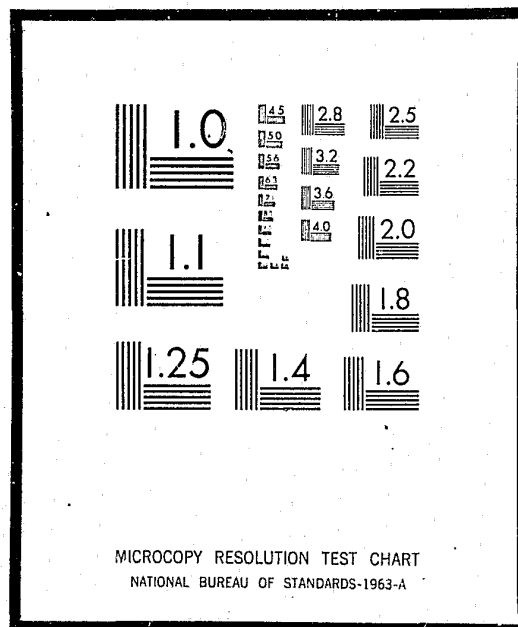


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Community Service in England: An Alternative to Custodial Sentence

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DURING 1973-1974 I was on sabbatical leave from Manchester Community College to investigate certain aspects of the criminal justice system in England. In the course of my inquiries I became acquainted with the Community Service program through the news media, and decided that this aspect of the rehabilitative process was worthy of specific investigation. John Harding, who at that time was Nottingham's senior probation officer with special responsibility for Community Service, was kind enough to give me some of his time and thoughts about this innovative scheme, and it is my conversations with him that gave me the impetus to write this brief account of Community Service. John Harding is presently assistant chief probation officer in Exeter, Devon.

Origins of Community Service

For some time now there has been a general feeling that imprisonment in the traditional manner has not been very successful, especially in light of continually high recidivism rates. Even as conditions of some of our penal institutions improve, the financial costs of custody, whether these be personnel, services, or equipment, continue to soar. Of greater significance than these however, are the social costs, namely, severing the individual's ties with his family and community, as well as the adverse consequences of institutionalization.

As a result of these dissatisfactions and problems of the traditional custodial mode, the concept

of Community Service developed out of an investigation of alternatives to imprisonment by the Home Secretary's Advisory Council on the Penal System (The Wootton Committee) in June 1970. Certain recommendations of this council, with some minor amendments, became embodied in the *Criminal Justice Act, 1972*.

What Is Community Service?

Essentially, Community Service offers an alternative to short custodial sentences, and at least at the onset was not designed to be a substitute for such crimes as robbery, organized crime, or manslaughter. The courts may decide to waive imprisonment and offer any offender over the age of 17 an alternative sentence of 40 to 240 hours of unpaid, voluntary community work.¹ Each order must be completed within a period of 1 year and carried out in the person's spare time. There are three significant requirements which must be met in relation to these Community Service orders. First, the offender must consent to the order. Second, the court has to be notified and assured that suitable work arrangements are in existence, and third, a report by a probation officer along the lines of a social profile must be given to the court.² At first glance, Community Service seemingly conflicts with the traditional punitive philosophy of retribution, but it is nevertheless a sanction of the court and can therefore be considered a form of punishment in that one must appear and do the job.

As of January 1973, six pilot areas had been designated as experimental communities for implementation of this new scheme.³ The program is administered by the Probation and After-Care Service along with the cooperation of particular voluntary organizations in the community, such as regional hospital and neighborhood care groups, tenants associations, youth clubs, day centers for the elderly and handicapped, homes for the elderly and the blind, nature preservation groups, as well as housing associations which aid in helping homeless people. What is quite significant,

¹ *Criminal Justice Act, 1972*.—Sec. 15—(1). Where a person who has attained the age of seventeen is convicted of an offence punishable with imprisonment, the court by or before which he is convicted may, instead of dealing with him in any other way (but subject to subsection (2) of this section), make an order (in this Act referred to as "a community service order") requiring him to perform unpaid work in accordance with the subsequent provisions of this Act for such number of hours (being in the aggregate not less than forty nor more than two hundred and forty) as may be specified in the order.

² *Criminal Justice Act, 1972*.—Sec. 15—(2). A court shall not make a community service order in respect of any offender unless the offender consents and the court (a) has been notified by the Secretary of State that arrangements exist for persons who reside in the petty sessions area in which the offender resides or will reside to perform work under such orders; and (b) is satisfied (i) after considering a report by a probation officer about the offender and his circumstances and, if the court thinks it necessary, hearing a probation officer, that the offender is a suitable person to perform work under such an order; and (ii) that provision can be made under the arrangements for him to do so.

³ Inner London, Kent, South West Lancashire, Durham, Nottingham City and County, and Shropshire.

however, is the National Council of Social Service which is a nongovernmental, voluntary organization which acts as a coordinator with other voluntary organizations throughout England. In a way, it is very much in the nature of a clearinghouse since it maintains contact with as many local and voluntary groups as possible in order to determine what kinds of work need to be done in the community. The City of Nottingham has utilized this organization and has even obtained a grant from the Home Office for a part-time worker to assist in the Community Service project. The other half of his time is occupied with running the Volunteer Bureau at the council of Social Service. As can be imagined, this dual role has been quite effective in implementing the program.

After a magistrate determines that a Community Service order is an appropriate sentence, the court will specify the number of hours of service the offender must perform and he will be referred to a Community Service organizer in the Probation Department.⁴ The Community Service organizer confers in depth with the offender and then consults various organizations which are advised of the offender's background, education, attitudes, and fitness. Subsequently, the offender will be offered a choice of tasks that can be performed in the community for a particular agency. It should be stressed at this point, however, that it is the volunteers in the organizations who are extremely significant in getting the offender "involved" in the work. The offender is not permitted to work on his own but works along with volunteers from the community, and is seen by the other workers as simply another volunteer.

Essentially, Community Service orders should meet four conditions. First, the task should be meaningful to the individual and beneficial to the community. Second, it should aid the individual in his personal adjustment and development, i.e., growing self-awareness and possibly the acquisition of new skills. Third, the task should provide the individual with the opportunity of continuing the task even after the order itself has expired, and fourth, hopefully make the individual more aware of the needs of others.⁵

As most of the offenders in the project are gainfully employed, they will ordinarily perform their services during the evenings or weekends. Sched-

ules are arranged between the probation officer and the voluntary organization, and the latter provides the Probation and After-Care Service with a record of the offender's work performance and attendance. If problems should arise they are given immediate attention and the offender may be reclassified for another job or possibly returned to the court. According to John Harding, the nonattendance rate is about 20 percent a week, and it was his feeling that this is due to the relative immaturity of the offenders involved in the program. If the offender misses a work assignment he is usually given a warning. If this absenteeism becomes more habitual the offender will receive a registered letter urging him to meet his obligations, and if he continues to violate the order he may be fined up to 50 pounds (about \$125.00) or be returned to the court for revocation of the order, in which case he is resented.

Age and Types of Offenders

Most of the offenders are between the ages of 18 and 25 (about 70 percent), however, the orders do decline with older adults in spite of the fact that there have been some assignments to those in their fifties. As was mentioned previously, the majority of people on Community Service are employed and live in the community either with their families or relatives, although some do live alone. A good number of those offenders assigned to Community Service have an average of five previous convictions as well as some kind of supervision order or sentence.

At the beginning of the experiment the choice of who would receive a Community Service order was difficult to determine. Certain types of offenders might be initially eliminated from consideration, such as the rootless, the severely addicted (both to alcohol and drugs), the mentally or physically handicapped person, and those burdened by multiple problems such that a supervision order was more appropriate. Nevertheless, the approach was sufficiently open-ended so that a broad cross section of people could be involved, which for research purposes could help to indicate what sort of people did well and what sort of people did badly. As the scheme became more rooted and the organizations began to respond more imaginatively, the initial reservations pretty much disappeared and the scope of the offenders was expanded. Today, individuals with rather low IQ's may be given assignments (they might, for example, do gardening), as well as alcoholics and

addicts who are not seriously addicted or unstable. One of the more recent individuals was a young junkie who was on methadone as well as an individual who had an IQ of 65. The fact that an individual has a long history of recidivism is not a bar (the first person to complete Community Service successfully was a 55-year-old with 40 previous offenses); however, there is still some wariness about itinerants or those who are driftless, as greater success has been achieved with those who have some kind of a home base.

Choice of Tasks

As to the nature of the tasks to be performed, the probation officer will look closely at the abilities and skills of the offender and will have him peruse a list of tasks, asking him to identify those which seem most interesting to him. The offender does not have the final choice, however, as much is dependent upon the interests of the community and whether a particular organization is willing to accommodate the individual into its program. The list of tasks is quite diversified and includes some of the following:

- Helping run a youth club
- Assisting staff and patients in geriatric or mental hospitals
- Helping run weekend projects for youth clubs
- Helping the local Ambulance Service (cleaning and checking equipment)
- Painting and decorating houses for the elderly, the handicapped, and the housebound
- Landscaping derelict sites and clearing redevelopment areas
- Driving for organizations for the handicapped or taking them on short trips
- Helping run a day center for the elderly, a preschool play group, or a junior football team
- Bookkeeping, filing and typing, as well as fund raising for an organization
- Help preserve buildings of historic interest, as well as nature trails and footpaths
- Entertaining old people or children in homes
- Helping the handicapped in swimming and games
- Making and repairing furniture and toys
- Helping in projects for tenants associations, housing associations and nature conservation groups
- Helping run a community newspaper
- Gardening for the elderly

This list of course is by no means inclusive of all of the types of tasks that may be pursued, and a constant search is continually being made for new projects.

An individual is usually assigned to one of these projects; however, there have been cases where the tasks are "mixed," that is, an offender may be given a combination of duties.

These assignments may be fulfilled during the evening and there are also programs functioning every weekend. The public appears to be quite

positive about Community Service even though it is still an experimental and tentative venture. This is no doubt due to the vital individuals who are attached to the voluntary organizations. They act as supervisors for the program and have encouraged and befriended many of those involved. There is no question that many of these workers have become "significant others" for the offenders. Certainly the fact that many of those involved in Community Service continue to lend aid after the order has expired, or have brought along friends and relatives to help indicates a tremendous amount of unity and rapport among all of these people.

Underlying Philosophy

The philosophy that underlies this whole scheme is one that is practical, rehabilitative, and functional. The practical aspects of the program are no doubt quite obvious in that the expenses of incarcerating an individual are saved and the offender is "paying his debt" to society by doing something valuable and positive. One can view antisocial behavior and the accompanying incarceration as "taking away" something from society, whereas a Community Service order may be viewed as "giving back" something to the society. This practical aspect, however, must not be viewed apart from the rehabilitative and functional sides. Community Service seems to satisfy the rehabilitative aspect more so than do fines, probation, or custodial sentences as there is a real reparation for the wrongs that have been committed. There is no question that Community Service can serve many of the multiple objectives of traditional sentences, one of which has been resocialization. As well as restoring the dignity and integrity of the individual, Community Service helps establish a dialogue with the community and the offender. As we have progressed from the solitary system in prisons to such devices as halfway houses and work-release programs, the pendulum seems to have swung in the direction of more interaction with the offender and the society against which he has committed the offense. Certainly, crime does not take place in a vacuum and the impetus today seems to be in the direction of getting the individual back into the community as soon as possible. As crime does not take place apart from the society, the community must, out of necessity, share the problems of the offender. In other words, crime and resocialization may somehow be viewed as a reciprocal phenomenon in terms of

⁴ Although this person may be trained as a probation officer, his role is quite distinct from the normal field probation officer role.

⁵ "Offenders at the Bottom of Your Garden" by Alan Simpson, Assistant General Secretary, Nottingham Council of Social Service, February 1974.

Community Service in that it provides the society with a "social education" by dealing firsthand with an offender and helping him to become a functional member of the society. Correlatively, the offender is educated by the society, as his failures are jointly shared, and by helping the disadvantaged and handicapped he becomes more aware of his own roles. One of the interesting observations for the Community Service scheme is that the offenders have a definite affinity for those whom they are helping.

Reception by Offenders, the Probation Service, and the Public

Community Service has been received very favorably by the offenders, and the majority of those involved in the program would opt for it as opposed to prison. The comments and opinions of the offenders are many, but essentially they pretty much agreed that it gave them a feeling of trust and responsibility and a chance to utilize some of their native skills. Many felt that it helped to develop close personal relationships with others (such as Community Service volunteers) as well as significantly "giving" something back to society rather than taking from it. The fact that an offender can help another who may be disadvantaged or handicapped gave many of them the satisfaction that they were providing a useful service as well as feeling that they were not entirely helpless. The enthusiasm with which many of the offenders went about their tasks showed that they were tremendously committed and many of them stated they would want to carry on with the voluntary work even after fulfilling the court order.

Some mention of the response of the probation service and the public to Community Service should also be noted at this point. The probation officers have been quite enthusiastic about the scheme and have been searching through their workloads to find other individuals not on Community Service who might benefit from the program. In other words, probation officers have apparently been attempting to make greater use of it as a recommended alternative to the courts.

Insofar as the public is concerned, there has been a great deal of publicity about Community Service in the newspapers, radio, and television. Naturally, there have been some very vocal opponents who still favor the traditional retribution that incarceration affords, but generally speaking, one gets the impression that there has been greater reception of the program than rejection.

Problems

The fact that there have been many favorable responses to the program does not mean that it is without its own share of problems. The most obvious of course is that some individuals who take part in the scheme are unable to respond properly and recidivate within a matter of weeks. Related to this are the difficulties that the stereotype of the offender presents. Some magistrates still have reservations as to the effectiveness of the program, and to be sure, the public still needs to be convinced that it is going to be successful. Also, some agencies are frightened by having offenders as volunteers, which of course may limit to some extent the amount of placements that can be made. Further, one cannot predict success at this point with any degree of certainty, as the practicality of noncustodial sentences must be tested further. The fact that the scheme is so new also presents difficulties in that no immediate conclusions can be drawn. The reconviction and recidivism rates will have to be examined for some time before definite judgments can be made.

Conclusion

There has been a tremendous need in the field of corrections to demonstrate that new measures and programs are workable. Now that Community Service orders have become functional and fairly well-accepted the future for this particular endeavor appears to be most optimistic and encouraging. This device, probably more than any other, provides a way by which the offender and the community may become reciprocally involved and reconciled. This is, after all, one of the ideals of the rehabilitation process. For the foreseeable future, prisons will still be functioning in our societies, but at least these noncustodial measures do indicate trends toward greater flexibility and diversity of penalties.

There have been some attempts to establish community service programs in the United States, however, the idea has not yet obtained sufficient impetus to make it a viable alternative or adjunct to the correctional process. There is no question that such a scheme in the United States would be very utilitarian, as we have a plethora of voluntary organizations which could utilize voluntary assistance (i.e., FISH, Big Brothers, hospitals, homes for the aged, retarded, etc.).

In conclusion, one can foresee that Community Service makes a great deal of sense.

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