

Report

CEP Workshop Valletta, Malta, 16-17 November 2001 Community Service in Europe

Introduction

Han van der Leek, Deputy Director General of the Probation Service in the Netherlands and Vice President of the CEP opened the workshop. He welcomed and thanked the participants of the various countries present at the workshop and expressed his wish for the participation of more countries, especially from the Baltic and Eastern European States. He stressed the importance of community service as a way of securing the social inclusion of offenders.

Emanuel Cassar, Director of Correctional Services in Malta, after thanking the participants and CEP for the opportunity to have the workshop in Malta, expressed confidence in a fruitful workshop aimed at helping Malta in the development of community service orders and at identifying success factors, benefits and differences in community services.

John Walters, Secretary General of CEP and facilitator of the workshop, explained to the delegates how the idea of having a community service workshop originated. In March 2001, during the General Assembly of the CEP when he asked how CEP could help Malta he was told that Malta would greatly benefit from help in planning the introduction of community service. Here the idea originated of bringing experts from various European countries who could confer together about the subject.

He reminded the participants of the two aims of the workshop:

1) To take stock of the development of community service in those countries in Europe which have introduced it by identifying:

- what is considered to have contributed to the successful operation of community service
- what obstacles and difficulties have been encountered
- what objectives have been identified for community service within the criminal justice system
- what evidence exists of the extent to which these objectives have been met.

2) To contribute to the discussion in Malta about the introduction of community service.

The working language of the workshop was to be English. Each country was to present their Community Service in the light of the aims above. After which the workshop would be divided into three groups where the aims would again be addressed. It was hoped that by the end of the workshop, when the delegates would again meet in plenary, they would have addressed the aims of the workshop from a Europe wide perspective.

What is happening in Community Service?

Malta

Community service orders are currently being planned in Malta. The Maltese Parliament is revising the Probation of Offenders Act to cater in a suitable manner for the introduction of two community-based sanctions, namely the community service order and the combination order. When a community service order is issued, an offender will be expected to perform work for the general community and societal good for any number of hours between 40 and 240 hours. During a combination order, the offender

will have to work any number of hours between 40 and 100 hours. In both cases, the offender will be under the supervision of a probation officer. The aim of these new orders is to offer real alternatives to imprisonment and to avoid net widening. The aim of the community service order is two-fold. It works out well for the community while on the other hand it promotes feelings of self-respect and self-worth within the offender.

In the Maltese context, the ethnic background was well taken into consideration in the setting up of a good structure for the implementation of the community service order. The Roman Catholic Church has influenced Maltese culture for centuries and its influence is still felt today with a substantial percentage of the population still practising their religious faith. This institution and the recently-founded Local Council structure were targeted by the local probation services to serve as placement providers in the implementation of community service orders.

The current Maltese legislation does not cater for the community service order specifically, even though a vague clause within the Probation of Offenders Act gives the judiciary enough lee-way to issue any condition if it is deemed necessary to secure the good conduct of the offender. Still, the need was felt to introduce a fully-fledged structure that would give the judiciary the option to issue a community service order as a sentence on its own.

In the new Bill, it is stipulated that community service orders have to be made by the sentencing courts, they cannot be made on persons under 16 years or on those who should be punished by a fine or by imprisonment for more than seven years. When the court is considering making an order of community service it should require the probation services to write a pre-sentencing report on the offender. If the probation service and the court concur that the best way to deal with the offender is to place him/her under a community service order then the court will have to specify the number of hours to be worked and the time period within which it has to be completed. All the arrangements for the community service order will have to be made by the probation service prior to the court making the order. The offender has to give his/her written consent to the order. When an offender is serving a community service order he/she will be supervised by a community service officer who is also a probation officer. Furthermore, the new Bill provides for the combination order, which encapsulates a probation order and a community service order. Such an order would entail that the offender is put under the supervision of a probation officer while s/he is required to perform community work.

There are two major problems being faced by Malta in the introduction of community service. The first is the stigma attached to the offender. The probation service is trying to educate the public on the issues, mainly through the media. The second problem is providing on site supervision of offenders, as the set-up being planned does not cater for the employment of supervisors and it will therefore have to rely on the providers of the work for supervision. Adequate supervision has to be emphasised as otherwise community service orders will be seen as an easy way out from prison.

The Maltese Probation Service has also drafted the National Standards for the Probation Services. This document is to serve as guidelines for practitioners as well as to promote standardisation in the field of probation. This means that probation practice in Malta will be characterised by common factors that fit in well within the concept of justice.

Finland

Community service was introduced in four regions in Finland on an experimental basis in 1991. Three years later it was implemented in the whole country. Community service orders can be used instead of eight months imprisonment, where the offender is ordered to perform unpaid work from 20 to 200 hours. As a rule one-hour of community service is equivalent to one day in prison. In Finland, community service orders are used as a substitute for prison sentences. The court has to first issue a prison sentence which is later commuted to community service, provided that the offender accepts this change and is able to perform the work. A suitability report is requested by the prosecution and prepared by the probation service (6,500 reports in 2000). Before the inception of community service it was thought that about 20% of offenders would benefit from it, today this has increased to 35% with some 1,400 community service orders, compared to 3,000 prison sentences, current on a daily basis.

Numerous factors have contributed to the successful implementation of community service in Finland. Community service as an alternative has had the acceptance of public opinion and it is a very cheap alternative. Prior to its implementation, the Finnish population accepted that prison rates were high and some prisoners had committed minor offences and would not pose high risks in the community. The fact that community service was started as an experiment enabled local communities to have a positive experience with it. This facilitated the enlargement of the system. The prosecutors have a central role in the criminal justice system and it was important that most of them accepted the new sentence and promoted it from the beginning. Another factor contributing to success was the inclusion of diversified work and the publicity that was generated, encouraging other organisations to accept offenders to work for them. The probation service was very receptive of the idea and took it on responsibly: training staff, making certain that offenders were suitably placed and taking breaches seriously. At the beginning there was a cautious use of community service. Today more offenders are being placed on community service resulting in more breaches and the possible erosion of public support although 85% of all orders are completed.

Offenders have to be judged as suitable to perform community service. The most common reason for refusing a person is the use of drugs and/or alcohol. Previous prison sentences and/or a previous community service order may have a negative influence in recommending an order. Community service orders in 2000 were mostly used for drunk driving (58%) and petty offences (24%). Only 3% of the orders were for drug offences, although more of those placed on community service could have used drugs and not been caught or may have been sentenced for a drugs offence on another occasion. Drug users pose a problem as some work places refuse them. A firm attitude towards drug users is required as well as the use of better assessment criteria and support measures for this group of offenders. Of those placed on community service orders about 60% were unemployed in 2000. Community service orders are performed only with not for profit organisations. Most of the work performed requires no particular skill. However, if there is a skilled offender then an attempt is made to give the offender a job where his/her skills can be utilised. Work is performed according to a schedule, which usually includes three to four hours at a time twice weekly. The duration of the community sentence is usually as long as the prison sentence. In cases of minor breaches offenders receive a written admonition while gross violations result in termination of the community service.

Sweden

The participants from Sweden presented how community service works in a rural area and an urban city. The prison and probation administration consists of five regional offices, covering 36 prison and probation authorities and a transport service. Community service is run by the probation service. It started in Sweden as an experiment in five locations in 1990 and was then expanded to the whole country in 1993.

In the two areas that concern us, Örebro and Stockholm, community service started in 1993. As from 1st January 1999 community service was expanded to include offenders on conditional sentence and of all ages. An offender can be sentenced to community service alone, or to community service with probation and/or treatment programmes.

Community service was introduced as a way of reducing the risk of recidivism, and for financial reasons. To be eligible for community service the offender must be willing and capable to work, as well as being alcohol and drug free. The offender must always give his/her consent to perform the labour. The court asks the probation service to investigate the possibility for the offender to perform community service. The investigation report is sent back to the court and, when the court has decided to sentence the offender to imprisonment and, if the probation service has confirmed that he/she is suitable for that kind of work, the court can choose this alternative and sentence him/her to community service. The court must state the equivalent prison sentence. After that the probation service establishes an initial contact with the offender and contacts the place of work, meets with the 'employer', ensures that the work is possible and draws up a working schedule. There is a core group in the probation service that handles all community service cases.

To ensure that this is a real alternative to imprisonment the court must state the equivalent prison sentence. Only offenders with prison sentences of less than a year are eligible. If a client breaches the order the case is referred either to a probation enforcement board or to the prosecutor. While the court sets out the amount of hours to be worked it is up to the probation service to decide the details of how, when and where the community service order is carried out. Offenders while working are covered by insurance. The probation service supervises the work of offenders by phone and makes spot checks but they have a contact person in each location. In remote locations local supervisors are used. Offenders are usually placed in non-profit organisations such as churches, sports clubs and municipal councils. Work is not conducted with children and the elderly.

The probation service in Örebro also has a workshop where it can accommodate up to five persons. Otherwise this service places one client in each work place and tries as much as possible to match the offender's abilities with the work available.

In Stockholm most work is done with non-profit organisations, in churches and in second hand stores e.g. those connected to the Red Cross. There are also two group placements: Ängsö, a national park and an old steam ship S/S Orion. The supervisors are employed by these organisations and they receive no additional remuneration for this work. To support and encourage supervisors a conference is organised once a year. This enables them to discuss common problems. The supervisors' actions play a key role in rehabilitation.

During the first period (1993 - 1999) of the introduction of community service most offenders sentenced to this sanction were under 30 years. In Sweden a task force was set up to consider the possibility of having a core group in the probation service handling both community service and electronic monitoring cases. They also discussed if community service orders could be used for more serious offenders or offenders with drug problems. They concluded that if this was to happen probation officers would have to visit the work sites more frequently and give more support to supervisors.

Portugal

In Portugal a community service order can be given as a sentence replacing a prison sentence of not more than a year; as a conversion of a fine at the request of the offender; at the pre-sentencing phase or as an obligation on young offenders between 16 and 21 years old. Community service orders consist of unpaid work for the state or other agencies that would benefit society. The consent of the offender has to be obtained before a community service order can be given. The number of hours that an offender can be ordered to work consist of anything between 36 and to 380 and these must be completed within 18 months. If the offender breaches the order the court will convert the community service order into the original prison sentence. When fines are converted into community service and the work is not performed the offender will be punished by imprisonment, even if the original crime would not have been punished by imprisonment. Pre-sentencing community service is applied for minor crimes through an agreement between the inquiring magistrate, the prosecution, the offender and the victim and where it is deemed to be in the interests of society and the victims that it should take place. Community service for young offenders is applied when the judge concludes that it is in the interest of society that the offender should not go to prison and therefore reduces the original prison sentence to enable the offender to be placed on a community service order.

Community service orders are aimed at offences such as vandalism, assault, falsification of documents, theft, aggravated theft and driving while intoxicated or without a licence. The work that is performed must be useful to society, give offenders a positive experience and have a rehabilitative component. Work is usually performed for social, non-profit making institutions. When the court sees the opportunity for a community service order it will request a report from the probation service. Once there is a favourable report and judgement is issued the probation service finds a placement for the offender on community service. The work place is then responsible for the supervision of the offender, although the probation officer assigned to the case will monitor the case. The probation officer will periodically report to the court on the outcome of the community service order.

When community service orders were being implemented guidelines were created. These were disseminated to all lawyers and judges. A national list of eligible workplaces was drawn up. There was also an information campaign conducted through the media. It proved important to meet with and train the judiciary. The support and involvement of the Ministry for Justice was also seen as important. In May 2001 a working group to evaluate community service was set up, its terms of reference being to assess and recommend new strategies for increasing the use of community service orders.

In conclusion it seems that community service orders in Portugal are gradually increasing although still very low in number (96 in 2000, compared to 47 in 1999). Community service in lieu of paying a fine seems to be more popular with a request for 179 orders in 2000 compared with 124 orders in 1999. The main difficulties in developing the community service order are related to legal constraints that restrict its field of action, such as: the restriction to prison punishments up to one year, the requirement to obtain consent of the offender, the interruption of the hearing and subsequent loss of validity of the proof and the excessive weight of the prison punishment when revocation of a community service order occurs. This represents a main concern for the judges, especially regarding first time offenders, since if they opted for another kind of punishment the offenders would not stand the risk of ending up in the prison. However, today one can conclude that community service orders are positively seen although as yet there has not been any scientific study. They are beneficial to the offender, the victim and the community.

France

The legislation for community service in France was passed unanimously in July 1983 and the law has been in force since March 1984. The use of this measure has reached the point where, for example, in Rhone Alps Auvergne some 25% of offenders were sentenced to community service between 1997 and 2000.

When an offence is punishable by imprisonment the court may order the performance of between 40 and 240 hours of unpaid work, to be carried out within a maximum of 18 months. Community service may be a principal punishment (in 'substitution' of a prison sentence), a special obligation (as part of a suspended sentence) or a complementary sentence (i.e. in connection with a driving offence). The unpaid work must be done for the benefit of a public organisation or a voluntary association. The main work providing partners are local councils, public authorities, and non-profit making voluntary associations.

The offender's consent is required before a community service order can be made and, before the offender starts work, he/she must undergo a medical examination. The *juge d'application des peines* (a magistrate with particular responsibility for the implementation of sentences) oversees the implementation of community service. It is the responsibility of the probation officer to see that the sentence is carried out through keeping contact with the offender and the work-providing organisation. The work place must inform the probation officer of any difficulties and, at the end, provide a certificate that the offender has performed the work.

The probation service in the Morbihan decided to create specific forms of community service which take into account the offender's problems. There are now five specific community service orders in the Morbihan.

- **The Alcohol Community Service Order:** created in 1983 for drunken driving, its aim is to inform offenders about alcohol and its effects on driving. It is divided between attending information sessions for 14 hours and working in an organisation dealing with disabilities caused by road accidents, in a fire station and so on.
- **The Drug Offence Community Service Order:** created in 2000, its aim is to provide awareness of the consequences of drug consumption and it is divided between information sessions (18 hours in this case) and basic community service work.

- **The Road Safety and Addiction Community Service Order:** created in 2001, its aim is to make people aware of the various factors relating to car crashes. It is aimed at those with addictions who present more risk of causing road accidents and follows up the previously mentioned orders. It comprises awareness sessions, work in an organisation specialising in road safety and making a presentation about road safety to a high school class. This presentation is a key point in the road safety community service order.
- **The Mission Locale Community Service Order:** created in 1994, its goal is to help with the reintegration of young offenders (under 26). It is a combination of social skills training and work for the community.
- **The APFA Community Service Order:** created in 1994, its goal is to avoid repeat offending by enabling older offenders (over 26) to carry out a professional project connected to finding employment.

Switzerland

Community service in Switzerland was introduced on 1st May 1990. In Zurich it first started for a trial period on 1st July 1992, substituting a prison sentence of not more than 30 days. This was extended to 90 days in 1996. Four hours of community service are considered equivalent to one day in prison. It has only been since the year 2000 that community service has been established in the whole canton of Zurich.

Recently there have been some amendments to the penal code but these will not come into effect before 2004. The amendments promote community service as a separate sanction and increase to 180 the prison days that can be substituted, thereby increasing the maximum number of hours that can be given on community service to 720.

The way community service orders operate in Zurich is as follows. After a sentence of imprisonment is passed the offender is sent a letter with information regarding a choice between community service, semi-imprisonment and normal imprisonment. The offender is invited to visit the administration of community service within 30 days, so that a contract can be drawn up and a work placement found. Community service will then have to be performed within nine months and an offender has to work a minimum of 10 hours per week. When a community service order is being considered it is necessary to assess the dangerousness of the offender and the threat posed to society if the offender is not incarcerated. It is also necessary to verify that the offender has permission to stay in Switzerland.

Work is performed with non-profit organisations, offenders are not paid for the work and they must not take the work of the gainfully employed. Work is performed in the protection of the environment or the forestry department, in public parks, in kitchens, in nursing homes for the elderly and people with a disability. Offenders also perform office or manual work.

The canton of Zurich sees about 750 community service orders performed each year, translated into about 90,000 hours of work. Offenders come from every social status. About 12% are women and 20% are unemployed. Offenders' motivation is not always high and most feel ambivalent about the work they perform. Some feel that they are being burdened unnecessarily. In theory community service should be possible for every client. The most common offences given a community service order are traffic offences (19.5%) followed by drunken driving (19.3%), property offences (15.6%) and drug related offences (10.8%).

When given a choice, more than 80% of offenders choose community service. Out of these more than 80% successfully complete the order. Over all the experience with community service has been positive. It has enabled offenders to perform active reparation and has given them a new social orientation. However offenders' motivation does diminish in time. The judiciary are using community service to substitute 90 day prison sentences more often. It has a positive effect in reducing semi-imprisonment. This has meant less expenses as community service costs 56 francs and semi-imprisonment costs about double. Cost-benefit analysis shows that community service is the cheapest variation of punishment. It has had a positive effect in reducing re-offending and has also been a positive personal influence on clients.

The Netherlands

When community service was introduced in 1971 it failed to become popular. In 1977 a committee was set up to study community service. This led to the introduction of a pilot project in 1982, following which it was formally introduced in the law in 1989. In February 2001 the law was again amended. There was a steady increase in community service during the eighties with a boom in 1992 when an increase of about 2,000 orders was seen. This tendency continued through to 1996 with another rise in 1999/2000. Non-compliance rates remained at about 10-15% during these years.

The Dutch Probation Service co-ordinates and sees to the execution of community service orders. The probation service selects a work place for the offender and reports to the Public Prosecutor on the progress of community service. Daily supervision is in the hands of the place supplying the work. Work-projects are usually in non-profit making organisations where offenders are placed to do work which otherwise would not have been done. This usually means cleaning jobs, maintenance work etc. If possible, offenders are placed in a work place that is somehow connected with the crime they have committed. Since 1995 group projects, where a maximum of 16 offenders work together under two supervisors employed by the probation service, have been used increasingly. Some 30% of all community service orders are now worked in group placements. Offenders are supplied with working materials and transportation by the probation office in partnership with the local community.

In The Netherlands it is possible to place an offender either on community service or on a learning sanction or a combination of the two. All these sanction types are called 'task punishment'. It is up to the judiciary to decide on the type of sanction. It is also possible to combine a community service order with electronic monitoring, mandatory programmes or fines. The time that can be given for a 'task punishment' can be up to a maximum of 480 hours out of which not more than 240 hours can be dedicated to work. It will also be possible to combine 'task punishment' with an unconditional imprisonment of up to six months. If this happens it is desirable for the imprisonment to be executed first so as not to lose the re-socialisation effect of the 'task punishment'. The offender does not need to state his/her consent in person in court, but can also do so in written form through the probation service or through the lawyer. The only exception is where learning sanctions are involved. In these cases consent must be given in person in court. In principle all offences can be punished with a 'task punishment'. There are a number of work projects aimed at offenders with drug problems but, apart from these, no offences are specifically targeted. Problems incidentally encountered are offenders trying to bribe their supervisors, physical or verbal abuse of the supervisors, work places not reporting non-complying offenders, offenders trying to pay their friends to do the work for them and the media's negative attention.

Most of the research shows substantial societal support. Two studies, one undertaken in 1993 and another in 1998, confirm the support from society for the use of community service with less serious offences. However, the media regularly maintain that some of the work is not physically hard enough and that the retributive aspect is not felt. Research has also shown that recidivism rates are lower in community service than among a matched sample of offenders sentenced to imprisonment for six months. In the case of learning sanctions participants not only re-offend less but also less seriously, less quickly and less frequently.

England and Wales

Community service in England and Wales was started in 1972. Recent amendments in April 2000 changed the name of community service orders to community punishment orders in accordance with the government's attempt to make community sanctions more punitive with the hope of increasing their credibility. Community service originated after the Wootton Report that envisaged a wide range of voluntary agencies providing work for offenders. A pilot project in six areas began implementing community service in 1973. Community service was implemented in the whole country by 1979.

As a sanction community service is available to all offenders of 16 years and over who have committed an offence punishable by imprisonment. The court can make a community service order from 40 to 240 hours, which should be completed within a year. The court has to be satisfied that work is available and that the offender is suitable to perform community service. A combination order by which an offender is placed on probation for one to three years and works from 40 to 100 hours is also possible. Community service is regulated also through National Standards. They require that offenders should have their first work appointment within 10 days of the order being issued. Offenders should be offered at least five hours work per week. The placement must be physically, mentally or emotionally demanding. 10% of the time of the order can be used for learning. Breach action should be taken if there is more than one unacceptable absence within a year.

In 1998, 48,500 offenders were given community service orders, 21,200 were given combination orders. Out of these 9.9% were women (20.7% of probation orders were issued to women) and 10.1% of offenders belonged to ethnic minority groups (7.4% of probation orders were given to people belonging to ethnic minorities). Of those offenders sentenced to community service 37% had no previous conviction while 20% had served a custodial sentence. The picture for those given a combination order is completely different with 21% having no previous conviction and 34% having served a custodial sentence. The most common offence was that of theft and handling stolen goods. Seventy two percent of community service orders and 66% of combination orders were completed successfully.

The probation service has three main tasks in a community service order: to find suitable employment, case management and supervision of work parties. Work performed by community service orders is diverse. Some placements will provide more benefits to individuals while others will benefit the general community. Placements include gardening or decorating homes for the elderly, working in charity shops, making or repairing playgrounds, transforming derelict land and so on. Some placements have a crime prevention focus such as removing graffiti, replacing locks, making houses that have been recently burgled more secure, improving the lighting of footpaths and so on. Other services provide personal services such as running a respite club for the disabled. Placements are allocated on the basis of risk of further re-offending. Currently an evaluation of community service is being carried out. Interim findings are promising but a two year reconviction study is being carried out to show whether these result in lower than expected reconviction rates.

Ireland

The Castlebar office covers Co. Mayo, an area of 5,592 sq. km, and has a population of 112,000. Up to September 2001, two probation officers and one senior probation officer covered from Castlebar (county town) with a multifunctional caseload of probation, community service, and community liaison/programmes. There are eleven District Courts and four Circuit Courts covered by the officers. Each officer has a mixed caseload of more than 50 offenders.

The community service caseload for Castlebar from January 2001 to September 2001 was 34, with a total number of hours of 2125. There are two community service supervisors who work 2/3 days per week with 2/4 offenders each. Work carried out is for the local community. Most offenders are young males who are unemployed, lacking social/technical skills. The furthest project under the control of the Castlebar Office is 50 km. Within the Dublin region only, community service teams, due to the high level of referrals, handle community service.

Community service was introduced in Ireland under the Criminal Justice (Community Service) Act 1983 and was brought into operation in 1984. The Act was made in respect of the District Courts (lower) and, while it is used in the Circuit Courts (higher local court), no formal legislation exists to cover this court. The aim of the Act is rehabilitative and restorative in nature. The Act does not challenge work that would normally be carried out by paid labour or conflict with trade union practice.

Community service should be used in-lieu of a prison sentence. However, there is the danger of some judges using it to deal with cases, which would not have merited a prison sentence. The offender must be guilty of an offence, be over 16 years of age and consent to participate in community service if

found suitable following assessment. A community service order is only made by the judge following a suitability report prepared by the probation and welfare officer. The judge can make an order for community service of between 40 and 240 hours and also states the substituted prison sentence. Multiple community service orders can be made, but the maximum hours allowed for all orders cannot exceed 240 hours in total. The most popular hour ranges for orders are 80/120 hours, 160/200 hours. Criteria exist to enable the probation and welfare officer assess suitability. Offenders with severe personality, alcohol or drug addictions are refused.

The main tasks of the paid supervisor are to keep a time sheet on each offender, issue instructions and guidance regarding work, work alongside the offender and inform the probation officer about non-attendance. In instances of non-attendance two warnings are issued followed by suspension and a return to court by way of summons. The supervisor submits a weekly time sheet for payment and also receipts for equipment purchased. The supervisor must also keep an accident log and report all accidents. He is issued with a safety manual of good practice. The successful operation of community service depends largely on the supervisor and his/her personality in motivating offenders. Trust has to exist with the supervisors as they work alone on projects some distance from probation offices.

Most projects selected are of a non-skilled nature and involve working for sports, school or church organisations, usually painting, gardening, and so on. In rural and isolated areas voluntary supervision of offenders can be done by a member of the community or organisation involved. Organisations using community service are expected to provide the materials, while the probation service provides the equipment. All organisations using community service must have employers and public liability insurance. The Department of Justice now has global insurance cover against any claim. The successful completion rate for community service order is around 82%. The cost of a community service order is £36 per week compared with £424 per week for keeping a prisoner in prison.

What is needed to make a community service order successful?

After the presentation from the different countries the workshop divided into three groups. Each group was asked to address the following issues: what makes community service successful, what are the obstacles faced, what are the objectives that we want to achieve and what evidence is there of the success. What follows is a summary of the conclusions reached by these groups and the findings at the conclusion of the workshop.

There are differences and similarities in all the countries that presented their community service. Differences lie in the legislation, the nature of the work place, the arrangements for supervision and the volume of offenders dealt with. However, community service in all countries seems to have the same fundamental nature. It is work performed for a non-profit making organisation where the offender is not paid. It is also a sanction. Community service orders have the three aims of retribution, reparation and rehabilitation.

Success Factors

Factors that make community service successful are various. National guidelines were seen to be of paramount importance. These should be clearly stated and enforced. They were seen as important vis-à-vis offenders as well as the judiciary and the prosecution. The former would know exactly what was expected of them and the latter would know that community service is a serious and meaningful punishment.

There was a view that task specialisation is necessary for community service and that probation officers should be assigned to working with community service cases only and not have a probation case load alongside community service.

Breaches should be dealt with firmness and consistency. Although the probation officer has discretion, the use of too many warnings is counter productive. If breach action is not taken this influences the perception that the judiciary, the prosecution and the public have of the seriousness of the sanction. Losing the trust of the judiciary might jeopardise the whole community service project. It is important to involve the judiciary as much as possible by keeping them informed about new developments and projects. A good idea is to invite the judiciary to visit placement projects and maybe to perform some of the work that offenders are expected to perform. This would give them an idea of the type of punishment that they are ordering.

When implementing community service orders for the first time it is important to start with projects that the agency is able to manage with a high degree of success. Something that gives visible results and is encouraging to do, such as the clearing and up keep of a public garden. It is important at the start to focus on small scale and simple jobs. Successful projects will naturally attract other agencies to participate in community service. Here good public relations are necessary. Success stories should be given publicity e.g. the renovation of community premises done by a group of offenders on community service. However attention to the media is necessary as undue attention can be counter productive. The general feeling was to utilise the media, especially with success stories, but not to actively search for a high media profile, because when a serious breach occurs the media might turn against community service.

The beneficiaries of community service are the community at large as well as the specific agency. The community benefits from the reintegration of the offender in the community and from the work which the offenders do. This work would not be possible without the help of the community therefore it is important to encourage the community at large and especially potential beneficiary agencies. It is necessary to gain the trust of other organisations involved in community service. Honesty is an important component when dealing with other agencies. The agency that will be receiving the offender has to have clear information about the advantages and risks involved.

Beneficiary agencies should be included at all stages of community service, from the planning to the conclusion. They should never be left in the dark about important information. It is preferable that agencies are responsible for the physical materials i.e. in providing the raw material for the work. The probation service should provide the work force, an insurance to cover any accidents and see that those on community service are working under safe conditions.

The more agencies probation services have at their disposal the broader the range of projects that will be available for placements. When choosing the place of work consideration should be given to matching the offender with the task as much as possible. This enables offenders to experience a meaningful placement and increases their motivation and self esteem. Individual placements have the advantage of being easier to manage and in a small country or community where most offenders know each other this reduces the likelihood of having community service groups transformed in a hub of criminal association. Group projects have the advantage of being able to perform more visible work in a short time and the added advantage of having only one or two supervisors with a group of offenders rather than a supervisor for each offender.

Supervisors are an essential part of community service orders. They should be people who know what the work to be performed is all about and what is necessary and needed to perform it. They should also have a genuine interest in the community service programme. Supervisors should have sufficient training, and be provided with a manual on what to do and what to avoid while supervising offenders. They should also have the necessary backup from the probation service while undertaking supervision. The supervisors are role models for offenders therefore it is important that they are held accountable.

The consent of the offender was seen as necessary for the successful completion of the community service order. Informed consent could be made before the court passes the sentence or at the post sentencing stage where that was the point at which the order is made.

The pre sentencing report is important as, during its preparation, the probation officer can verify the willingness of the offender to perform community service, identify the abilities possessed by the offender and try to find a suitable placement. Some offenders might not qualify for community service.

These include those that have a history of serious violence and those who are heavily abusing drugs or alcohol. During this phase the probation officer can assess if part of the community service order could be utilised in training. This was seen as being crucial in the rehabilitation of offenders. The planning of community service orders beforehand was seen to be an important component for success.

The Obstacles

Any of the above points can become an obstacle preventing the success of community service. The worst obstacles were seen to be the fear of the public, net widening, public exposure of the offender and confidentiality. The fear that the public has of the offender must be controlled as a public outcry would render the judiciary wary of using this sentencing option.

It is important to avoid net widening, with the judiciary using this sanction for offenders that are not likely to go to prison. This could be influenced through information campaigns aimed at the judiciary.

Another problem could be the public exposure of the offender. It is important that community service does not transform itself into a public shaming. The pillory has been abolished. It is important that offenders that have been sentenced to community service are not exposed to public ridicule.

The keeping of the confidentiality of the criminal record can be seen as a problem as offenders are now, to an extent, in the public eye. A related problem would be if the agency offering the work insists that they must have full details of any previous criminal records. Where the probation service is bound by confidentiality on that point, the only solution is to look for another agency that will accept the offender.

The Objectives

- Community service orders should always be kept as a cost-effective sanction. It is one of the cheapest sanctions that can be used.
- Community service improves the educational and work skills of the client. The fact that part of it could be used by offenders to better their learning is very positive.
- Community service enables the social inclusion of offenders.
- Offenders repair some of the damage done to the community.
- Offenders can compensate victims.
- There is reduced secondary victimisation of the offender's family.
- Offenders do not lose their employment as they can perform community service in their free time.

The Evidence

- There is evidence that the public support community service.
- More countries are adopting community service.
- There is a trend to convert longer prison sentences to community service orders. This shows not only public support, but also judicial and political support.
- Research has shown a high completion rate.

Conclusion

Community service is the only sanction that incorporates all three notions of retribution, reparation and rehabilitation.

The judiciary when sentencing offenders to community service orders know that society is being satisfied that the offender is being punished and that the retributive element is being satisfied. Community service is not a way of avoiding punishment. Judges also know that offenders are giving something back to society and maybe even to the victim (reparation). At the same time the offender is being given a chance to rehabilitate and to re-enter society.

The community - looked at in terms of the agencies providing work, opinion formers (the media, politicians, local councils, and so on), victims and society at large - also benefits from this three-pronged approach. They are satisfied because offenders are being punished while paying back a debt to society and rehabilitating themselves.

Offenders know that this is a punishment and that they would have otherwise ended in prison. They also know that they have a chance of doing something for society and of rehabilitating themselves by learning new skills (educational and working) and learning that their actions caused damage to someone. The effect on offenders is very important, as they are key stakeholders in this operation. If offenders are not positively affected, then the effects on recidivism will not be positive. This in turn may lead to lack of support from the community and the judiciary.

In conclusion community service was seen as a positive alternative to imprisonment, where offenders are rehabilitated, society is satisfied with the punishment and the judiciary feel that they can use the sanction as it satisfies the requirements of reparation, rehabilitation and retribution.

Sandra Scicluna
University of Malta
Member of Board of CEP