

Probation

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Burt Galaway

Identifying the Actual and Preferred Goals of
Adult Probation *Thomas Ellsworth*

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Political Risks in Electronically Monitored
House Arrest *James L. Walker*

Guns and Probation Officers: The Unspoken
Reality *Paul W. Brown*

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This Issue in Brief

Community Service: Toward Program Definition.—Over the past two decades, community service work order programs have been established at various points in the adult and juvenile justice systems. On the basis of detailed study of 14 community service programs, authors Joe Hudson and Burt Galalway describe a detailed community service program model. Key elements of program structure are described, including inputs, activities, outputs, and outcomes, along with their linking logic. According to the authors, preparation of this type of program model is a necessary prerequisite for sound management practices, as well as for developing and implementing program evaluation research.

Identifying the Actual and Preferred Goals of Adult Probation.—The field of adult probation has undergone considerable change over the last 10 years, reflecting a perceived public sentiment which emphasizes enforcement and community protection. As a result, the goals of probation have shifted. Based on a survey of adult probation professionals in two midwestern states, author Thomas Ellsworth confirms the existence of a dual goal structure in probation, encompassing both rehabilitation and enforcement. Further, the study results reveal that probation professionals prefer a dual goal structure in administering probation services.

Sharing the Credit, Sharing the Blame: Managing Political Risks in Electronically Monitored House Arrest.—For the last several years, electronically monitored house arrest has been the topic of extensive commentary in the literature. Scant attention, however, has been paid to the political environment in which such programs must exist. Using a brief case study of one county in Ohio, author James L. Walker suggests a four-part implementation strategy aimed at reducing the risks to the political actors involved in these programs. He concludes that

only if political considerations are properly managed will efficient and legitimate use of electronic monitoring programs be likely.

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Community Service: Toward Program Definition

BY JOE HUDSON AND BURT GALAWAY*

COMMUNITY SERVICE work orders are penal sanctions requiring offenders to complete a specified number of hours of unpaid work in nonprofit or governmental agencies. Formal community service programs began in the United States with the establishment of the Alameda County, California program in 1966. The original program focus there was on female traffic offenders; many could not pay a fine, but a jail sentence would have created a hardship. As the program evolved, male misdemeanants, selected felons, and juvenile offenders have all been handled. With the growing reputation of the Alameda program, other court referral programs developed in California in the 1970's. Many were modeled on the Alameda program, with such features as private agency auspices and voluntary participation by offenders as an alternative to fines or, in some cases, jail.

Perhaps the most widespread use of community service orders has been in England. Following a recommendation of the Advisory Council on the Penal System in 1970, the Criminal Justice Act of 1972 authorized courts to order offenders to complete from 40 to 240 hours of unpaid community service as punishment for imprisonable offenses. Pilot programs were established in 1973 in six probation districts. By the late 1970's community service programs were in place throughout the United Kingdom, Canada, Australia, New Zealand, and the United States; in the 1980's programs were implemented in several continental European countries, including Denmark, Germany, France, The Netherlands, Norway, and Portugal.¹

While community service programs have been introduced at various points in adult and juvenile justice systems, relatively little systematic information is available about the way in which these programs operate. Too often, program labels are substituted for clear program descriptions. But labels give little information about the interventions implemented and no understanding about

program structure and the causal relationships that underlie program operations. This article aims at filling this gap by providing a description of the structure and logic of community service programs.

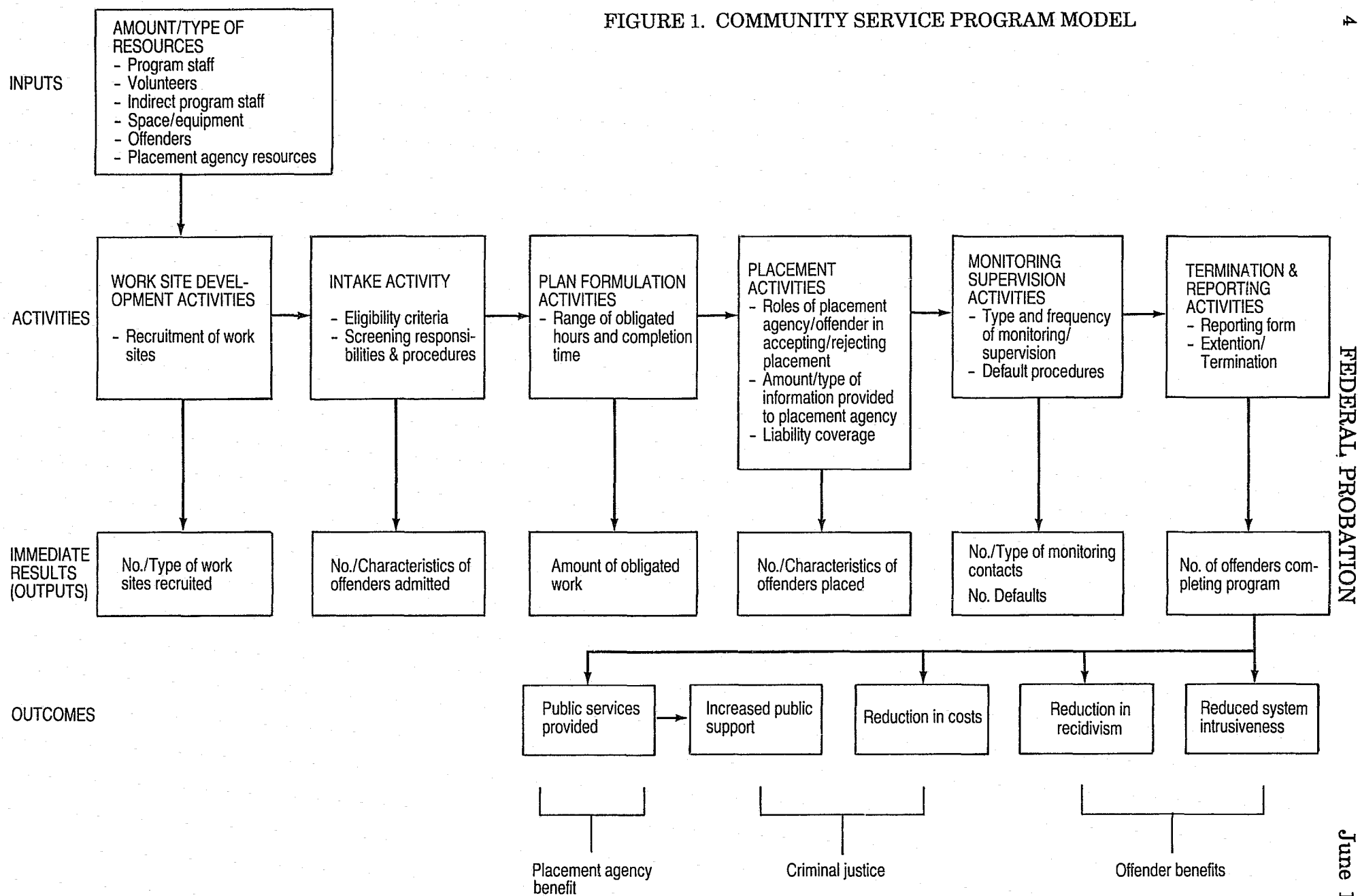
The program model to be described is based on detailed study of 14 American community service programs. Two types of programs were identified in the 14 studied. One group combined community service with other sanctions and services, including financial restitution. These "combined sanctions" programs served primarily felony level offenders. A second group of programs required that offenders complete only community service and typically did not provide other services or impose other sanctions. These "sole sanction" programs served primarily misdemeanor offenders, although some admitted a few felons and some a few juvenile offenders.

The 14 programs were implemented by a wide range of agencies, including non-profit organizations, offices of prosecuting attorneys, state departments of correction, county corrections agencies, and law enforcement departments. The programs operated at different points in the justice system, both pretrial and post-adjudication, with community service used as an alternative to a fine, jail, or supervised probation. Two of the 14 programs operated within a residential context and served probationers living in a community corrections center and a work release facility.

Figure 1 is a schematic representation of a community service program derived from the practices of the 14 programs studied. The model presented here shows the structure and logic of the community service program activities, inputs, and outcomes. The set of activities depicted are those necessary for a community service program—intake, development of community service sites, placement, monitoring and supervision, and termination and reporting. The resources necessary to support the community service activities include the resources of the justice system required for making referrals, the program budget providing staff support resources, and the resources of community agencies necessary for placing and supervising offenders in work sites. The immediate results of the program activities are also identified, along with the socially beneficial outcomes of the activities. Potential outcomes include

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FIGURE 1. COMMUNITY SERVICE PROGRAM MODEL



the offender benefits of reduced system intrusiveness and reduced recidivism, placement agency benefits of providing needed public services, and benefits to the criminal justice system including increased public support and possible reduction in overload and costs.

Program Inputs/Resources

Program Budget and Staff. Programs that combine a community service sanction with other programming do not identify the costs associated with the community service component, or the staff activities and skills specifically related to community service activities. Instead, the budget and type of staff in these programs tend to relate to the total programming thrust. In contrast, the sole sanction community service programs provide a much clearer indication of the level of resources needed for the community service activities. The median number of paid staff persons in the sole sanction programs was slightly over four full-time persons. Staff duties are generally common from one program to another. Most characteristically, the programs have an administrator responsible for securing and monitoring the expenditure of resources, coordinating staff activities with the referring agency, community placement agencies, and hiring, training, and supervising staff. In addition, there is usually a clerical staff person as well as one or more staff persons variously referred to as placement coordinators, counselors, or alternative workers.

No clear pattern is demonstrated in respect to staff qualifications. Some programs make use of existing civil service classifications and typically require a bachelor's degree but without any expectation that the degree be in a particular professional field. Besides formal academic requirements, most programs tend to emphasize such attributes as public relations skills, the ability to work cooperatively with court and community social service agencies, and willingness to hold offenders responsible for completing court imposed obligations. Those programs that mix community service requirements with other programming thrusts tend to employ a larger number of staff and are also more likely to seek staff with professional qualifications. These staff requisites are usually more related to the non-community service activities than to the community service component of the programs.

Community Agency Resources. Community service programs rely on other community agencies to provide work sites at which offenders can complete their work obligations. The usual pattern is

to have contacts with staff of other community social service and recreational agencies to develop the placement sites. Typically, staff persons at the community agencies then assume responsibility for providing supervision to offenders who complete their obligations in these agencies. The resources used by community work agencies to both plan for the placement of offenders on work sites and to actually monitor and supervise the offender's community service work constitute inputs or resources used by the community service program. While community service programs typically acknowledge these as important resources, rarely do they collect information about the amount of time required by the cooperating community agencies for planning and supervising offenders in the completion of their community service work.

Clients. Offenders or defendants referred to the programs constitute another major category of inputs or resources. Most programs do not have written criteria defining the population of eligible offenders or defendants. Those that do have written criteria tend to state them broadly, covering specific age ranges, categories of committing offenses, availability of transportation, or having appropriate attitudes toward voluntary work. Most commonly, eligibility criteria are operationalized in the day-to-day referral decisions made by judges.

Programs using community service in combination with other sanctions or treatments tend to have more explicit criteria than the sole sanction community service programs. The combined sanction programs generally serve some felony offenders, and their admission criteria define a population considered appropriate for the total programming thrust, rather than simply the community service element. These combined sanction community service programs typically admit a smaller number of clients than those focusing exclusively on community service because of the more extensive number of program components, as well as the increased staff time allocated to screening referrals. In contrast, the sole sanction programs tend to accept all referrals.

Program Activities

Community service programs require a set of intake activities, along with a series of other activities related specifically to the community service function—development of community service sites, determining the community service requirement, placement activities, monitoring and supervision activities, and termination and report-

ing.

Intake Activities. These processes vary between those programs that focus exclusively on community service and those requiring other sanctions or treatments with the community service requirement. For the sole sanction community service programs, eligibility screening and program referral is commonly done by the judiciary. Most typically the judge refers to the program during the actual court hearing. Program staff persons are usually present, meet with the offender, explain program requirements and procedures, and inquire if the offender is interested in participating. If the offender is willing, this is communicated back to the judge who orders the community service disposition. While screening and referral is initiated by the court, and while the sole sanction community service programs typically accept all court referrals, offenders do have opportunities to screen themselves out.

For the combined sanctions programs, final admission decisions are made either by program staff or, in the case of pretrial diversion programs, by the prosecutor. Because these programs involve community service with other programming thrusts, the intake and screening activities are carried out by staff whose primary interest appears to be in admitting a population of offenders considered appropriate for the overall program, rather than simply for the community service component.

Development of Community Service Sites. Work sites are developed from governmental and non-profit organizations, and the procedures involved include identifying potential agencies, making a direct contact with the agency manager, explaining the program concept and the types offenders likely to be referred, and discussing mutual expectations and responsibilities. A number of community service programs use community volunteer bureaus for assistance in developing work sites and placing offenders. In many communities these bureaus have been established to coordinate volunteer recruitment efforts by local social agencies and assist with orientation and placement. Their central role in recruiting and placing volunteers makes them a useful resource for community service sentencing programs.

Two general patterns have emerged for structuring community service obligations and recruiting and placing offenders in work sites. The most common program practice is to refer offenders to community agencies who handle the work placement and supervise completion of the community service obligation. Contrasted with this approach

are those programs that assign a group of offenders to provide a community service. In these programs, community agencies request a specified number of persons for a particular period of time to complete a defined project. An example might be a request for three offenders to paint the recreation room of a senior citizens center on a Saturday morning. When the community service is structured around offender groups, any particular offender may work at several sites in the process of completing a service obligation.

Developing work sites requires an explicit understanding between community organizations and the community service program about mutual rights and responsibilities. Community organizations, for example, are often responsible for supervising offenders and reporting back the number of work hours completed, punctuality, and quality of work performed. Problems have occurred, especially in the group projects, when responsibilities for supervising offenders were not clearly established. Similarly, misunderstandings occur when community organizations are not clear about their responsibility to report problems in a timely fashion to the program in respect to the offender's progress at completing the community service obligation.

Determining Hours of Community Service. The number of hours of community service to be completed is usually determined by the court or program staff. Most typically the judge determines the number of hours when making the program referral and bases this on informal standards linking the number of obligated hours to the amount of a fine or jail sentence which would, presumably, otherwise have been imposed. Relating the number of hours of community service to a fine requires attaching a value to each hour of service; most commonly a minimum wage standard is used for this. When the presumed alternative is a jail sentence, a standard of 6 or 8 hours of community service is commonly required for every day of the unimposed jail sentence. In the case of damages resulting from the offender's actions, program staff persons often relate the recommended number of hours of community service to the amount of damages by valuing the community service at a specified hourly rate.

Placement Activities. Decisions must be made about work site assignments and procedures established for carrying out such decisions. Matching offenders to work sites is most relevant in programs using individual, rather than group placements. Matching may involve both philosophical and practical considerations, and there

are at least two ways matching is done. First, efforts can be directed at placing offenders at work sites in which they are likely to have positive, pleasant experiences. This approach is often based on the view that placements will lead to an increase in self-esteem, positive ties to the community, or other contingencies assumed to relate to future criminal behavior. Conversely, efforts might be made to place offenders in unpleasant tasks on the assumption that such placements might deter from future criminal behavior. Programs do not usually make explicit the expected relationship between the type of community service and underlying penal philosophy, although references are frequently made to the offender gaining a sense of accomplishment from completing worthwhile tasks.

Practical considerations appear to dominate in the assignment of work tasks, including the nature of work sites available, distance between the work site and the offender's home, transportation available to the offender, and matching the time in which the community organization needs the work completed to the offender's availability. Programs using an individual orientation toward work site placement have evolved procedures that amount to the offender visiting the program office for an initial interview and having program expectations explained and the number of obligated hours confirmed. Offenders are often asked to sign an agreement specifying the number of hours and the time frame in which the work is to be completed. During initial interviews, community service program staff persons review with offenders their placement interests, the availability of transportation, and hours available in an attempt to match with available work sites. Offenders are usually given a choice if there are several available work sites corresponding to their time and transportation needs. The process of matching also involves determining offender interests and skills and, when possible, using these in relation to the needs of the available community agencies.

Once a potential agency placement has been identified, the offender is sent for an interview for assessment and assignment purposes. Community service program staff usually introduce the offender by telephone or letter of introduction. Larger and more experienced programs have also developed a feedback system in which the community agency either phones or mails back a card to the community service program indicating whether or not the offender has been accepted for placement. If not accepted, the offender has the responsibility to return to the community service

agency and secure other possible placement resources.

The group programs use somewhat different procedures to coordinate the provision of a group of offenders to community work sites. In some programs offenders are required to call in weekly to receive a work assignment from the group projects available. Other programs take a more active role in phoning offenders to assign them to group work placements. In all cases, potential conflicts between the community service placement and the offender's school or work obligations and transportation needs are considered in making work assignments.

Monitoring and Supervision Activities. With the exception of group community service projects, monitoring and supervision usually involve two sets of tasks. First, program staff must maintain contact with the community agency representatives and receive information about the offender's completion of the work obligation. Second, somebody must actually monitor the extent to which the offender appears for work on time, performs tasks at a satisfactory level, remains for the total scheduled period of time, and completes the community service obligation. Most programs specify a termination date by which the offender must have completed the specified number of hours and in this way ensure that the offender is completing the obligation on a regular schedule.

Except for the few situations in which community service program staff supervise placements themselves, monitoring responsibility rests with community agency staff. These staff persons are generally instructed to notify the community service program if problems occur, including such problems as failure to appear for work assignments, leaving work early, failure to follow supervisor instructions, failure to perform work of satisfactory quality, and drinking, fighting, or other disruptive behavior. Typically, community service staff provide assessment forms for the agencies to use for notifying them about the work completed, and agency staff persons are expected to phone if problems occur in work performance.

Monitoring and supervision is fairly straightforward and efficiently carried out. Programs have developed a variety of methods for dealing with performance problems. Some simply send the offender a warning letter, and if this is not sufficient to resolve problems, matters get referred back to court. Other programs send the offender a letter detailing the nature of the performance problems and requesting that contact be made to discuss the difficulties. When contact is

made, the offender is confronted with the responsibilities and efforts made to resolve the problem. If the offender does not contact the community service program, the court is notified of the failure and a warrant issued.

Termination and Reporting. These activities involve actions taken by community service staff to report the outcome of the service obligation to either the court or, in the case of a pretrial diversion program, the prosecutor. In some programs, the court will routinely schedule a reporting date, and if the community service obligation has not been completed at that time, the court is so notified. Other programs notify the court or prosecutor by letter. Rarely do programs require offenders who have satisfactorily completed their community service to appear back in court.

Rationale Linking Inputs to Community Service Activities. None of the 14 programs studied have articulated a rationale that links inputs to the community service activities, beyond the obvious notion that a budget is necessary to support staff to carry out community service programming activities. There is no explicit rationale explaining why a particular number of paid staff persons are necessary to carry out the community service activities, nor is there any explicit indication of the qualifications and skills required for community service staff. Sole sanction community service programs focusing exclusively on community service orders deal almost exclusively with misdemeanor offenders and have a very high staff to offender ratio. In the combined sanction programs requiring other sanctions or treatments besides community service, no rationale has been advanced that links inputs to the community service activities. The number and qualifications of staff seem more related to the non-community service programming components of these programs than to the community service sanction.

Program Outcomes

Program outcomes are the end results to be achieved by a program that, when accomplished, provide the rationale for using resources and carrying out the program activities. A common theme among programs focusing exclusively on a community service requirement is that this obligation serves as an alternative to a fine or jail sentence. Only infrequently have these programs explicitly stated why an alternative is necessary or called for, although program staff persons frequently express beliefs that jail sentences are too severe and that fines are too expensive for low income persons. Outcome goals for

those programs that combine other sanctions with community service often relate to the total program thrust and are somewhat more likely to be stated in terms of reducing recidivism or reducing costs to the criminal justice system.

Program outcomes can also be examined in terms of who would potentially benefit if the end state were accomplished, and from this perspective there are at least three potential sets of presumed beneficiaries of community service sentencing programs—offenders, community organizations receiving offender services, and the criminal justice system. Offender benefits are conceptualized in terms of reducing the intrusiveness of the justice system and reducing recidivism. The heavy emphasis on community services and alternatives to some other sanction suggests that the goal of reducing system intrusiveness is one of the more prominent purposes. Whether community service is less intrusive than a fine, however, is at least open to question, as is the presumed effect of community service on future offender involvement with the justice system.

Community agencies clearly benefit by labor provided by offenders. This is often explicitly stated as a program goal, and many programs report the number of hours of community service provided by offenders. No information is available, however, about the extent to which the value of the community service offsets the loss of fine income, when service is used as an alternative to fines.

A third potential beneficiary is the criminal justice system. Community service programs often report that the justice system benefits in several ways. One is that increased community participation with offenders in the justice system will increase overall community support for criminal justice. Another is that the community service demonstrates to the community that something is done with offenders, and this results in increased public support for the justice system. Another potential benefit to the justice system is the reduction of costs, especially to the extent that community service can be used as an alternative to incarceration. Costs are likely to increase, however, if community service is used as an alternative to fines. Probably the greatest benefit to the justice system is the provision of a sanction for misdemeanor courts who are unsatisfied with the prevailing options of jail or fine. Fines are commonly thought to be inappropriate by courts either because they will be paid by parents, or because the fine will impose an undue hardship to low income persons. At the other extreme, jail

may be seen as either too harsh or too expensive, therefore community service may provide a service to the justice system by providing alternatives for judges caught in the dilemma of not being able to fit the available sanctions to what they perceive to be the conditions of the offender.

Conclusions

The structure and logic of a community service order program has been presented in the form of a program model. Major inputs, activities, immediate and longer term results have been identified and described for programs focusing on community service orders as the sole sanction as well as for programs using community service in conjunction with other sanctions or treatments. A number of program development and research needs for community service programs can be identified from our review of operational programs:

1. The penal purpose to be accomplished by the use of community service work orders needs to be clarified. Questions about the hours of community service to be obligated and the type of work to be performed might be answered differently according to the penal philosophy underlying program operations. Penal philosophies of rehabilitation, deterrence, or just deserts are likely to provide different answers to questions about the nature of service to be required and the number of obligated hours. Operational programs tend to be quite vague in stating their purposes, particularly in terms of clarifying why community service might be a more appropriate sanction than others for accomplish-

ing specified penal purposes.

2. Operational programs tend to do a poor job of specifying their costs. Cost studies need to be undertaken which account for indirect costs, displacement of fine income, costs to community agencies of providing supervision, as well as direct program costs. More complete and detailed information on actual program costs is likely to be useful to jurisdictions considering the development of this type of program thrust.

3. There is a need to more clearly specify and define the actual offender population served by community service programs and relate this information to program purpose. For example, the goal of reducing the intrusiveness of the justice system is problematic when many offenders appear to be receiving a community service sanction as an alternative to a fine. Whether the population being dealt with in the program is appropriate to the program purpose is a question that needs to be addressed.

4. Information is needed about the reactions of offenders and other citizens to the community service sanction. Do offenders perceive that they have been handled fairly? To what extent do citizens perceive that ordering offenders to engage in community service is a fair punishment?

NOTE

¹Hans-Jorg Albrect and Wolfram Schadler (Eds.), *Community Service: A New Option In Punishing Offenders in Europe*, Freiburg: Max Planck Institute for Foreign and International Penal Law, 1986.