and six months.

Twenty-four workers were convicted of a further offence at some time while serving their order. The most common offences were property offences such as: "Break, enter and steal" (6 workers); "Larceny of motor vehicle" (4 workers); "Stealing, not elsewhere contained" (3 workers); "Driving under the influence of alcohol or drugs" (3 workers) and "Driving whilst disqualified" (3 workers). Other offences, each involving one worker were: minor assault, armed robbery, fraud and possess drug. The average time from commencement of the order to committing the offence was 3.26 months, with over one-third (39%) having committed the offence within one month of the order.

Twenty-two of those committing a further offence were sentenced to prison and one was sentenced to periodic detention. None was sentenced to probation or was fined. The period of imprisonment ranged from four months to three years, with an average period of 18.9 months.

**f) Office**

Cases were derived from 22 offices throughout the state. Offices at which more than 5% of cases in the study were supervised comprised: Gosford (16%), Newtown (14%), City (12%), Goulburn (9%), Wollongong (7%), and Queanbeyan (6%).

**2) What factors were related to successful completion of the order?**

**a) Demographic characteristics**

In comparison with breach and revocation cases, successful C.S.O. recipients were similar in age and employment status but differed significantly in marital status. As can be seen from Table 3 below, married workers were more likely to complete their orders successfully while those who had never married or lived in a de facto relationship were more likely to fail.

**b) Offence and sentence details**

Successful C.S.O. workers differed from those whose order was breached or revoked in the nature of the current offence, number of previous convictions, number of hours ordered to be worked and time taken to complete the order. The imposition of other conditions, concurrent supervision on probation or parole and the likelihood of imprisonment as rated by the organizer were not significantly related to successful completion of the order. Workers who had committed driving offences were more likely to complete their orders successfully

**Table 3: Outcome analysed by Marital Status**

Marital Status	Number failed: breached, revoked, order expired	Successful completions	
		Number	Reweighted* %
Married	4	54	96.4
Never married	35	105	85.7
De facto	11	23	80.7
Separated, widowed, divorced	7	31	89.9
TOTAL	57	213	88.2

(Chi-square = 11.05, df = 3, p < .01)  
\*See page 9 for note on reweighting

**Table 4: Outcome analysed by offence**

Offence Category	Number failed: breached, revoked, order expired	Successful completions	
		Number	Reweighted %
Assaults, robbery and like offences	13	35	84.3
B.E.S., stealing and like offences	18	49	84.5
Malicious injury, drug and good order offences	10	21	80.8
D.U.I., P.C.A.	11	58	91.3
Other driving offences	5	50	95.2
TOTAL	57	213	88.2

(Chi-square = 10.55, df = 4, p < .03)

**Table 5: Outcome analysed by number of previous convictions**

Number of previous convictions	Number failed: breached, revoked, order expired	Successful completions	
		Number	Reweighted %
0	1	23	97.8
1	5	34	93.2
2-5	27	95	87.6
6 or more	24	61	83.6
<b>TOTAL</b>	<b>57</b>	<b>213</b>	<b>88.2</b>

(Chi-square = 9.11, df = 4, p &lt; .05)

**Table 6: Outcome analysed by number of hours ordered to be worked**

Hours of work ordered	Number failed: breached, revoked, order expired	Successful completions	
		Number	Reweighted %
30-79	6	54	94.7
80-100	21	102	90.7
101 or more	30	57	79.2
<b>TOTAL</b>	<b>57</b>	<b>213</b>	<b>88.2</b>

(Chi-square = 15.18, df = 4, p &lt; .0043)

while workers convicted of assaults, robberies, stealing, malicious injury, drug or good order offences were more likely to fail.

Workers with no prior convictions or one conviction had a greater probability of success on their orders than those with 2-5 or more than six convictions.

It was not possible to compare lengths of time spent under a C.S.O. for successful cases and failures. An initial tabulation of weeks required to complete the order indicated that for a little under half of the failures more than 33 weeks elapsed before revocation, whereas more than half of the successful cases completed their order within 20 weeks. However, these periods are not comparable since the period for revocation cases includes time taken to process the breach; many weeks may elapse between the behaviour that initiates breach action and final deposition of the case by the court. Unfortunately, it was not possible to identify the date on which behaviour that resulted in breach action occurred for all revocation cases.

Workers who had been ordered to work for 100 hours or less had a better chance of completing their C.S.O., while those ordered to work for longer periods had a higher probability of failure.

However, it appears that the relationship between hours of work and outcome is confounded by offence. From Table 7, below, it is clear that persons convicted of assaults, robbery, stealing, malicious

injury and drug offences were more likely to receive longer sentences than driving offenders. Further analyses indicated that driving offenders with shorter orders of 100 hours or less were more likely to complete their hours successfully. (See Table 8)

Driving offenders with orders of more than 100 hours had a lower success rate than persons convicted of other offences. This is an interesting finding, as it appears that an interaction effect between a driving offence and hours ordered to be worked is contributing to the different success rates.

#### c) Work details

The relationship between successful completion of the order and number of work placements, recipient group, type of work and classification of task (involving individual vs group work, degree of contact with the public and intensity of supervision) was investigated. None of these variables was significantly related to success or failure.

#### d) Prediction of success or failure on the scheme

A discriminant analysis was performed on the variables which had been identified as having a statistically significant relationship with successful completion on the scheme. The prediction equation which was generated by the direct method using the sample estimate of 12% failure on the scheme yielded correct classifications in 78.9% of cases when applied to the sample. However this was achieved by predicting all but two cases as successes and of the two predicted failures, one had actually completed his C.S.O. successfully. Thus the use of data obtained in the record study did not improve upon the rate of successful predictions that could be achieved by chance.

#### 3) Which factors were related to the length of the C.S.O.?

Apart from offence, variables which could be expected to be related to the number of hours com-

**Table 7: Offence analysed by hours ordered to be worked**

	Hours		TOTAL
	≤ 100	>100	
Driving offences	102 (82.3%)	22 (17.7%)	124 (100.0%)
Other offences	81 (55.5%)	65 (44.5%)	146 (100.0%)

(Chi-square = 22.03, df = 1, p &lt; .0001)

**Table 8: Outcome analysed by offence and number of hours ordered to be worked**

	Hours	
	≤ 100	> 100
Driving offences	96.4	74.3
Other offences	85.9	80.7

**Note:** Each cell provides a reweighted success rate. Of the 102 driving offenders with ≤ 100 hours ordered to be worked, 95 successfully completed their orders. The reweighted success rate is thus

$$\frac{95 \times 2}{95 \times 2 + 7} \times 100 = 96.4.$$

The overall  $X^2$  for the table offence x hours x outcome is 24.41, df = 4,  $p < .001$ .

munity work imposed by the court were not significantly associated with length of the order. It appears that the length of the C.S.O. was not significantly affected by the source of referral for C.S.O. assessment, whether the offender was legally represented, on bail or in custody, whether the offender was concurrently being supervised on probation or parole, the number of previous convictions, nor by the demographic variables of age, sex, employment situation and marital status.

In turn the length of the order did not affect the nature of work allocated to the offender, although it did affect the number of placements that were made. Offenders sentenced to 100 hours or less of community service were more likely to complete one or two placements, whereas those sentenced to 120 hours or more tended to complete three or more placements.

The length of the order was also significantly related to the likelihood of imprisonment as rated by the organizer. Those rated as "very likely" to be sentenced to imprisonment tended to be assigned orders of 120 hours or more whereas those rated as moderately likely or unlikely to be imprisoned tended to receive shorter orders.

#### 4) How did city and country offenders differ?

The 22 offices from which cases in this study were derived were classified as city (Sydney metropolitan, Gosford and Wollongong) and country (all other offices). Tests were performed on the relationship between location and six other variables: offence, hours of work ordered, concurrent supervision on probation or parole, outcome of the order, number of work placements and classification of task. Only two, hours of work and concurrent supervision on probation or parole, reached statistical significance.

Offenders experiencing probation or parole supervision while completing a C.S.O. were more likely to be reporting to a city office. Organizers at city offices were more likely to have cases with longer hours, as can be seen in Table 9 below.

**Table 9: Hours worked analyzed by location: percentages**

Hours of work ordered	City	Country	TOTAL
30-79	16.5	33.0	22.2
80-119	46.6	43.6	45.6
120-180	16.5	16.0	16.3
181.+	20.5	7.4	15.9

#### 5) What factors were related to work assignments?

It has already been noted that the variables relating to work assignment (number of placements, recipient group, type of work and classification of task) were not significantly related to successful completion of the order, hours of work ordered and location of office.

The relationship between work assignment and age, sex, marital status and offence was also examined.

The age and offence of the worker did not appear to influence the subsequent work placement. However, differences in work placements could be attributed to the offender's sex and marital status. Female offenders were more likely than males to provide individual personal assistance to those in need, and to be engaged in indoor work such as sorting tasks, domestic or clerical duties. Only one female was assigned outdoor work, comprising tasks in the maintenance and odd jobs category.

Married offenders were more likely to have provided personal aid, while C.S.O. workers who had never married were more likely to have been assigned outside work.

#### 6) What factors were related to the sentence imposed for breach of C.S.O.?

Workers whose orders were revoked due to ill health were given a probation order, whereas those who simply failed to attend largely received a fine or prison sentence. Over half of those imprisoned for breaching their C.S.O. (52%) failed to fulfil more than one condition of their order. There was no significant relationship between the nature of the original offence resulting in the C.S.O. and the sentence imposed for breach of the order, although there was a slight tendency for driving offenders to receive non-custodial sentences.

Twenty-four workers committed a further offence during their C.S.O. The overall trend was for the offence committed whilst completing a C.S.O. to be similar to, or less serious than, the original offence, as depicted in Table 10 below.

**Table 10: Original offence analyzed by further offence**

Further offence	Assault, rob	Original Offence Stealing, malicious injury	Driving offences	TOTAL
Assault, rob	–	1	1	2
Stealing, fraud, drug offences	5	10	1	16
Driving offences	–	1	5	6
<b>TOTAL</b>	<b>5</b>	<b>12</b>	<b>7</b>	<b>24</b>

There was no significant relationship between the nature of the further offence and the period in months from the commencement of the order to the commission of the offence. When the length of prison sentence imposed was related to the nature of the further offence it appeared that those convicted of subsequent driving offences were more likely to receive shorter sentences of twelve months or less, whereas offenders convicted of robbery and B.E.S. were more likely to receive longer sentences of two to six years. However, the numbers involved were too small for stringent comparisons.

**Discussion**

From our sample which comprised over half of all completed cases at the time of the study, it appears that the C.S.O. scheme has a high success rate of 88%. Success seems to depend on prior factors such as offence, past criminal record and possibly marital status, not on any measurable characteristics of the order itself. With such a high success rate, perhaps the scheme could be expanded to include more doubtful cases. Certainly the scheme is not confined to bland first offenders: less than 10% were first offenders and almost half were convicted of assaults, robberies, stealing or fraud offences. However, perhaps more people convicted of more serious crimes within these categories could be considered for inclusion in the scheme.

Almost half the offenders were convicted of driving offences, largely associated with alcohol (driving under the influence or driving whilst disqualified because of a prior drink-driving offence). These form a distinct group within the C.S.O. population, and those with shorter orders have a greater likelihood of completing their orders successfully than other offenders, despite more limited mobility resulting from licence disqualifications. It would be interesting to relate changes in the scheme's results with changes in the proportion of driving offenders over time.

A little under half of the C.S.O. workers were engaged in full-time work. Thus the majority of people on the scheme do not fit the stereotype of offenders given the opportunity to remain in their jobs while compelled to use some of their evening or weekend leisure time in helping others. The official policy towards unemployed workers is designed to minimize differences between employed and unemployed offenders in the number of hours devoted to the C.S.O.

**"Times of work.** It should be the expectation of every offender that at least eight hours per week

should be completed. In certain circumstances (eg, when the offender is unemployed) longer hours are possible, but even so, should not exceed three days per week. There is a presumption in favour of the C.S.O. work never equalling what might have been a full week's paid work and good reasons should be found for this rule to be broken". (C.S.O. Manual Part 4, p 2)

However, some magistrates may be imposing a C.S.O. as a form of job training or imposition of work discipline on unemployed offenders. This effect would be limited if a maximum of 3 days' C.S.O. work per week were enforced.

Since a majority of C.S.O. workers are unemployed, a number of issues regarding the administration of the scheme for unemployed offenders may require further consideration. Should unemployed workers be allowed to perform up to 40 hours of C.S.O. work per week if they desire, or should they be limited to the number of hours most employed people are able to devote to their C.S.O.? Should official policy be changed to allow the scheme to be used as full time job training or work discipline for unemployed offenders? Is the scheme currently allowing unemployed workers an advantage in being able to discharge their orders over 3 days' work per week instead of 2 days per week for the typical employed worker? Would employed workers be disadvantaged if the unemployed were able to work 5 days per week?

About half of those workers whose orders were breached were sentenced to prison for an average period of 3 to 6 months. This is some evidence for arguing that the scheme is being used as an alternative to imprisonment in about half the cases sentenced to a C.S.O. It has been argued that, in sentencing a person for breach of a C.S.O., the magistrate is largely imposing the sentence he would have imposed for the original offence had the option of a C.S.O. been unavailable. However, this argument fails to allow that factors occurring during the order may influence the sentence, such as the number of hours' service completed prior to the breach or circumstances making compliance with the order more difficult.

**Recommendations**

1. That magistrates be encouraged to consider sentencing to a C.S.O. in more serious cases.
2. That the aims and policies of the scheme for unemployed offenders be reconsidered.

## PART II: POLICE RECORD STUDY

### Aims and Methodology

This study was planned as an extension to the evaluation of C.S.O. record data. Its aim was to investigate differences in past criminal history between those who completed their orders successfully and those whose orders were breached.

A total of 46 people had been identified as having breached their Community Service Order. A matched group of successful cases was selected on the basis of most serious offence and length of C.S.O.

Police records were consulted to obtain a complete listing of past criminal matters. Although C.S.O. files contained the data item "number of past convictions", the information represented those convictions known to C.S.O. staff from other sources (usually police antecedent reports prepared for the sentencing magistrate). It was decided to use police records as original source data for accuracy and to provide more comprehensive data. Full data was available for 45 matched pairs.

From police records a listing was made of all convictions prior to the conviction resulting in the C.S.O., the nature of all past offences and sanctions imposed by the courts. Two overall measures of the past record were calculated for each subject: the total number of past convictions and a crime index. More detailed comparisons were made between the incidence of each offence type and past measure for each group.

The crime index was devised as a measure of criminal activity that incorporates both the number of offences committed and their relative seriousness. A modified version of Normandeau's Crime Index for Australia, as developed by Burgoyne (1979) was used in this study. The scale was based on ratings made by an Australian sample of the perceived seriousness of a variety of criminal offences. Every crime was considered to consist of a set of activities, each of which was rated for seriousness. By adding the scores for each component activity a total score for each crime was obtained.

Examples of scores from the modified Crime Index used in this study are: public nuisance offences (1), drug offences (1), larceny (1), breaking and entering (2), armed robbery (6), serious assault (9), rape (16) and murder (46).

### Results

#### 1) The effect of matching "breached" cases with "successful" cases

Matched groups were used in this study in an attempt to control for some of the variables which are usually correlated with criminal record. From the record study of 270 C.S.O. cases it appeared that length of order was not significantly related to number of previous convictions but there was a significant relationship between offence and previous convictions (chi-square = 31.69,  $df = 16$ ,  $p < .01$ ). However it was expected that both variables would be related to measures of past record based on more accurate and comprehensive data. Before analysing differences between the groups it was necessary to

determine whether in fact the matching process had produced a relatively strong positive relationship between the two sets of scores.

When crime scores for the breached and successful groups were compared it was found that both distributions were skewed and the correlation between the two sets of scores was virtually zero. Hence statistical techniques appropriate for matched groups and normal distributions could not be applied and the two sets of scores were treated as being derived from independent groups.

#### 2) Differences between "breached" and "successful" cases in crime scores

The median crime score for the successful group was 5 while the median score for the breached group was 13. This difference was statistically significant (chi-square = 7.51,  $df = 1$ ,  $p < .01$ ). The result indicates that the breached group had more serious past records, as measured by the crime score, than the successful groups.

#### 3) Differences between "breached" and "successful" cases in past convictions

The median number of past convictions was 5 for the successful group and 11.5 for the breached group (median of 8 for the combined sample). The difference was statistically significant (chi-square = 10,  $df = 1$ ,  $p < .01$ ).

#### 4) Other differences between the two groups

Very few cases in either group had committed homicides or assaults (17%), sexual offences (2%), robberies (13%), fraud offences (14%) or been the subject of children's care and protection orders in the past (2%), so detailed comparisons based on these offences were not feasible. Similarly the incidence of past 556A discharges (nil) and periodic detention (3%) did not warrant further investigation.

A large proportion of C.S.O. recipients in both groups had committed driving offences in the past (62% of total sample) and offences in the "other" category which includes drug offences and offences against good order (57%). Of the past correctional measures, fines had been experienced by 87% of the sample, bonds by 56% and disqualification from driving by 43% of the sample. However there was no significant difference between the two groups on any of these items.

The only offence category which separated the groups was property offences (86% of sample). The median number of past property offences was 1 for the successful group and 4 for the breached group (chi-square = 5.475,  $df = 1$ ,  $p < .02$ ). All but two of the breached cases had committed one or more property offences in the past, whereas eleven successful cases had no prior record of property offences.

The incidence of past juvenile (16% of sample) and adult detentions (32% of sample) also separated the two groups. Eleven of the breached cases had experienced juvenile detention compared to three from the successful group, a significant difference (chi-square = 5.41,  $df = 1$ ,  $p < .02$ ). Significantly more of the breached cases (20) compared with nine of the successful cases had been imprisoned in the past (chi-square = 6.16,  $df = 1$ ,  $p < .02$ ).

## Summary and Discussion

For the sample of C.S.O. recipients as a whole it was found that, most frequently, past offences comprised property, driving and drug or good order offences. Sentences experienced most frequently in the past comprised fines and bonds.

As expected, breach cases had more serious past records as measured by the number of past convictions and the crime index. They were more likely to have committed property offences and to have been detained as juveniles and adults than successful cases.

Thus it appears that offenders with many past convictions, especially for property offences, are more likely to breach their C.S.O.s. The crime index scores were consistent with numbers of past convictions as a measure of criminal record and may provide a useful summarising tool. However, two identical crime scores may reflect either a large number of convictions for trivial offences or few convictions for serious offenders: for predicting performance on a C.S.O. or any correctional programme it may also be necessary to take the pattern of past offending into account.

A further cautionary note must be made. These findings are based on the first 45 breach cases and an equal number of successful cases. Since the data was collected many more breaches of C.S.O. have been processed and changes may have occurred in sentencing the offenders to C.S.O. and policies for initiating or completing breach procedures. These changes in the scheme over time could substantially alter the risk of success or failure on the scheme.

In the conclusion to Part I of this study it was recommended that magistrates be encouraged to sentence more serious offenders to a C.S.O. However, failure on the scheme has been shown to be associated with a history of past offending, particularly property offences, and also longer orders. Is the increased risk of failure by more serious offenders warranted?

While it is true that offenders with longer orders (exceeding 100 hours) had a greater risk of failure than those with shorter hours, nonetheless four out of five offenders with longer orders completed their C.S.O. successfully. If crime score is used as a measure of the seriousness of past criminal record, then offenders with scores exceeding 10 comprise the "more serious" half. Yet one out of three with crime scores exceeding 10 completed their orders successfully. Such considerations indicate that blanket exclusions are unwarranted. Possibly the best compromise would be to monitor carefully the performance of higher risk offenders on the scheme, while considering the effect of changes in revocation rates upon the acceptance of the scheme by the agencies providing work, the judiciary and the public. It was recently reported that C.S.O. advocates in California were worried that the low completion rates of between 65 and 75 percent were jeopardizing the scheme (Krajick, 1982). Perhaps a concurrent programme of expansion of the scheme with careful evaluation would allow for more flexibility while avoiding extreme failure rates that could bring the

scheme into disrepute.

Thus it is further recommended:

3. That the effects of sentencing to C.S.O. in more serious cases be carefully monitored so that failure rates are contained within acceptable levels.

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