



**IPRT**  
Irish Penal Reform Trust

**IPRT Discussion Paper**  
**Community Service in Ireland**

*A qualitative exploration of one alternative to short-term imprisonment*

October 2017



The Irish Penal Reform Trust (IPRT) is Ireland's leading non-governmental organisation campaigning for the rights of everyone in the penal system, with prison as a last resort. IPRT is committed to reducing imprisonment and the progressive reform of the penal system based on evidence-led policies. IPRT works to achieve its goals through research, raising awareness, and building alliances.

Through its work, IPRT seeks to stimulate public debate on issues relating to the use of imprisonment, including on sentencing law and practice in Ireland. This paper extends IPRT's position on community-based alternatives to prison, as set out in the *IPRT Position Paper 8: Community Sanctions* (2010) which is available on IPRT's website.

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**Our vision is of a penal system that is just and humane, protects and promotes human rights and equality, and where imprisonment is only used as a sanction of last resort.**

This is based on the recognition that imprisonment causes a number of serious social harms, and therefore should only be used sparingly at the point of sentencing, and the numbers in prison should be reduced. Ireland's penal policy should instead be focused on non-custodial responses to crime, with rehabilitation and social integration at its centre.

To meet its goal of safer communities, Ireland's criminal justice system must have at its centre, a commitment to addressing the root causes of offending behaviour, and not just punishment. Therefore, the emphasis of a progressive, just and humane penal policy should be on:

- investment in early intervention, prevention and diversion strategies;
- investment in community-based sanctions and non-custodial alternatives;
- protecting human rights and meeting best practice standards in prison; and
- greater investment in rehabilitation services and post-release supports.

This paper explores how one community-based sanction and non-custodial alternative to prison – the community service order – can be better utilised in Ireland. It arises from a recently completed doctoral thesis<sup>1</sup> that examined and compared the impact and outcomes for offenders on short term<sup>2</sup> prison sentences versus those required to complete community service as an alternative to short-term imprisonment. On the basis of the findings, the paper provides recommendations on how the use of community service orders as a non-custodial sanction in Ireland can be enhanced.

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1 O'Hara, K (2016) *Examining the comparative use, experience and outcomes of community service orders as alternatives to short-term prison sentences in Ireland*, Dublin Institute of Technology.

2 'Short term' here refers to sentences of less than 12 months.

## Key Points

1. Community service is under-utilised in Ireland as an alternative to imprisonment.
2. There is a clear variability in the use of community service orders across court jurisdictions in Ireland.
3. There was a reduction in the number of community service orders imposed, from 2,738 in 2011 to 1,938 in 2015, with a slight increase in 2016 to 2,067.
4. A large proportion of offenders serving community service orders are first-time offenders, which suggests that community service is not directly used as an alternative to imprisonment.
5. Community service works to the advantage of individuals – for example, by encouraging a sense of participation in society, and to the advantage of wider society – for example, through unpaid work carried out in the community.
6. Community service can provide offenders with an opportunity to improve self-esteem, to gain a strong daily routine, and to maintain links with family.
7. There is a strong association between community service and future work or training prospects.
8. Short periods of imprisonment can have long-lasting negative effects, including disruption to family relationships, contact with social or community services, and loss of employment.
9. For offenders with substance misuse issues, a short prison sentence is viewed as providing respite, stability and, for some, the only means of availing of treatment.
10. Having a previous criminal conviction is a critical barrier to reintegration, as it decreases the likelihood of accessing employment.

## 1. Introduction

Discussion of the criminal justice system in Ireland is often dominated by the experience and impact of imprisonment. These impacts – both short and long term, individual and societal – are often debated in the context of penal reform and the use of imprisonment as a last resort, as well as the perceived punitiveness of criminal justice sanctions.

It has been shown that even short periods of imprisonment can have long-lasting negative effects. These effects include disruption to family relationships, alongside the loss of employment and contact with social or community services it can entail.<sup>3,4</sup>

Moreover, short prison sentences have been deemed ineffective in terms of rehabilitation or reducing recidivism.<sup>5,6,7</sup> In Ireland, this is particularly evident for sentences of less than three months.<sup>8</sup> The findings from the doctoral thesis<sup>9</sup> cited here (O'Hara, 2016) indicate that those serving community sanctions are more focused on their long-term options than those serving short-term prison sentences, and the recidivism rate for the short-term prison group was marginally higher.<sup>10</sup> Furthermore, the differences in cost are substantial. Currently, the cost of imprisonment to the Exchequer is in excess of €70,000<sup>11,12</sup> per prisoner per year, compared with approximately €2,500 for each community service order imposed. The unpaid work carried out through non-custodial sanctions such as the community service order (CSO) further benefits local communities: over 300,000 hours equating to €3 million of unpaid work was carried out through community service orders in 2016 alone.<sup>13</sup>

Despite these benefits, community service orders are under-utilised by the Irish criminal justice system. This paper seeks to explore and highlight the advantages of imposing community service instead of a short prison sentence. It presents new research findings that provide a unique insight into the perspectives of those with lived experience of both sanctions: people serving CSOs and people serving short prison sentences. On the basis of these findings, it provides recommendations on how the use of community service as a non-custodial sanction can be enhanced.

3 See *IPRT Position Paper 8 – Community Sanctions* for a more expansive account, available at: <http://www.iprt.ie/contents/1555>.

4 The Howard League for Penal Reform (2016) *No Winners: The reality of short term prison sentences*, available at: <http://howardleague.org/wp-content/uploads/2016/03/No-Winners.pdf>.

5 Armstrong, S. and Weaver, B. (2013). Persistent punishment: User views of short prison sentences. *The Howard Journal of Criminal Justice*, 52(3), 285-305.

6 Ministry of Justice (2013). 2013 *Compendium of Reoffending Statistics and Analysis*, Ministry of Justice statistics bulletin.

7 The Scottish Centre for Crime and Justice. (2012). *Reducing Reoffending Review of Selected Countries: Final Report for Audit Scotland*.

8 O'Donnell, I., Baumer, E. P. and Hughes, N. (2008). Recidivism in the Republic of Ireland. *Criminology and Criminal Justice*, 8(2), 123-146.

9 The researcher found that a high proportion of offenders on community service orders from data analysis appeared to be first time offenders.

10 See Armstrong, S. & Weaver, B. 2013, "Persistent Punishment: User Views of Short Prison Sentences", *The Howard Journal of Criminal Justice*, vol. 52, no. 3, pp. 285-305.

11 The average annual cost of an available, staffed prison space during 2015 was €69,421 (Irish Prison Service Annual Report, 2016). However, costs not under the control of the IPS, such as teachers' salaries, have not been included in the reported annual cost since 2008.

12 The Probation Service, 'What we do and how', available at: <http://www.pprobation.ie/en/PB/Pages/WP16000055>.

13 The Probation Service *Annual Report 2016*, p.4, available at: <http://www.pprobation.ie/en/PB/Pages/WP16000002>.

## Methodology

This paper draws on findings of a doctoral thesis entitled *Examining the comparative use, experience and outcomes of community service orders as alternatives to short prison sentences in Ireland*. The thesis was completed between 2013 and 2016 by IPRT's employment-based postgraduate scholar, Dr Kate O'Hara, in collaboration with Dublin Institute of Technology and co-funded by the Irish Research Council.

Using administrative data collected by Irish criminal justice agencies, the research compared the profile and outcomes of persons sentenced to a short prison sentence between 2011 and 2012 to those required to complete a CSO over the same period. A second strand of this study involved qualitative interviews with 21 male participants who had completed at least half of their CSO or short prison sentence. It is these findings that are focused on in this position paper.

The sample selection process sought participants with specific characteristics and experiences, to include: those serving sanctions for a variety of offences; those with prior prison or community service experience; and a wide age range.

A wealth of information and insight was provided by those who were interviewed as part of the research that informs this study. The limited space here means only a small fraction of the issues and themes raised by participants can be discussed. The full thesis provides the rich and full account of interviewees' experiences of the criminal justice system, their views of themselves as individuals in contact with the criminal justice system, as well as their views of completing criminal justice sanctions. The full doctoral thesis can be accessed at [www.iprt.ie](http://www.iprt.ie)

Additional contextual information and updates on current community service developments in Ireland are provided here, along with some learnings from other jurisdictions. Guiding principles for effective practice are also included as appendices.

## 2. Community service orders in Ireland

A community service order is a direct alternative to a short-term prison sentence. It must only be imposed on adult offenders if a custodial sentence has first been considered by the judiciary. (The application for Community Service Orders differs for children as outlined under the Children's Act 2001<sup>14</sup>). Prior to a CSO being imposed, an assessment report is completed by the Probation Service to make a recommendation on the suitability of the offender for the sanction.<sup>15</sup> The judge subsequently decides on whether or not to impose an order and the individual must then consent to completing it. Once imposed, a CSO requires offenders to complete a specified number of hours of unpaid work (between 40-240 hours), in lieu of a custodial term. If an offender fails to comply with the terms of the order, it may be revoked and the original custodial sentence imposed. In 2016, the Probation Service supervised 2,067 community service orders, totalling 326,967 hours of work, in lieu of 1,006 years in prison.<sup>16</sup>

### Development of community service in Ireland

The *Criminal Justice (Community Service) Act 1983* introduced the use of CSOs to Ireland, with the first order made in 1985.<sup>17</sup> Under this Act, a CSO must only be imposed if a custodial sentence has first been considered by the court. Notably, CSOs were introduced to Ireland with little or no guidance about how they should be used, or for whom they are most appropriate. Almost three decades later, in 2011, the *Criminal Justice (Community Service) (Amendment) Act 2011* introduced a requirement that the courts consider imposing CSOs for offences that would ordinarily attract a sentence of 12 months' imprisonment or less. This strengthening of the original legislation sought to address the underutilisation of community service and decrease the number of prison committals. Encouraging the use of community service as a "cost-effective" measure was twinned with the need to alleviate prison overcrowding and the over-use of short prison sentences.<sup>18</sup>

In February 2014, the Government approved the drafting of the *Criminal Justice (Community Sanctions) Bill* and published the General Scheme of the Bill.<sup>19</sup> This Bill is intended to replace original legislation, the *Probation of Offenders Act 1907*<sup>20</sup>, with modern provisions dealing with community sanctions and the role of the Probation Service in the criminal justice system.<sup>21</sup> However, progress on this Bill has stalled.

In 2016, following a recommendation made by the Strategic Review Group on Penal Policy (2014), the Probation Service piloted an 'integrated model' of Community Service, which facilitates up to one third of the participant's attendance at programmes and support services to address issues related to offending behaviour, including attendance at counselling, drug/alcohol treatment and educational/vocational programmes.<sup>22</sup>

14 Under Section 115 of the Children Act 2001, according to Riordan (2009:188), it allows for the imposition of a CSO as an 'intermediate sanction without consideration of the prior custodial requirement.' Riordan D. (2009). *The Role of the Community Service Order and the Suspended Sentence in Ireland: A Judicial Perspective*, PhD thesis: University College Cork, available at [https://cora.ucc.ie/bitstream/handle/10468/734/RiordanD\\_PhD2009.pdf?sequence=1&isAllowed=y](https://cora.ucc.ie/bitstream/handle/10468/734/RiordanD_PhD2009.pdf?sequence=1&isAllowed=y).

15 More information about assessment reports is available here: <http://www.probation.ie/ENPB/WebPages/WP16000033>.

16 Probation Service *Annual Report 2016*, p.4, available at: <http://www.probation.ie/en/PB/Pages/WP16000002>.

17 Walsh, D. and Sexton, P. (1999). *An Empirical Study of Community Service Orders in Ireland*. Probation Service.

18 McCarthy, J. (2014) Community service at the crossroads in Ireland. *Irish Probation Journal*, 11, pp.124-155.

19 'General Scheme - Criminal Justice (Community Sanctions) Bill', available at: <http://www.justice.ie/en/JELR/Pages/PB14000031>.

20 Notably, the 1907 Act aims to "advise, assist, and befriend [the offender], and, when necessary, to endeavour to find him suitable employment." See *Probation of Offenders Act 1907*, available at: <http://www.irishstatutebook.ie/eli/1907/act/17/enacted/en/print.html>.

21 'Minister Shatter publishes the General Scheme of Criminal Justice (Community Sanctions) Bill, 5 February 2014, available at: <http://www.justice.ie/en/JELR/Pages/PR14000035>.

22 The Probation Service *Annual Report 2016*, p.6.

### **Community Return Programme and Community Support Scheme**

Recent years have seen the introduction of the Community Return Programme – an incentivised scheme for the supervised release of qualifying prisoners who complete unpaid community work as a condition of their release – and the Community Support Scheme, which aims to provide a more structured form of early release for prisoners serving short prison sentences, with part of the sentence served in the community, linked in with local support services prior to and upon release.<sup>23</sup>

An evaluation of the Community Return Programme carried out reported high rates of compliance alongside significant contribution to the community of unpaid work.<sup>24</sup> Additionally, interviews with those who have completed the Community Return Programme have revealed that structure and routine aids reintegration, helps build a work ethic and develop the self-esteem of participants, as well as teaching participants transferable work skills while reducing the overall financial costs to the State.<sup>25</sup> While not directly relevant to this paper, as these schemes are initiated post-committal to prison, these programmes nonetheless highlight the potential benefits of community service as an early release mechanism from prison.

### **Utilisation of community sanctions**

Criminal justice policies encouraging greater use of alternatives to custody have, for the most part, been under-examined empirically in Ireland, mainly due to the dearth of available criminological data.<sup>26</sup> Research literature that does exist finds an overreliance on imprisonment and under-utilisation of community sanctions. For example, during 2013 the number of people sanctioned to serve any community sanction was 136.2 per 100,000 in Ireland<sup>27</sup>, substantially lower than the European average of 254.6 per 100,000.<sup>28</sup> In 2012, Ireland's prison committal rate stood at 375.6 per 100,000 at a much greater level than an average of 163.5 per 100,000 across European countries.<sup>29</sup> Various other previous studies, by scholars, the Probation Service and even criminal justice policymakers, support this finding – that community service is underutilised in Ireland.<sup>30,31,32</sup>

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23 The Community Return Programme is an early release scheme for eligible prisoners serving sentences of more than one year and less than eight years, upon completion of 50% of their sentence, in exchange for the completion of unpaid work in the community. See <http://www.justice.ie/ENPB/WebPages/WP16000037> Prisoners serving sentences of less than one year may be considered for release under the Community Support Scheme, which was developed as a response to prison overcrowding, and aims to address the recidivism levels of prisoners serving short sentences of between 3 and 12 months. See: <http://www.corkalliancecentre.com/programmes>.

24 Statistics from 2014 show that the Community Return Programme contributed to the value of 1.739,135 million euro in unpaid community work. <http://www.justice.ie/ENPB/WebPages/WP16000037>.

25 IPS and the Probation Service (2014), 'Community Return: A Unique Opportunity' available at: [http://www.probation.ie/ENPB/0/B91750D1528ECFA780258195003C33A1/\\$File/Community%20Return%20Study%20Report%20\(November%202014\).pdf](http://www.probation.ie/ENPB/0/B91750D1528ECFA780258195003C33A1/$File/Community%20Return%20Study%20Report%20(November%202014).pdf).

26 Rogan, M. (2012). Improving criminal justice data and policy, *The Economic and Social Review*, 43(2), 303–323.

27 O'Hara, K. and M. Rogan (2015) Examining the use of community service orders as alternatives to short prison sentences in Ireland, *Irish Probation Journal*, Vol. 12, p.23.

28 Aebi, M.F and Chopin, J. (2014) *SPACE II-Council of Europe Annual Penal Statistics: Persons serving non-custodial sanctions and measures. Survey 2013*. Strasbourg: Council of Europe cited in O'Hara, K. and M. Rogan (2015) Examining the use of community service orders as alternatives to short prison sentences in Ireland, *Irish Probation Journal*, Vol. 12, p.23.

29 Ibid.

30 Expert Group on the Probation and Welfare Service. (1999). *Final report of the Expert Group on the Probation and Welfare Service*. Dublin: The Stationery Office.

31 Petrus Consulting. (2009). *Value for Money and Policy Review of the Community Service Scheme*.

32 Walsh, D. and Sexton, P. (1999). *An Empirical Study of Community Service Orders in Ireland*. Probation Service.

Between 2010 and 2012, the use of imprisonment or detention at district court level, as a proportion of all cases heard, increased.<sup>33</sup> However, between 2013 and 2014 it witnessed a decrease, from 5% to 2%, remaining at 2% for 2015.<sup>34</sup>

There has been an overall reduction in the number of committals to prison for sentences of less than one year (excluding those committed for a court-ordered fine default) according to Irish Prison Service figures, by nearly 30% in the last five years.<sup>35</sup> The same period (2010–2015) also saw a reduction in the number of CSOs imposed: 2,738 in 2011; 2,569 in 2012; 2,354 in 2013; 2,197 in 2014; 1,938 in 2015 with a slight increase in 2016 at 2,067.<sup>36,37</sup> The number of imposed prison sentences declined at a greater rate than CSOs.<sup>38</sup> Since 2012, use of probation sanctions has remained relatively stable.

The above figures suggest that the emphasis on imprisonment as punishment in Ireland may be shifting, at least at district court level. However, the extent to which this trend has been influenced by the promotion of community alternatives is unclear. Monitoring of use of all criminal justice sanctions is required to assess the impact of changes to criminal justice policies across the entire system.

### Who gets community service in Ireland?

There has been little published research on the characteristics of offenders in receipt of community service in Ireland. One national evaluation of CSOs in the mid-1990s led researchers to conclude that those most likely to receive a CSO from Irish courts were unemployed, young, single men, who were poorly educated and living in their parental home. Over half of the sample had previous criminal records and a high proportion had previously been imprisoned.<sup>39</sup>

Analysis of sentencing trends in Scotland found that women are less likely than men to receive a community sanction;<sup>40</sup> another study highlighted that the complexities in women's lives make compliance with community sanctions difficult.<sup>41</sup> These findings, alongside the strong consensus in Ireland that community-based sanctions are a more appropriate response to offending by women,<sup>42</sup> suggest the need for a discrete policy response, given the declining use of CSOs for women between 2012 and 2015.<sup>43</sup> (There was a small increase in CSOs carried out by female offenders, from 175 in 2015 to 215 in 2016.) In 2016, female offenders comprised 10% of those who carried out community service

33 Courts Service Ireland, Annual Reports 2010, 2012, 2013, 2014; figures for 2011 could not be generated from annual court reports. Figures from annual Court Service reports and should not directly be compared with the Irish Prison Service prison committal figures, as different sources can provide apparently contradictory trends. See: O'Hara, K (2016) *Examining the comparative use, experience and outcomes of community service orders as alternatives to short-term prison sentences in Ireland*, Dublin Institute of Technology, p.287.

34 These figures were generated from annual court service reports and should not be directly compared with Irish Prison Service prison committal figures. All data are available in annual court reports – 2010, 2012, 2013, 2014, 2015.

35 Irish Prison Service, (2017) *Irish Prison Service Annual Report 2016*, p. 25.

36 These figures are provided in *Probation Service Annual Reports*: <http://www.probation.ie/ENPB/sectionpage?readform>.

37 This trend was accompanied by a substantial increase in the number of fines imposed. Annual court reports show that in 2010, fines accounted for 13% of all orders made across district courts; this rose to 21% in 2012, and to 24% in 2014 and 2015.

38 O'Hara, K. and Rogan, M. (2015). Examining the use of community service orders as alternatives to short prison sentences in Ireland, *Irish Probation Journal*, 12, pp.22-45.

39 Walsh, D. and Sexton, P. (1999). *An Empirical Study of Community Service Orders in Ireland*. Probation Service: Ireland.

40 Mc Ivor, G. (1998) Jobs for the boys? Gender differences in referral to community service. *The Howard Journal of Criminal Justice*, 37 (3), pp.280-290.

41 Barry M. and McIvor G (2008) *Chaotic Lives: A Profile of Women in the Criminal Justice System in Lothian and Borders*, Scottish Centre for Crime and Justice website: <http://www.sccjr.ac.uk/publications/chaotic-lives-a-profile-of-women-in-the-criminal-justice-system-in-lothian-and-borders>.

42 Joint Probation Service–Irish Prison Service Strategy 2014–2016, *An Effective Response to Women Who Offend*.

43 See: The Probation Service, *Annual Report 2015*, p. 51.

orders<sup>44</sup>, while female committals made up 20.2% of all prison committals in 2016.<sup>45</sup>

The primary research presented here included quantitative analysis of the profiles of offenders in receipt of either a short prison sentence or a CSO during 2011 and 2012. Those in the short prison sentence group (n. 6,784) were slightly older and on average had a marginally higher number of previous convictions than those in the CSO (n. 5,231) group, though differences were not as great as expected.<sup>46</sup> Most of the short-term prison sentence group had experience of early school leaving with the average leaving school at 15 years old. Data on education status were not available for community service participants.

## Factors affecting likelihood of CSO imposition

A number of factors can affect the likelihood of an individual receiving a CSO rather than a short prison sentence, including geographic location.

### *Geographic variation in application of CSOs by district courts*

Geographic variation in application of CSOs was a strong finding of the research.<sup>47</sup> In only eight district court jurisdictions, out of a total of 23 district courts and the Dublin Metropolitan District, was there a higher number of CSOs than short prison sentences imposed during 2011 and 2012.<sup>48</sup> The likelihood of receiving a CSO in one district court was seven times higher than receiving a short term prison sentence. This compares to other district court jurisdictions where the likelihood of receiving a short term prison sentence was 11 times greater than receiving a CSO and four times greater in another district court jurisdiction.<sup>49</sup> This may simply suggest that some members of the judiciary prefer to impose community sanctions, while others prefer to impose a prison sentence.<sup>50</sup> It may also, in part, reflect a varying level of availability of community service projects, across both rural and urban areas.<sup>51</sup>

### *Consistency in pre-sanction reports*

Judges impose community service on the basis of pre-sanction reports made by the Probation Service. Previous research found that “there is no format prescribed by legislation for a pre-sanction report(s)”<sup>52</sup> and that the style of community service reports drafted by probation staff can differ considerably between courts<sup>53</sup>, while direction received from individual judges on what to include in reports can vary.<sup>54</sup> The format of pre-sanction reports is now standardised nationwide.<sup>55</sup>

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44 The Probation Service, *Annual Report 2016*.

45 Irish Prison Service, *Annual Report 2016*.

46 Analysis did show that more cases convicted of a drug or public order offence received community service than was expected; however, these effect sizes were small. See O’Hara, K. and Rogan, M. (2015) Examining the use of community service order as alternatives to short prison sentences in Ireland, *Irish Probation Journal*, 12, p.22.

47 Previous research has found that sentencing practice in Ireland is largely discretionary and inconsistent, particularly at district court level. See Hamilton, C. (2005). *Sentencing in the District Court: Here be dragons*. *Irish Criminal Law Journal*, 15(3), 9-17.

48 O’Hara, K (2016) *Examining the comparative use, experience and outcomes of community service orders as alternatives to short-term prison sentences in Ireland*, Dublin Institute of Technology, p.276.

49 O’Hara, K. & Rogan, M. (2015) Examining the use of community service orders as alternatives to short prison sentences in Ireland, *Irish Probation Journal*, 12, p. 37.

50 Findings from the study also showed that the average number of hours equivalent to one month in prison differed based on offence type and district court jurisdiction.

51 See Department of Justice and Equality (2009) *Value for Money and Policy Review of the Community Service Scheme*, p.6, available at <http://www.drugsandalcohol.ie/15756/1/Value%2Bfor%2BMoney%2BAnd%2BPolicy%2BReview%2Bof%2Bthe%2BCommunity%2BService%2BScheme%2B1%2B5D.pdf>.

52 Carr, N., Healy, D., Kennefick, L., and Maguire, N. (2013). A review of the research on offender supervision in the Republic of Ireland and Northern Ireland. *Irish Probation Journal*, 10, p.64.

53 Maguire, N. (2010). Consistency in sentencing. *Judicial Studies Institute Journal*, 10(2), 14-54.

54 Walsh, D., and Sexton, P. (1999). *An Empirical Study of Community Service Orders in Ireland*. Probation Service: Ireland.

55 This information was received from the Probation Service.

***Higher use of CSOs in border counties***

In court jurisdictions close to the border with Northern Ireland, research indicates that Irish courts seemed to have a stronger preference for the use of community service over short-term imprisonment when compared to other areas.<sup>56</sup> In addition, previous analysis taking population size differences into consideration shows a much higher use of community sanctions across Northern Ireland when compared to the Republic of Ireland, as well as a greater use of pre-sentence reports, probation orders and CSOs.<sup>57</sup> Similarities and close working relationships between probation services north and south of the border, reflected in the informal agreement that CSOs can be transferred between jurisdictions, in operation since 2007 may be a contributing factor to this trend.<sup>58</sup>

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56 O' Hara, K. (2016) *Examining the comparative use, experience and outcomes of community service orders as alternatives to short-term prison sentences in Ireland*, p.304.

57 Carr, N. (2015). *Community sanctions and measures*. In D. Healy, C. Hamilton, Y. Daly, and M. Butler (Eds.), *The Routledge Handbook of Irish Criminology* (pp. 329-330). London: Routledge.

58 Ibid.

### 3. Experiences of community service orders

This section presents the findings of the qualitative interviews with men who had completed a community service order (CSO). A large proportion of these participants were required to complete manual work, for example, gardening, painting and cleaning, while others were required to complete skills-based training, as well as various courses such as alcohol awareness and anger management, as part of their CSO.

#### CSOs as a “last chance”

In Ireland, CSOs can only be imposed as an alternative to a sentence of imprisonment for adult offenders. However, it is less clear whether members of the judiciary consider non-custodial sanctions to be equivalent to imprisonment or if they are confident that alternatives can achieve the perceived deterrent effect of imprisonment.<sup>59,60,61</sup>

Participants in this study did not consider community service and short-term imprisonment to be penal equivalents. They situated the CSO just before imprisonment in the “league table” of sanction severity:

Because you’re giving someone a last chance, it’s as simple as that and after that if ya don’t cop on well I’m sorry for ya you’re going to jail. It’s just as simple as that isn’t it?

According to participants, offenders considered to be “at the end of the road” regarding their offending behaviour were automatically sent to prison for a short time. Such sentences were imposed on these cases without any consideration of suitability for community service. Both repeat and first time offenders did not view repeat offenders as worthy to undertake community service orders. Over the period the research was undertaken, treatment for substance misuse could not be attached to CSOs, which may have deterred the judiciary from using them for this cohort. This perception of the CSO as neither an equal or acceptable alternative to prison, but rather a last chance before redemption is no longer possible, has implications for the promotion of community service as an alternative sanction to imprisonment.

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59 Ashworth, A. (2010). *Sentencing and Criminal Justice*. Cambridge: Cambridge University Press.

60 Hough, M., Jacobson, J., and Millie, A. (2003). *The Decision to Imprison: Sentencing and the Prison Population*.

61 Riordan, D. (2009). *The Role of the Community Service Order and the Suspended Sentence in Ireland: A Judicial Perspective* (unpublished doctoral thesis). University College Cork, Cork.

## **CSOs enabling a sense of normality**

Community service was associated with maintaining and even enhancing a sense of normality for participants in this study. Participants carrying out CSOs and those serving short prison sentences alike highlighted the benefits or “normalisation” aspects of CSOs:

So they [CSO recipients] can stay with their family, their kids, like doing normal things in life, like in here [prison] for instance we can't even walk to the shop; we have to get a form and fill out a form and then wait two days to get the shop, like. It's just ah, I don't know, I really don't.

### ***CSO associated with a change in outlook***

Not only was it reported that communities benefited from the unpaid work completed, many recipients compared their work to regular employment and reported a change of outlook on life. In order to desist from offending, some offenders construct “a coherent pro-social identity” that, along with societal support, self-determination, and involvement in pro-social activities, maintains and supports desistance.<sup>62</sup> This was evident among participants in the CSO group when describing their community work. CSO participants considered the work they completed as being very rewarding and worthwhile. Completion of a CSO also fostered pride among family members, an important factor in the rehabilitative process.

### ***Increased sense of community***

CSO recipients described how completing community service had increased their sense of belonging within wider society. When completing their community work, recipients reported feeling similar to other people, i.e. those in regular employment. Participants believed community service provided a certain level of anonymity. In general, the public was unaware that recipients were completing a criminal justice sanction; they only witnessed interviewees dressed in work attire completing manual labour. Recipients associated putting on their “boots and gloves” with an increased sense of ordinariness and a sense of camaraderie with those in regular employment. An increased sense of self-worth associated with completing a work task was also reported by a number of CSO recipients.

### ***Return to work***

The belief that community service can benefit offenders was shared by participants in both groups, in particular in relation to helping offenders return to work. Work provides meaning to individual lives and helps people to avoid becoming involved in offending behaviour again, by giving them “something to lose.” Employment also involves new forms of routine activities, informal social controls, social supports, and the possibility of meeting role models who are not involved in crime. Participants spoke at length about routine and future work or training prospects. There was a consensus among all CSO participants that community service can introduce a structure into daily life; a view shared by those on a short prison sentence.

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62 Maruna, S. (2001). *Making Good: How Ex-Convicts Reform and Rebuild Their Lives*. Washington: American Psychological Association.

## Community Service Models: Learnings from other Jurisdictions

### Finland

Under Section 11 of the Criminal Code of Finland<sup>64</sup>, community sanctions can be imposed as an alternative to a prison sentence of eight months or less. In order to ensure that community service is a sanction that replaces imprisonment and avoids any 'net widening' effects of criminal justice measures, the court applies a two-pronged approach. Firstly, the court applies normal sentencing procedures without considering the possibility of a community sanction. Following this, if the court determines and imposes a custodial sentence, the court may then commute the sentence to community service. The offender must consent to undertaking community service and is determined by the court as capable of carrying out community service.<sup>65</sup>

There are clear guidelines set out in policy on the number of community service hours that equate to an alternative sentence of imprisonment.<sup>66</sup> Length of community service orders varies but the application is consistent. For example, two months of a custodial sentence equates to 60 hours' community service.<sup>67</sup> Supervision is primarily focused on performance of the work undertaken.

Evidence suggests that Finland has been more successful than other jurisdictions in replacing sentences of imprisonment with community service orders. This has been attributed to the 'specific legislative solutions' adopted by Finland.<sup>68</sup>

### Sweden

In Sweden treatment-oriented measures are often combined with other alternative community sanctions. One of the key issues identified is the lack of provision in addressing offenders who may have substance misuse issues which may prevent them from undertaking or completing a CSO.

One alternative sanction used in Sweden is that of Contract Treatment Orders where there is a strong link between substance misuse and the offence. Contract Treatment Orders are used as an alternative for up to a two-year prison sentence. A contract is drawn up between the court and offender relating to institutional care, which can be at home or in a clinic.<sup>69</sup> Treatment can last between six months and two years. The offender must voluntarily accept and give consent to treatment. Under Section 34 of the Prison Treatment Act, a prisoner while serving his sentence can, as an alternative to staying in prison, be placed in a treatment facility.

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63 United Nations Office on Drugs and Crime, The Criminal Code of Finland. Available at: [https://www.unodc.org/cld/document/fin/1889/the\\_criminal\\_code\\_of\\_finland.html](https://www.unodc.org/cld/document/fin/1889/the_criminal_code_of_finland.html).

64 Linderborg, H. (2015) Finland: <http://www.cep-probation.org/wp-content/uploads/2015/03/Finland.pdf>.

65 Lappi-Seppälä, T. (2009). Imprisonment and penal policy in Finland. In P. Wahlgren (Ed.), *Scandinavian Studies in Law* (Vol. 54, pp. 333-380). Stockholm: Stockholm Institute for Scandinavian Law.

66 Lappi-Seppälä, T (2012) Imprisonment and Penal Policy in Finland, p.339. Available at: [http://www.antonioacasella.eu/nume/Lappi-Seppala\\_2012.pdf](http://www.antonioacasella.eu/nume/Lappi-Seppala_2012.pdf).

67 Lappai-Seppala, T. Crime Prevention and Community Sanctions in Scandinavia, 135th International Seminar Visiting Experts Paper, Resource Material Series No. 74. pp. 40-41.

68 Kriminalvården, Sanctions <http://www.kriminalvarden.se/swedish-prison-and-probation-service/sanctions/>.

### Scotland

In 2011, the Community Payback Order (CPO) was introduced and replaced a number of community disposals including Probation Orders, Community Service Orders and Supervised Attendance Orders.<sup>70</sup> There is dual focus of these orders to provide payback to the community and address the needs of the individual. CPOs are described by Scottish Government as delivering work placements tailored to the needs of the individual and 'improving the speed at which placements are commenced and completed'.<sup>71</sup> The court may include one or more of nine requirements<sup>72</sup>, including:

1. Unpaid work or other activity (key requirement)
2. Offender supervision requirement
3. Compensation requirement
4. Programme requirement
5. Residence requirement
6. Mental health treatment requirement
7. Drug treatment requirement
8. Alcohol treatment requirement
9. Conduct requirement

In 2012–2013, 75% of orders with only one requirement were successfully completed, while 55% of orders with two or three components were successfully completed.<sup>73</sup>

### Northern Ireland (PBNI)

The Probation Board Northern Ireland (PBNI) model aims to encourage engagement with the community. Community service projects must meet a number of specific criteria<sup>74</sup> including that it must be constructive. Meaningful opportunities are identified and used, with the skills and social networks of offenders employed to encourage and promote desistance.

Supervision provided to offenders in the community by the PBNI is measured against a special framework incorporating the Northern Ireland Standards.<sup>75</sup> *The Best Practice Framework* takes into account the offenders' motivations, readiness to change, strengths and examines community oriented approaches. The framework puts its emphasis on the individualised needs of the offender.

The Criminal Justice Inspectorate<sup>76</sup> has carried out inspections on probation services in Northern Ireland. This ensures greater oversight of the Probation Service and its programmes available to offenders in Northern Ireland. Inspectors previously found that Probation Services in Northern Ireland were outperforming the rest of the UK in three key areas of evaluation: risk of harm assessments, reoffending assessments and compliance and enforcement of work.<sup>77</sup>

69 *Criminal Procedure (Scotland) Act 1995* amended by the *Criminal Justice and Licensing (Scotland) Act 2010*.

70 Scottish Government (2015) *Evaluation of Community Payback Orders, Criminal Justice Social Work Reports and the Presumption against Short Sentences*: <http://www.gov.scot/Publications/2015/03/38007>.

71 This is provided under the *Criminal Justice and Licensing (Scotland) Act 2010*.

72 Scottish Government Social Research (2015) *Evaluation of Community Payback Orders, Criminal Justice Social Work Reports and the Presumption Against Short Sentences*, available at: <http://www.gov.scot/Publications/2015/03/5668>.

73 Probation Board Northern Ireland: <http://www.pbni.org.uk/what-we-do/pbni-in-the-community/community-service/>.

74 Probation Board Northern Ireland (2012) *Best Practice Framework Incorporating Northern Ireland Standards*, available at: <http://www.pbni.org.uk/guide-information/priorities/>.

75 Criminal Justice Inspection of Northern Ireland (2013) *An Inspection of Community Supervision by the Probation Board for Northern Ireland*, available at: <http://www.cjini.org/TheInspections/Inspection-Reports/2013/ACommunity-supervision-by-the-Probation-Board-for-N>.

76 The Irish Times (2013) *Northern Ireland probation services outperforming rest of UK says Inspectors*, available at: <http://www.irishtimes.com/news/crime-and-law/ni-probation-services-outperforming-rest-of-uk-say-inspectors-1.1380407>.

**Restorative Community Service (RCS) by the Clark County Juvenile Court (U.S.)**

The RCS model<sup>78</sup> aims to develop and promote dialogue between community organisations and the judicial system. This system engages young people in contact with the criminal justice system through linking them in with volunteers in the community, rather than employing the traditional forms of community service such as litter collection. Community volunteers work alongside young people. The goal of this is to provide young people with positive role models. Research suggests that a system that involves community organisations, as well as the community in general, leads to greater “buy in” to the rehabilitative process. This form of community involvement develops and encourages new transferable skills, helping to support the reintegration of individuals.

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77 Clark County Washington, Restorative Community Services, available at: <https://www.clark.wa.gov/juvenile-court/restorative-community-services>.

## 4. Experiences of short-term imprisonment

### *Impact of imprisonment*

Many of the interviewees completing a short prison sentence had prior experience of the prison system and were fully aware of how the prison system operated, sharing the perception that they were, to an extent, “institutionalised”. A number of difficulties associated with completing a short prison sentence were identified: lack of education arrangements for those serving short prison sentences; the availability of illicit substances in prison; overcrowded conditions; the volatile nature of the prison environment, including involvement in feuds and violent attacks; and disruption to family relationships. The most difficult aspect of a prison sentence, according to participants, was this last point – separation from family:

It's back to the same thing, back to my family. They're suffering as well, my daughter is suffering, but it's me that's after bringing all this on the family d'ya know what I mean so...D'ya know what I mean, that's going back to the family thing that's how you're being punished, not seeing your family. If you haven't got family jail wouldn't be a problem, it's the family situation d'ya know what I mean. Family.

### *Access to services*

Participants reported difficulties accessing services in prison because of the short duration of their sentence. Many reported being turned away from classes and workshops for this reason. Another issue highlighted by participants serving a short prison sentence was the lack of support on release from prison, in relation to issues such as housing and training.

### *“Institutionalisation”*

Many of those who had completed numerous prison sentences described imprisonment as a “normal” event. The majority reported having peers in prison, and claimed they knew what to expect. Others used humour to describe their experience of imprisonment; for example, phrases such as “part of the furniture” and “one big hostel” were used when asked to describe how they felt on being committed to prison on this occasion.

### *Respite*

For offenders with substance misuse issues, a short prison sentence provided respite, stability and a “break from the outside.” This was perceived as being so valuable to these participants that some preferred a prison sentence over a CSO:

See a lot of them [prisoners] stay in here sorting their addiction out you know, there's not enough places out there to sort your addiction out like. There's not enough beds, places to go like d'ya know what I mean.

For this reason, these participants expressed an unwillingness to complete community service: the prison environment offered a means to stop using alcohol and/or drugs and was viewed as the only means of availing of treatment. The use of short-term imprisonment as respite from illicit substances was therefore a primary motivation for not wanting to complete community service.

### ***Effects upon release***

Even a short time in prison was found to have negative effects on family relationships, housing, possessions, education and employment:

Well, ya well when you're getting out you have no social welfare, all your benefits are cut, you're starting all over again with that. If you were working, your job's gone like, you know all stuff like that, everything you had going for ya on the outside is all gone 'cause you're after being in here for the couple of months and that like. Everything is gone.

It was clear from speaking with these participants that imprisonment eroded their sense of hope, by contrast to community service, which fostered motivation and raised future aspirations.

### ***Suitability for sanctions***

Many participants claimed that short prison sentences are not suitable for certain types of offenders and agreed that in some cases community service is a more appropriate approach. They felt that community service is most suitable for young offenders, first-time offenders, and those unable to cope with imprisonment.

A number of participants serving a short prison sentence believed they lacked the ability to complete community service and in fact, would not want to receive it. This view was not confined to those who wanted to use the prison environment to detoxify from illicit substances. The belief that they did not have the ability to complete an unpaid work sanction successfully meant that nearly all participants serving a short prison sentence had given little consideration to completing community service. Many were adamant that prison was inevitable for them, and for this reason were not motivated to engage with the community service process. A number of these participants reported "needing prison" due to their circumstances.

Several participants serving a short prison sentence did not know if they had been formally assessed prior to the sentence being imposed. Some participants serving short-term sentences identified barriers to them being considered for a CSO, including their previous criminal histories, and expressed the view that An Garda Síochána and other criminal justice officials had an instrumental role in determining their suitability for a community service order. Some did not understand why they had been deemed unsuitable for community service following assessment by the Probation Service.

The perception among those serving a short prison sentence that they would be unable to successfully complete community service suggests a sense of unworthiness, a lack of self-confidence. Some believed imprisonment was the only option used by the courts, claiming that 'people like them' were destined to be imprisoned. It seems that can be another barrier to an offender completing a community-based sanction: the offender's perception that they are not capable of completing one, that they "belong" in prison. This suggests value in conducting preparatory work with offenders who might be offered a CSO instead of a prison sentence.

## 5. Conclusions

The introduction and subsequent legislative amendments to the *Criminal Justice (Community Service) Act 1983* have attempted to introduce and, later, address the underutilisation of community service as well as decrease the number of prison committals. It will be some time before it can be seen whether or not recent policy changes in Ireland have had the desired decarcerative impact. What is clear from the research underpinning this paper, however, is that community service works to the advantage of both individuals (for example, by encouraging a sense of participation in society) and of wider society (for example through unpaid work carried out in the community).

### *Sentencing and the Courts*

The perception that community service is the penultimate stop on an offender's criminal justice journey raises questions regarding use of CSOs as a direct alternative to short-term imprisonment. The quantitative research data found that a large proportion of offenders serving a CSO were first-time offenders, which suggests that community service is not directly used as an alternative to imprisonment. This is important to consider in the context of potential net-widening effects/uptariffing in the application of CSOs by the judiciary. IPRT has previously advocated that when an individual fails to complete a community sanction it should not be automatically concluded that the only alternative is imprisonment.<sup>78</sup> If the CSO is to achieve its true decarcerative potential across the Irish criminal justice system, it needs to be considered as an option for all applicable cases.

### *Community service models*

The community service landscape remains uneven and diverse with clear variability in the use of community service orders across Ireland. Some models principally operate on the completion of unpaid work, while others offer more therapeutic and education-based activities. This, however, can be used as an advantage if certain types of offenders are to be successfully diverted from the prison system. The findings of the research highlight that prison acts as a form of respite for some offenders. Therefore, a model that seeks to strategically assign individuals to suitable community service placements designed to meet their needs is recommended.<sup>79</sup> However, further evaluative research is required prior to the introduction of any new programmes.

### *Alternative perspectives*

Most participants in the qualitative stage of the research study wanted to move away from offending behaviour (though those serving short prison sentences had less confidence in their ability to do so). Those serving a CSO believed that completing unpaid work had a greater deterrent impact on offending behaviour than a short prison sentence. By contrast, most of those serving a short prison sentence spoke about the "revolving door" nature of the prison environment.

The research identified work and a structured routine as key factors in desistance. Both those who were serving a CSO and those from the prison group with previous experience of community-based sanctions claimed the non-custodial approach provided a sense of routine through work. However, having a previous criminal conviction was identified as a critical barrier to reintegration, as it decreased the likelihood of accessing employment. This strongly supports the need to review Ireland's existing spent convictions legislation to ensure it achieves its rehabilitative purpose.

<sup>78</sup> IPRT (2010) *Community Sanctions*, IPRT Position Paper No. 8, available at <http://www.iprt.ie/contents/1555>.

<sup>79</sup> The Special Rapporteur on Child Protection has recommended: "In respect of juveniles, it is recommended that more imaginative community service programmes be introduced specifically designed to develop the skills and interests of each individual young offender, while simultaneously benefiting his or her local community." See: Shannon, G. (2016) *Ninth Report of the Special Rapporteur on Child Protection: A Report Submitted to the Oireachtas*, p. 29, available at [https://www.dcy.gov.ie/viewdoc.asp?fn=/documents/child\\_welfare\\_protection/SpecialRapporteurChildProtection.htm](https://www.dcy.gov.ie/viewdoc.asp?fn=/documents/child_welfare_protection/SpecialRapporteurChildProtection.htm).

The research shows that a CSO can provide offenders with an opportunity to improve self-esteem, to gain a strong daily routine, and to maintain links with family. The CSO group believed there was direct reparation to the community, and felt a sense of achievement when their community work was completed. This group also felt more empowered and were enabled to set goals and aspirations. These outcomes should be considered when assessing the impact of custodial and non-custodial sanctions in Ireland.

However, a potential barrier to the imposition of a CSO identified by the research is the perception among some offenders that they would not be able to complete a CSO – that for them, a prison sentence is inevitable. This suggests a degree of institutionalisation among some offenders, and points to a need for further investigation towards specific interventions.

Taken together, the findings of the research provide a strong basis for promoting the use of CSOs as a non-custodial sanction. The enactment of the *Criminal Justice (Community Service) (Amendment) Act 2011* and conclusions of the cross-agency *Strategic Review on Penal Policy* means there now exists a strong legislative and policy basis for implementing the recommendations outlined in the next section.

## 6. Recommendations

The following recommendations are based on the findings of a doctoral thesis on community service as an alternative to short-term imprisonment in Ireland cited in this discussion paper. If implemented, IPRT believes that these recommendations would help promote consistency in the use of CSOs as an alternative to imprisonment nationally, enhance public confidence in its effectiveness as a response to offending behaviour, and achieve the full potential of non-custodial alternatives.

### *Evidence-informed policy*

1. The collection and publication of accurate up-to-date and comprehensive criminal justice data is essential to the policy-making process. The implementation of a common unique identifier by all criminal justice agencies would enable researchers access and enhance quality research to inform and guide service provision and policy.
2. All legislative and policy initiatives encouraging the use of alternatives to custody should have review and evaluation processes built into their implementation.

### *Legislative reform*

3. The principle of imprisonment as a last resort should be enshrined in legislation, with a mandatory provision that judges must provide written reasons where a custodial sentence of less than 12 months is imposed instead of a non-custodial alternative.<sup>80</sup>
4. The *Criminal Justice (Community Sanctions) Bill* should be progressed.
5. Having a convictions history can present a barrier to obtaining employment, education, training, and more. A review of the *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* towards expanding the number of convictions eligible to become spent is necessary to better support the reintegration of individuals.

### *Monitoring and review*

6. A comprehensive review of the operation of community service at national level should be undertaken in order to evaluate its current effectiveness.
7. A mechanism for independent inspections of The Probation Service should be introduced, as provided for in the proposed *Criminal Justice (Community Sanctions) Bill*.
8. Monitoring the use of community service orders as an alternative sanction to imprisonment, as provided for in legislation, must be undertaken to ensure against 'net widening effects' drawing more people into the criminal justice system.
9. Under the *Fines Act 2014*, CSOs are defined as a primary sentencing option for the non-payment of fines. The impact of the Act on the use of CSOs in the future must be closely monitored.

### *Promoting Consistency*

10. Consideration should be given to the introduction of sentencing guidelines in order to promote transparency and consistency in the application of community sanctions and other sanctions across district courts. This should include guidance on the number of community service hours that correspond to a month of alternative imprisonment.
11. The average time taken to complete CSOs in each court jurisdiction should be monitored and published. This is important if the credibility of the sanction as a true alternative to custody is to be enhanced.

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80 The Strategic Review Group on Penal Policy (SRGPP) (2014) recommended that reliance on imprisonment should be reduced, and that non-custodial sanctions should be the 'default' position. The SRGPP recommended that there should be a requirement for the judiciary to provide written reasons to impose a custodial sanction, in order to ensure that community service orders are used as a direct alternative to short-term imprisonment, p.92. <http://www.justice.ie/en/JELR/Pages/PB14000244>.

### ***Awareness-raising***

- 12.** There is a need for awareness-raising around the use of community sanctions. Information on how community service operates in each court jurisdiction should be provided regularly to the judiciary by The Probation Service.
- 13.** Information about community service, including the criteria for assessment of suitability for community sanctions, should be communicated clearly by The Probation Service to those convicted of offences.
- 14.** Training for legal professionals and improved communication around the operation of community service at a local level is recommended in order to encourage more professionals to discuss it with their clients and suggest the use of CSOs as alternatives to short-term prison sentences at the point of sentencing.

### ***Tailored community sanctions***

- 15.** Innovative solutions (including more specialised community service placements) that take into account the specific needs and circumstances of various cohorts of offenders – including women, young offenders and Travellers – should be developed.
- 16.** Gender-specific non-custodial community-service orders, which take into account the complex needs of women who offend, should be developed and made available on a nationwide basis.

### ***Addressing substance misuse***

- 17.** The demonstrated link between substance misuse and sentences of short-term imprisonment underscores the clear need for increased provision of services and treatment in the community, including access to residential services.
- 18.** A review of the sentencing options available for offenders with substance misuse issues should be undertaken, including further review and evaluation of the effectiveness of the Drug Treatment Court.
- 19.** A full audit of services currently available at community service sites should be completed so that offenders with substance misuse and mental health issues can be diverted to appropriate services.

### ***Further research***

- 20.** Further research and analysis should precede any expansion of community sanctions, including proposals to attach specific treatment orders to CSOs.

## Appendices

Box 1 below sets out best practice principles for CSOs, identified in a systematic review of the literature.<sup>81</sup>

### Box 1: 11 Best Practice Principles for CSOs<sup>82</sup>

1. Community service schemes are more effective in terms of meeting all and any of their aims if offenders view the community work as meaningful and worthwhile.
2. Community service schemes achieve better completion rates and associated lower rates of recidivism when they exclude the use of work crews or gangs or other such group placements in favour of more individual placements in the community.
3. Community service supervisors who employ a pro-social modelling approach to their working relationships with offenders achieve better compliance and recidivism outcomes than other supervisors.
4. Community service schemes with consistent and transparent practices promote confidence from the public, judiciary and offenders in their effectiveness and legitimacy, essential to the ongoing viability of community service schemes.
5. Community service administrators should be mindful of the existence of any bias in the referral and selection processes for their community service schemes that may exclude certain groups of offenders based on their gender, age, cultural background or health status, and ensure that equal opportunity for participation in community service is provided to all offenders.
6. Community service schemes that prove timely commencement of offenders on community work placements after sentencing have higher completion and lower breach rates.
7. Offenders on community service who have input into the type of work and placement they are allocated to have a more positive experience of community service.
8. Community service schemes that provide more comprehensive support to offenders on community service achieve greater completion rates.
9. Community service schemes that have stricter enforcement of absenteeism achieve greater completion rates.
10. Community service schemes that involve high numbers of young offenders should ensure they are operating, where possible, to established principles of effective practice with children, adolescents and young people.
11. Community service schemes should engage in a process of ongoing evaluation and review that engages key stakeholders to assess their views of the effectiveness of the schemes.

Source: Turner, S. and Trotter, C. (2013).

81 Turner, S. and Trotter, C. (2013). *Best Practice Principles for the Operation of Community Service Schemes: A Systemic Review of the Literature*, Monash University Criminal Justice Research Consortium. Department of Justice Australia.

82 Ibid.

The European Prison Observatory<sup>83</sup> also highlights nine key principles in relation to community sanctions in general, emphasising that increased availability should not lead to overuse and not further widen the net of criminal justice measures.

**Box 2: Nine Best Practice Principles for Community Sanctions<sup>84</sup>**

1. Be proportionate to the offence
2. Be clear in scope and realistic in requirements
3. Not stigmatise individuals or unduly infringing on their dignity, privacy, and family life.
4. Be properly targeted, based on a thorough, objective assessment of the person's background and support needs
5. Take account of age, maturity and any specific needs that could affect the ability to comply with, or benefit from the measure
6. Be applied without discrimination based on personal factors such as race, faith, status or wealth
7. Help to restore individuals to an equal place in society, enabling them to choose desistance
8. Be worthwhile, helping towards personal autonomy and social integration
9. Be properly resourced and organised, supported by trained professionals from a wide range of backgrounds. Any private sector involvement must be subject to equally high professional standards and safeguards as public sector provision.

Source: European Prison Observatory

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83 Heard, C. (2016) *Alternatives to Imprisonment in Europe: A Handbook of Good Practice*, European Prison Observatory, p.36.

84 Ibid.



Irish Penal Reform Trust  
MACRO,  
1 Green Street,  
Dublin 7, Ireland

T: +353 (0) 1 874 1400  
E: [info@iprt.ie](mailto:info@iprt.ie)  
W: [www.iprt.ie](http://www.iprt.ie)

