



Research Publication

Community Service Orders in NSW:

**Do participants think the scheme is
fulfilling its aims?**

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COMMUNITY SERVICE ORDERS IN N.S.W.

Do participants think the scheme
is fulfilling its aims?

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Abstract

The three official aims of the Community Service Orders Scheme in New South Wales are, in order of priority:

1. to act as an alternative to imprisonment;
2. to provide benefits to the community;
3. to provide benefits to the offender.

This study was designed to assess whether participants in the scheme perceived these aims to be the most important and how these aims were being fulfilled, although a full examination of aim 1 could not be attempted.

Subjects comprised offenders sentenced to Community Service Orders, personnel from agencies for which work was performed and C.S.O. staff: organisers, paid supervisors and other probation and parole staff. A total of 132 interviews were conducted.

It was found that over half of the C.S.O. workers expected to receive a prison sentence. All respondents perceived a C.S.O. to be less severe than a 6 months' prison sentence or 12 months' periodic detention and similar to the constraints of 2 years' probation supervision. While there was a diversity of opinion concerning the most important aims of the scheme, all respondents answered within the set of possible official aims.

Agency personnel described C.S.O. workers as keen, punctual and performing work of a standard similar to that of volunteers. Landscaping and maintenance were tasks most frequently performed at financial savings to the agencies.

C.S.O. workers reported that they were assisting agency staff or providing concrete aid to the needy. Fourteen percent of C.S.O. workers continued to work voluntarily with agencies after their orders had been completed.

A noticeable feature of the interviews was the marked enthusiasm for the scheme by all respondent groups. It appears that agency personnel were satisfied with the constructive work performed by C.S.O. workers and continued to use the scheme despite some unsuitable referrals. The scheme also appears to be a sanction which minimizes disruption to the offender's employment and family relationships while providing some satisfaction in helping the needy. The degree to which respondents felt that the last two aims were being met is most encouraging.

INTRODUCTION

The Wootton Report (1970) which gave impetus to the original British scheme and provided a model for subsequent ones specified a number of objectives which, it was claimed, would hold appeal for those espousing different penal philosophies. In brief, the Community Service Orders Scheme was suited to adherents of alternatives to short prison sentences, reparation to the community, punishment that fits the crime and bringing offenders into close touch with needy members of the community.

Alternative to prison

In four studies of circumstantial evidence Pease, Billingham and Earnshaw (1977) found that from 45% to 50% of offenders given community service orders could be estimated as having been displaced from custody. However, they were quick to point out that it is not possible to conclude from the data that, in fact, from 45% to 50% of offenders were diverted from imprisonment because of other factors involved in the sentencing process.

Measures of the perceptions of subjects concerning the place of C.S.O.s in the sentencing tariff can also provide valuable data to complement a more rigorous study. The latter approach was taken in this study.

Benefit to the community

Both tangible and intangible benefits to the community require analysis in a complete evaluation of the scheme. The most tangible benefit is the work performed for community agencies which otherwise would have delayed that project or diverted funds from other sources for its completion. In an appraisal of the N.S.W. scheme, Voltz (1982) stated:

"State-wide, more than 70,000 hours of work had been completed to June 30 (1982) and by applying the national average wage rate of about \$9 an hour, the result in monetary value is more than \$600,000 worth of work".

However, it has been pointed out that this approach may over-value the scheme and that a more realistic method would involve estimating the maximum price someone would pay in order to have a programme continue. Such a valuation usually would be considerably less than the value of hours contributed by participants (Beha, Carlson and Rosenblum 1977, p 56).

Intangible benefits include the involvement of community groups with the criminal justice system, increased awareness of the courts and justice administration and the breaking down of the stereotyped concepts of an offender.

Benefit to the offender

While it has been claimed that offenders may benefit from the C.S.O. scheme through learning work skills, interpersonal skills, developing self-confidence, (McAvoy, 1982) developing relationships with volunteers and caring citizens, enhancing the acceptance of the offender by the community, reparation and discipline (Winfield, 1977) it must also be remembered that community work is costly to the offender: it is felt as a punishment which involves at least the sacrifice of time. However

the discipline and control of the offender can also be of significant benefit as training in self discipline eg, for unemployed offenders who learn acceptable work habits.

The reparation aspect of Community Service may satisfy society's need to exact a form of compensation for the offence but it may also satisfy an unconscious need of the individual to make amends. Very little research appears to have been conducted into the value of the scheme as reparation.

The Scheme in New South Wales

The C.S.O. Act 1979 authorises courts to sentence offenders to community service work. Section 4 of the Act (1979) also empowers the courts to impose more than one order on a person to run concurrently or accumulatively so long as the total number of hours never exceeds 300 for each person. Regulation 14 (1980) provides that where the maximum term of imprisonment provided by law does not exceed six months, the prescribed maximum number of hours is 100, where the maximum term of imprisonment exceeds 6 months but does not exceed one year, 200 hours is the maximum, and where the maximum term of imprisonment exceeds one year, the maximum number of hours is 300.

Prior to the courts making a community service order, a report is prepared by the Probation and Parole Service regarding the offender's suitability for community service. Apart from the requirements that the offender be over 18 years of age and the offence punishable by imprisonment, the court must be satisfied that the offender is suitable to perform community service work and that work can be provided. Offenders must also consent to receiving a C.S.O. prior to one being given.

Summary of Major Issues

- (1) Is the scheme perceived as an alternative to imprisonment by participants?
- (2) How does the perceived severity of a C.S.O. sentence compare with other custodial and non-custodial measures?
Is it a "soft option"?
- (3) Do agencies gain any benefits from the scheme: is the work being done constructive or just filling in time?
- (4) Are C.S.O. workers unreliable, difficult to supervise and unproductive?
- (5) Do workers gain benefits from the scheme?
- (6) Do C.S.O. workers feel that the scheme is depriving them of valuable leisure time?

METHODOLOGY

In October, 1982 the C.S.O. scheme was operating at 26 probation and parole offices in N.S.W. It was decided to sample ten offices, half in the metropolitan area.

At each office a range of opinions concerning the C.S.O. scheme was canvassed. Interviews were conducted with the Officer-in-Charge, the C.S.O. organiser, at least one other probation and parole officer and the paid supervisor. The Officer-in-Charge is a senior probation and parole officer who is responsible for supervising the probation, parole and community service order work carried out by his staff.

The organiser is the officer assigned to organise the community service programme in an office. This may be on a full-time or part-time basis, supplemented by probation and parole supervision.

The paid supervisor is the part-time officer who acts as liaison between the agencies and organiser and who reports on the progress of orders administered by an office. The organiser was asked to nominate for interviewing five C.S.O. workers who had been performing community work for at least four weeks and who had reported for at least four sessions at their current worksite. These criteria were framed to exclude those workers who had insufficient experience of the scheme to develop informed opinions of its operation. In addition the organiser was asked to specify three or more agencies at which at least three of the five workers had been performing their community work. The people who supervised C.S.O. workers at these agencies, designated voluntary supervisors, were contacted and interviews were requested.

In two areas an additional C.S.O. worker was available for interviewing while only four workers kept their appointments at another office. Consequently the total number of workers sampled was 51. At the end of October, 1982 the current C.S.O. caseload was 734. Thus the sample comprised 7% of the total caseload.

Since the inception of the scheme approximately 300 agencies had been assisted by community service order workers. A total of 37 agency representatives were interviewed, from 35 distinct agencies, comprising a sample of 12%.

The organiser was also asked to nominate private citizens such as pensioners who had been assisted by community service work. However only four interviews with pensioners were completed in four areas where work was undertaken for individuals.

Major topics covered in the structured interviews comprised aims of the scheme, roles, role relationships, analysis of work performed by offenders, provision of information about workers and administrative issues. In this report data relating to the aims of the scheme and their fulfilment are presented. A subsequent report, Community Service Orders in N.S.W.: Is the Community Service Orders Scheme operating effectively? will examine the administration of the C.S.O. scheme.

SUMMARY OF FINDINGS RELATED TO MAJOR ISSUES

(1) Is the scheme perceived as an alternative to imprisonment by participants?

From our very preliminary evidence it appears that over half of the C.S.O. workers expected to receive a prison sentence.

(2) How does the perceived severity of a C.S.O. sentence compare with other custodial and non-custodial measures?

Is it a "soft option"?

All respondents perceived a C.S.O. to be less severe than a 6 months' prison sentence or twelve months' periodic detention. However it was not seen as a complete "let off" or "soft option" as its severity was perceived as similar to the constraints of 2 years' probation supervision.

(3) Is the work being done constructive or just filling in time?

Landscaping (clearing land, establishing gardens) and maintenance (painting, cutting lawns, etc.) were tasks most frequently performed at financial savings to the agencies.

(4) Are C.S.O. workers unreliable, difficult to supervise and unproductive?

Agency supervisors described workers as keen, punctual and performing work of a standard similar to that of volunteers. Fourteen percent of C.S.O. workers continued to work voluntarily with agencies after their orders had been completed.

(5) Do workers gain any benefits from the scheme?

Although less than one quarter of the C.S.O. workers performed their tasks with volunteers over half were learning new work skills and most felt that their work was providing concrete aid to the needy or assisting agency staff.

(6) Do C.S.O. workers feel that the scheme is depriving them of valuable leisure time?

C.S.O. workers stated that the scheme did not seriously interfere with their existing commitments. Less than half the respondents were employed full-time, but the scheme had not interfered with efforts to find work.

RESULTS

All respondents were asked to specify what they perceived to be the most important aim of the scheme. Also, within the limits of the interview method, data were gathered on respondents' perceptions of how the scheme was fulfilling the major aims.

The "official" aims of the Community Service Order Scheme, as stated by the Co-ordinator are, in order of priority:

1. To act as an alternative to imprisonment.
2. To provide benefits to the community (ie, mainly in terms of work completed).
3. To provide benefits for the offender (ie, in terms of "whatever might flow from a successful work placement" McAvoy, 1980 p 26)

Alternative to imprisonment

Overall, 41% of respondents perceived that the most important aim of the scheme was to provide an alternative to imprisonment. Another 27% of respondents thought that offender benefit or rehabilitation was of greatest importance, while 21% of respondents saw helping the community or reparation as the major aim.

Other probation and parole staff (65%) and organisers (50%) were most committed to the aim of providing an alternative to imprisonment. Paid supervisors (60%) and agency personnel (52%) emphasized benefits to the offenders. It is interesting to note that the latter groups used the term "rehabilitation" in specifying the aims of the scheme whereas other groups enumerated social or psychological benefits without employing the concept of rehabilitation. Those workers who could supply aims emphasized the prison alternative (42%) and community assistance (30%) aspects of the scheme.

Three indirect measures were used in the interview study as a means of estimating the extent to which the C.S.O. scheme is perceived as an alternative to imprisonment. These comprised a sentencing task, applied to all respondents, items in the workers' interview schedule relating to the sentence the offender and legal representative expected as a sanction for the offence which resulted in a C.S.O. and a specific item applied to the C.S.O. workers.

Organisers, other probation and parole officers, workers, agency personnel and paid supervisors were each asked to rate five different sentences on a scale from 0 (mild) to 25 (severe). In an attempt to anchor this scale, the sentence, "Discharge from court", was pre-assigned a value of "0" and the sentence "6 months imprisonment" was placed near, but not at, the top of the scale with a value of "20".

The five sentences to be scaled were: "Fine of \$100", "Probation for 2 years with supervision", "100 hours Community Service Order", "200 hours Community Service Order" and "12 months Periodic Detention". These sentences were chosen as commonly used sanctions which represented a range of severity. The sentences were printed on cards and presented in a random order for each person.

It was found that the overall ordering of the sentences was similar for each of the groups: the fine being seen as the least severe, 200 hours C.S.O. and 12 months Periodic Detention as most severe, with 100 hours C.S.O. and Probation in between. (See appendix for median rankings.) In particular, the sentence profile derived from the organisers was very similar to that derived from the other probation and parole officers and the sentence profile derived from the responses of the workers was similar to that derived from the agency personnel. Only 9 of the 129 people questioned (7%) assigned 200 hours C.S.O. with a more severe rating than 6 months imprisonment.

The question remains as to what this scaling task indicates about the use of Community Service Orders as an alternative to imprisonment. Obviously it is the magistrates' view which determines the way any sanction is used and this task does not provide evidence related to the issue of whether magistrates are using this sanction as an alternative to imprisonment. However, it does indicate that those people involved in the scheme perceive its effect to be less severe than imprisonment.

Obviously this accords with the aims of C.S.O. legislation to provide a more constructive sentence than imprisonment avoiding the harmful aspects of a prison term for the offender and his family. Yet its severity is perceived as akin to a substantial period of probation: it is not the "soft option" that discharge from court or even a fine may appear to be.

However interview data suggest that 80% of workers thought that the C.S.O. scheme was an alternative to gaol, or an easy sanction. Moreover, when asked to specify the expected penalty for their offence, 60% of workers thought they would have been sentenced to imprisonment and 50% reported that their legal representative expected a prison sentence. Perhaps they are saying that they believe the scheme is being used as an alternative to imprisonment but the severity of C.S.O. is experienced as being closer to probation than imprisonment.

Benefit to the community

The main benefit to the community of the scheme is the specific value of the work performed for agencies participating in the C.S.O. scheme. In the interviews information was sought on the type of work performed, the quality of this work, and the costs and benefits of the work as perceived by agency personnel.

The two most common tasks given to C.S.O. workers comprise maintenance (including painting, cutting lawns, weeding, fencing) and environment improvement (including landscaping, clearing and establishing gardens). These account for 60% of work placements. Personal aid, domestic duties and sorting/stores work account for another 25% of placements. Truck driving, clerical work and sports activities were used infrequently as placements.

Almost three-quarters of the agencies had supervised the work of between 1 and 10 C.S.O. recipients. Most of the workers performing C.S.O. work were described as keen and punctual, although half the agencies had received at least one unsuitable place-

ment. However, this did not deter the personnel who were interviewed. The quality of the work was described by all agencies as average to very high and similar to that of volunteers. This work was performed at little cost to the agencies in terms of expenditure or staff time but yielded financial savings because agencies did not have to pay someone to do the tasks performed by the C.S.O. workers.

Benefit to the offender

One of the implicit aims of the C.S.O. scheme is to avoid the adverse effects of imprisonment on an offender: the loss of a job, deterioration of family relationships and limitation of social contacts to other prisoners and prison officers. In the interviews, C.S.O. workers were questioned about the effects of community work on their lifestyle in an attempt to assess whether these adverse effects were being avoided.

Other questions were included to investigate the more positive goals for the offender: were C.S.O. workers meeting and working with volunteers? developing latent talents? perceiving their work as helping less fortunate individuals? Were there indications of "character building" expressed by C.S.O. workers continuing to work as volunteers after their order had been completed? Although the goal of rehabilitation could not be assessed in this study, material relevant to other aspects of benefit to the offender was extracted.

It was found that respondents were divided equally between fully employed and unemployed workers with 10% working part-time.

Employed workers tended to perform their community service at weekends although 21% of unemployed workers also reported for community service regularly at weekends. For the majority of respondents the C.S.O. had not interfered with their job or with efforts to find work. However, the main effect on employment appeared to be that a C.S.O. commitment interfered with opportunities to do overtime or undertake extra casual work in a minority of cases.

Only 20% of respondents claimed that the C.S.O. had had a negative effect on personal relationships although more than half the workers stated that they had been compelled to give up family, social or sporting activities to do their community work.

A little under one-quarter (23%) of C.S.O. workers performed their duties with volunteers. Another 23% worked with paid agency staff. This suggests that the aim of meeting and working with volunteers is not being met for the majority of C.S.O. workers.

However, almost half the respondents (43%) were tackling new tasks and 61% stated that they were being helped to develop new work skills. The majority indicated that their work was providing concrete aid to the needy or assisting agency finances and staff.

From the series of attitude statements it appears that, for the majority of workers, the C.S.O. scheme is enhancing their awareness of others, providing positive feelings from their assistance and allowing a measure of reparation. Moreover a small but encouraging proportion of workers continue to work

as volunteers after the order has been completed. At the 35 agencies where interviews were conducted, personnel were asked to name offenders who had continued to work there as volunteers. A total of 52 names were listed, comprising 14.4% of all C.S.O. workers who had completed their orders at those agencies.

DISCUSSION

Aims

The stated aims of the New South Wales Community Service Orders Scheme are substantially the same as the reported aims of schemes operating in other Australian states, Great Britain and the United States. However, different groups of participants in the New South Wales scheme perceived different aims as being most important. Workers and other probation and parole staff stressed the operation of the scheme as an alternative to imprisonment. It is clear that most workers expected to receive a prison sentence for their offence and it is likely that this expectation loomed largest in their thinking when they tried to express the aims of the scheme. Other probation and parole staff may have been following official policy more closely than organisers in stressing the aspect of a prison alternative: perhaps organisers, having closer contact with the workers, preferred to emphasize both the objectives of a prison alternative and offender benefit. Paid supervisors and agency personnel with roles more removed from the official C.S.O. administration and less direct contact with the sentencing process emphasized offender benefits. That is, while there was a diversity of opinion concerning the most important aims of the scheme, all respondents answered within the set of possible official aims and differences may reflect role differences.

The question of whether the New South Wales scheme is being used by magistrates as an alternative to a prison sentence will be examined in a subsequent report. However it is of interest that participants in this study did not perceive the imposition of a 200 hour C.S.O. to be as severe as 12 months' periodic detention or 6 months' imprisonment. Rather, they perceived the severity of the order to be similar to probation. However it would be of interest to compare different lengths of a C.S.O. with different periods of probation supervision and to compare the two measures on other dimensions.

Community benefit

When attempts were made to assess the benefit of the scheme to the community, consistently favourable comments were obtained. The workers were largely described as keen, punctual and performing work of a standard similar to that of volunteers. It may be argued that such positive responses indicate bias in sampling agencies involved in the scheme or exaggerated statements resulting from a desire to please the interviewers. However the voluntary supervisors represented a wide variety of agencies, including the Smith Family, St. Vincent de Paul, Salvation Army, homes for the aged, childrens' homes, child care centres, neighbourhood centres, drug referral centres and organisations caring for physically or intellectually handicapped people. It is

unlikely that sampling bias would operate within such a range of agencies. Moreover almost half of the voluntary supervisors stated that they had received at least one unsuitable referral. It appears that they persevered with high levels of enthusiasm despite setbacks. This finding is similar to the situation in the Midland Probation Region, Great Britain where unexpected acceptance and willingness to innovate was reported (West, 1977 p 6)

Offender Benefit

It was intended that the C.S.O. scheme should be experienced by the worker as a deprivation of leisure time without placing undue strain on other areas of life such as employment and family stability. In our study, offenders largely reported that their commitment to C.S.O. work had not seriously interfered with their jobs, homes or personal relationships.

Working with volunteers was considered to be an important aspect of the scheme so that offenders could mix with people who were presumed to hold desirable values because they gave their time in helping others. Only 23% of offenders in our sample worked with volunteers. However, it has been pointed out that relationships with agency staff, the paid supervisor and the organiser may be of equal importance in changing attitudes or strengthening positive attitudes. (Harding, 1974, p 57)

Two related objectives of the scheme for the workers comprise enhancing their awareness of the needs of others and a sense of satisfaction in helping needy people. Over 90% of workers agreed with statements that C.S.O. work made them aware of the needs of others and provided satisfaction through helping those worse off than themselves.

Over half the respondents claimed that they were developing new work skills. This is an encouraging finding since 45% of the workers were unemployed and could conceivably improve their chances of finding work by gaining further skills and experience. Further research into the value of the scheme for young, unemployed offenders could prove fruitful. The finding that 14% of offenders who had completed their orders at the agencies included in the study continued to work as volunteers after their orders had expired is clear evidence of some change in attitude in these workers. For some it may have been only a few hours additional work to complete a project but for others it represented an ongoing commitment to perform voluntary work.

This proportion is similar to that reported by Beha et al. (1977 p 59) who stated that 10% of C.S.O. recipients in Alameda county continued to volunteer their services after the order had expired, but it is significantly less than Varah's findings that 67% of clients would be "prepared to turn out occasionally on a voluntary basis" (1981, p 123). It appears that when it comes to unpaid work, intentions are far removed from actions.

Thus it appears that the scheme is viewed most favourably by all groups of participants and measures of the last two aims indicate that these are being met to a very encouraging degree.

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APPENDIX

Sentencing Task: Median rankings of different penalties for each group of personnel

