## CHARACTERISTICS OF COMMUNITY SERVICE PROGRAMS

### AND PROBATIONERS IN TEXAS

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Thesis Prepared for the Degree of MASTER OF SCIENCE

### UNIVERSITY OF NORTH TEXAS

August 2002

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Roberts, Darrin D., <u>Characteristics of community service programs and probationers in Texas</u>. Master of Science (Criminal Justice), August 2002, 52 pp., 5 tables, references, 33 titles.

As a criminal sanction, community service involves unpaid labor on the part of convicted criminal offenders. Community service was created as an alternative to incarceration for low-level offenders. It now appears, however, that community service is rarely used as a true alternative to prison, but rather as an added condition of probation. The body of research on community service in the United States is modest, so relatively little is known about its characteristics and administration. Data were attained from 88 Texas probation professionals via self-administered written surveys in an effort to gather information about the use of community service as a criminal sanction in Texas. Frequency distribution analyses identified characteristics of both community service programs and offender participants in Texas.

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#### CHAPTER 1

#### INTRODUCTION

Community service can be defined as a program that places convicted offenders in unpaid positions with non-profit or tax-supported agencies to work a specified number of hours as a sentencing condition (Morris and Tonry 1990). Texas calls this concept community service restitution (CSR). Community service is an intermediate sanction. Intermediate sanctions are considered less punitive than prison, but more punitive than traditional probation. Other sanctions grouped in this category include intensive supervision probation (ISP), monetary penalties, home confinement, and boot camps (Wood and Grasmick 1999). Community service may be used as a stand-alone alternative to incarceration, but is more commonly used as a probation condition or a penalty for a minor offense (Tonry 1997). Community service is one of the few sanctions that draw support from both liberals and conservatives. Liberals support community service due to its humane and rehabilitative nature. Conservatives support community service because of its potential to reduce prison costs and act as a more punitive alternative to probation (Perrier and Pink 1985).

Community service is extremely flexible and can be tailored to match the seriousness of an offender's crime. Although community service is popular with the public, benefits community improvement, and may ease prison overcrowding, it is the least used of all intermediate sanctions (Tonry 1997). Research on intermediate sanctions has often been dedicated to more controversial programs, such as boot camps and ISP.

The body of community service research in the United States is not as large as that in Europe (Tonry 1997). This lack of research has most likely contributed to its infrequent use as an alternative to prison. It can be argued that if more research was dedicated to community service in the United States, it would become a more viable sentencing option. A better understanding of how community service is now administered and what defines a successful program could possibly lead to future standardization.

Standardization, in general, can be defined as comparing with a standard, or bringing into conformity with a standard. This may involve identifying and studying exemplary programs as baselines for future standardization. Understanding how Texas' large criminal justice system is currently using community service for adult offenders is a step in this direction.

The foundation of this project is a survey examining community service for adult offenders on probation in the state of Texas. A self-administered questionnaire was used to gather data from criminal justice professionals on offenders who received this sanction and the function and structure of community service programs throughout Texas.

### **Research Questions**

- 1. What are the characteristics of community service programs in Texas?
- 2. What are the characteristics of adult probationers who have been sentenced to community service in Texas?

By answering these two questions, this author hopes to gain a sharper view of community service in Texas. In other words, how does the average program administer the community service sanction to the average adult probationer? This author believes the

data obtained from this study is important because no such information previously existed. The descriptive data presented here provides a previously unseen glimpse of community service as a sanction in Texas.

#### **Document Overview**

Chapter 2 of this document reviews literature on the history of community service research in the United States and abroad. Topics include its history as a criminal sanction in the United States and Europe, major program evaluations, cost effectiveness, criticisms, and research gaps. Chapter 3 details the methodology used to gather information for this project. This includes information on the study group, human subjects, data collection, pretesting, questionnaire, and data analysis. Chapter 4 includes the results of the descriptive data gathered from the study group. Chapter 5 contains a discussion of relevant findings and implications from this research, recommendations for the future structure of community service, project limitations, and ideas for further research.

#### CHAPTER 2

#### LITERATURE REVIEW

This chapter contains a review of relevant literature as it pertains to community service. The history of community service in Europe and the United States is examined, along with associated cost effectiveness, program evaluations, offender perceptions, and inherent advantages and disadvantages.

### Community Service in Europe

The bulk of research on community service has been done in European and Scandinavian countries, where community service is often used as a true alternative to prison, as opposed to the United States' method of using it as a condition of probation (Tonry 1997). The origins of community service can be traced back to England's use of "impressment," which was the practice of forcing convicted offenders to supplement the ranks of the Queen's army in the 1600s (Pease and McWilliams 1980). Impressment marked the crude birth of community service as an alternative to prison.

In 1973 the British government implemented the first program that introduced community service on a nationwide scale. This was a strong endorsement for community service that encouraged English judges to use sanctions other than incarceration for serious offenders. Approximately eight percent of English offenders sentenced for serious crimes now perform community service (McDonald 1992). Even though England made a serious attempt to endorse community service orders on a national scale, it should not be confused with standardization, as standardization involves configuring programs to meet

a set of principles or guidelines. England simply encouraged the widespread use of community service without setting boundaries. England has been unable to equally reconcile the main attributes of community service: punishment, reparation, and rehabilitation (Harding 1980). Different areas of the country give different weights to each attribute, causing community service to be used differently in virtually every jurisdiction. Due to this lack of equity in the administration of community service orders, it becomes a weaker sentencing option. Only with national standardization will community service eventually become a solid and viable sentencing option in England (Harding 1980). The United States currently shares many of these same struggles.

The Netherlands has also adopted community service with some success. The number of community service orders has increased from 213 in 1981 to 12,737 in 1995. By 1989, community service had become the third most often-used penalty in the Netherlands (Spaans 1998). As in many nations, however, community service is not always used as the alternative to short-term incarceration it was promised to be. Instead, community service is often imposed as an alternative to other non-incarcerative sanctions. Thus, community service in the Netherlands has not made a dramatic impact on reducing imprisonment.

Scotland, too, has found community service to be a fine addition to its sentencing repertoire. Less costly than prison, it was effectively applied across a varied range of offenders with high completion rates (McIvor 1993). The only negative aspect of its success was that judges were so fond of the burdensome sanction that they ordered it for relatively minor offenses that could have been handled with a lesser sanction, such as a

fine. This concept is known as "net-widening." In theory, net-widening in community service takes place when low-risk offenders (who would normally receive traditional probation) are sentenced to community service. Subsequently, since community service orders often have more stringent supervision rules than traditional probation, the number of technical violations increase, thusly leading to more offenders being incarcerated in the long run (Gendreau, Goggin, Cullen, and Andrews 2000).

Not all nations are quick to adopt change, however. Denmark introduced community service as an experiment in 1982, but took 10 years to finally make it a permanent part of the Danish Penal Code (Lutz 1993). Likewise, Finland encountered sentencing bias while implementing community service as an alternative sanction (Takala 1993). Some groups of offenders were being dealt more serious punishment than others for similar crimes. The major concern was how to order certain offenders to community service while retaining the concept of fair and equitable punishment for equal crimes. A relaxation of suitability requirements was undertaken to promote equity - even though there was a risk that a higher percentage of offenders would ultimately fail to comply with the order (Takala 1993).

Currently, a diverse array of nations, such as England, Wales, Scotland, Germany, Finland, Denmark, the Netherlands, and Australia use community service as an alternative to prison in varying degrees (Bray 1990; Lutz 1993; McGivor 1990; Pease and McWilliams 1980; Schneider 2001; Spaans 1998; Takala 1993). Even developing nations such as Zimbabwe, Uganda, and the Central African Republic have began using community service as an alternative to prison (Stern 1999).

## Community Service in the United States

Community service in the United States can be traced back to the late 1960s and early 1970s. Judges in California's Alameda County were tired of imposing fines on financially destitute women for traffic offenses and subsequently jailing them when they could not pay the fine. As an alternative, the women were ordered to work without pay on project sites that would benefit the public (McDonald 1992).

By the late 1970s, the Law Enforcement Assistance Administration (LEAA) began funding a limited number of community service programs in the United States. These programs were intended to be an alternative to traditional sanctions, such as jail, fines, and probation (Cooper and West 1981). Between 1978 and 1981, the LEAA donated 30 million dollars to establish programs in 85 jurisdictions (Krajick 1982). Unfortunately, when LEAA funds ran out, over half of the programs ceased operations.

#### Associated Cost Effectiveness

There is evidence that shows community service may be more cost-effective than an array of other sanctions, both alternative and traditional. In 1978, a cost analysis was performed comparing community service programs with a number of other sanctions. The average cost for a probationer's year in a community service program in a primarily rural county was \$589.68. In contrast, a year in a halfway house would cost \$6,649 and a year in a state institution would cost \$9,215. Also, drug treatment programs ranged from \$1,728 to \$6,254 per year for each client (Thalheimer 1978). Results such as these have been repeated to varying degrees in community service programs throughout the United States.

Suffolk County, NY undertook a community service program in 1984 that was designed to ease jail overcrowding and provide a cost-effective alternative to jail.

Although Suffolk County's jail population increased somewhat, an estimated 4,199 to 4,461 jail days were spared over a 27 month period. Also, the program reputedly returned \$230,828 to the county through saved jail costs and community service performed in the communities (Brownstein, Jacobs, and Manti 1984).

In Virginia, an evaluation was performed on community service programs supervised by New River Community Sentencing, Inc. (NRCS). In Fiscal Year (FY) 1987, the total value of the program was \$180,754. This amount included the value of work performed in the communities (\$115, 014), savings on probationer supervision over traditional probation (\$15, 408), saved jail expenses (\$13,800), and wages earned by the probationers (\$36,532) (DCJS Evaluation of New River Community Sentencing 1988).

More recently, Connecticut's alternative sanctions program, which highlights community service, has been shown to be a cost-effective alternative to traditional incarceration. Since 1990, over 40,000 offenders, many of whom would have been sent to prison for the first time, have been placed in the alternative sanctions program. In 1998, the program provided services to over 4,500 adult offenders (Coleman, Felton-Green, and Oliver 1998). The Connecticut Office of Alternative Sanctions (OAS) provides an encouraging cost analysis. One year in the alternative sanctions program costs \$7,000 for each slot (with an average of four clients in each slot throughout the year), while traditional incarceration in Connecticut would cost nearly \$25,000 per year for each

offender (Coleman et al. 1998). The OAS claims the program has saved a projected \$619 million in capital and operating costs since its inception in 1990 (Coleman et al. 1998).

During FY 1998, 148,058 offenders participated in community service programs in Texas, donating a total of 6,004,335 hours. Combining those hours with the (1998) minimum wage of \$5.15 shows that \$30,922,325 in labor was donated to the participating communities through community service. Using the same method of calculation, FY 1999 yielded \$43,709,847 in free services to the community from 211,960 offenders (Community Service Restitution and Victim Restitution Report 2000).

Not everyone, however, is totally convinced that community service programs save a considerable amount of money over incarceration. Some charge that community service programs make inflated claims of cost effectiveness that do not take real costs into account. Critics claim that most cost analyses have used average daily costs instead of more suitable marginal costs in their savings formula. Also, many entirely ignore capital spending issues (Parent, Dunworth, McDonald, and Rhodes 1997). Under these strict analyses, community service programs may show little, if any, savings over incarceration. In light of these criticisms, community service advocates are quick to point out that many of the cost-effective benefits of community service may be intangible and oblique (Cooper and West 1981). How does one put a price on an offender gaining self-esteem through community participation? Vague definitions of success are one the past European problems the United States is just now encountering.

## **Major Program Evaluations**

The first major research on community service in the United States involved an evaluation of the Community Service Sentencing Project (CSSP) conducted by Douglas McDonald in 1984 (McDonald 1986). The program operated in Manhattan, Brooklyn, and the Bronx. The CSSP was designed to punish minor offenders who would normally receive a fine, and as an alternative penalty for middle-level offenders who would usually be sent to jail. Offenders worked in low-income neighborhoods for 10 days (70 hours) without being paid. The offenders were supervised by Vera Institute of Justice staff members (Vera initiated the program and evaluated it via McDonald). Overall, McDonald found CSSP to be a success and recommended its continuation.

McDonald's research was designed to answer three questions: First, was community service being used in place of jail sentences? McDonald found that it was indeed diverting offenders from jail, but not in all the boroughs where it was operating. Second, did the CSSP decrease recidivism? In this case, re-arrest information examined six months after release from the program showed that 43% had been re-arrested for a non-violent offense. However, that was comparable to a group that had been eligible for CSSP, but received a jail term. This furthered the idea that community service participants were no more likely to re-offend than those sent to jail.

And finally, what were the main benefits of the program? McDonald found community service was good for the community. He estimated that 60,000 hours of

service had been completed in the community in 1984. Taking into account the minimum wage in 1984, the community gained approximately \$270,300 in free labor (McDonald 1986).

As it happens, the only other major evaluation of a community service program in the United States was also a Vera Institute of Justice study of CSSP (Caputo 1999; Caputo, Young, and Porter 1998). Since McDonald's findings in 1984, CSSP operations were transferred from the Vera Institute to the Center for Alternative Sentencing and Employment Services (CASES). The program had also slightly changed; it was now specifically designed to divert offenders from jail sentences of up to six months. The revamped program put them to work for either 70 or 105 hours, depending on their level of offense.

The new study mainly focused on the program, staff, and experiences of a cohort of offenders who participated in the program between December 1997 and February 1998. The research team explored completion and failure rates, reasons for termination, and attendance and compliance efforts, among many other variables. Overall, positive findings were discovered. Mainly, program completion rates were the same or higher than in the past (74%) and were higher than the program's contract required. Of all the participants who failed, all but three were rule related; the CSSP initiates court action in cases of non-compliance. Essentially, this action by the program showed that the sanction had "teeth" to it if violated. Also, this study pointed out that these programs can be successful with low-level recidivists.

## Offender Perceptions of Community Service

Recent research supports the assumption that community service is not a "walk" for offenders. Although the general public may believe some alternative sanctions are not harsh enough, the offenders do not always share that opinion. Many repeat offenders have had experience both with prison and a variety of sanctions. The research implies that many offenders would rather go to prison for short periods of time than endure longer periods of intermediate sanctions (Wood and Grasmick 1999). The inmates were comfortable in the confines of prison; in comparison, various intermediate sanctions (including community service) were deemed to be too burdensome to endure. This speaks volumes to the effectiveness of alternatives to incarceration, such as community service.

## Criticisms of Community Service

There have been some suggested disadvantages of community service, however.

Judges were often reluctant to order community service since the sentence may not be properly carried out (Meyer and Jesilow 1993). According to judges, their goal was to "do justice." If offenders did not complete the sentence or were unsupervised, justice had not been served for society or the offender. If judges do not have confidence in community service, they will choose other sanctioning options.

Like Finland, the United States has also faced sentencing bias in community service orders. California judges were sentencing minorities to less desirable work assignments (such as picking up trash along freeways) than whites (Meeker, Jesilow, and Aranda 1992). Since work placement was a matter of judicial discretion, researchers

considered it biased. Matters that dealt with legal variables, such as number of hours sentenced and offense coding, were not affected by judicial bias (Meeker et al. 1992).

Unfortunately, there is no national reporting system that details the number or type of community service programs, what type of agencies run them, and which offenders are ordered to complete community service. In fact, it is difficult to know exactly how many offenders perform community service in the United States (McDonald 1992).

Due to the modest body of research, there is little in the way of a definition of a successful community service program; thus, standardization is virtually nonexistent in the United States. This is most likely why community service is still the least-used intermediate sanction (Tonry 1997). This research project attempts to fill some small gaps in this literature by reporting on the characteristics of community service in Texas.

## CHAPTER 3

#### **METHODOLOGY**

This section contains an overview of the methodology used to obtain data from the respondents. Topics include the study group, human subjects, data collection, pretesting, questionnaire description, administration of the questionnaire, and data analysis.

### Study Group

The research is focused strictly on community service sentencing for adult offenders in Texas. Since, as the literature suggests, community service is most often used as a condition of probation supervision, and therefore administered by probation departments (see Tonry 1996), the best source of information about community service in Texas would be the personnel of adult probation departments. Therefore, the target study group for this research was composed of personnel from all 122 adult probation departments (referred to as Community Supervision and Corrections Departments, or CSCDs).

A directory of the 122 Texas CSCDs was obtained from the Texas Department of Criminal Justice website (www.tdcj.state.tx.us/cjad/cjad-phones.htm). The directory lists CSCDs by county, and includes phone numbers, fax numbers, cities, and zip codes. No street addresses or contact names were listed. Although Texas is composed of 254 counties, there are 122 CSCDs. A number of CSCDs serve more than one county (operating as regional CSCDs), presumably to account for small citizen populations in

some counties. Being that all 122 Texas CSCDs are included, this research project is technically a census survey. The term census refers to gathering information about every individual in a given population (Fowler 1993).

The target study group included individuals from each CSCD expected to be most knowledgeable about community service in that jurisdiction. One hundred twenty-two individuals were identified as potential respondents.

Instead of sending the survey to each CSCD Director (or individual "in charge") and hoping it would find its way to the individual most knowledgeable about community service in that CSCD, a different method was used in effort to increase the response rate and ensure the "correct" individual would complete the survey. A description of the method used to determine who was most knowledgeable about community service is supplied below.

First, each individual most knowledgeable about their CSCD's community service program was identified and contacted by telephone. With contact information located on the Texas Department of Criminal Justice website (www.tdcj.state.tx.us/cjad.htm), a telephone call was made to each CSCD. The person answering the telephone call usually depended on the size of the CSCD; larger CSCDs often used administrative office personnel and voicemail systems, while probation officers answered in smaller CSCDs.

Once connected, I introduced myself, told the individual I was part of a research team at the University of North Texas that was conducting a survey of community service in Texas, verified the mailing address, and was provided the name of the individual in charge of that CSCD's community service program. The individual who answered the

phone was simply asked if they knew who was in charge of their community service program. If the CSCD did not have a formal community service unit, the individual was asked to provide the name of the person who was most knowledgeable about community service in that CSCD.

After having confirmed the name and title of the individual most knowledgeable about community service, when possible, the individual was immediately contacted by telephone. Then, I introduced myself, explained the research project (and the fact that it was reviewed and approved by the University of North Texas Institutional Review Board), including its goals, data collection method, what would be expected of each respondent and that he or she had been selected to participate, and informed the individual that he or she would receive the survey via mail in two weeks.

Not every respondent could be immediately contacted because he or she was unavailable. In these cases, a message was left for the respondent.

Overall, of 122 potential respondents, this author spoke with 68 individuals (56%), left voicemail messages for 24 individuals (20%), and left messages with office personnel or other probation officers for 30 individuals (24%). Among the original target study group, 88 subjects returned a survey and constitute the study group. This is discussed in a following section.

## **Human Subjects**

The project complies with the University of North Texas policy on the use of human subjects. Prior to the commencement of the project, the principal investigator, Dr. Gail Caputo, submitted an application for Institutional Review Board review (application

number 241). The project was reviewed and approved by the University of North Texas Institutional Review Board on November 30, 2001.

The only plausible and foreseeable risk to human subjects involved in the project would be the potential release of confidential information. Common data security procedures were used, including the removal of all personal identifiers from questionnaires, and storing of completed questionnaires in a locked file cabinet accessible only to the research team. A numeric code is used to match the questionnaires to the respondents.

Ensuring voluntary participation in the survey process is an ethical cornerstone of research involving human subjects. Respondents need to be completely informed about the project for which they are volunteering (Fowler 1993). Informed consent in this project was gained through two avenues: the cover letter sent with the mailing packet and the first page of the survey. Both include a brief description of the survey's purpose, the organization funding and carrying out the research, a description of confidentiality procedures, assurance that participation is completely voluntary, research team contact information, and directions for completion of the survey questionnaire.

#### Data Collection

The data collection method used in this research was a self-administered written questionnaire delivered by mail. The method was chosen above others for several reasons: it was less expensive and time intensive than other methods, the number of project staff was limited, and it allowed respondents the time necessary to look up answers needed for statistical questions. Also, it was expected that respondents would be

accustomed to completing surveys and he or she would be competent and capable enough to complete the questionnaire without assistance.

Mail surveys do, however, have some associated disadvantages. It is often difficult to gain cooperation without a team member present to administer the survey. A concern with mail surveys is non-response bias (see Fowler 1993). Surveys may fall through the bureaucratic cracks of larger, busier agencies and not be completed. If a considerable number of respondents do not return questionnaires, the data are limited for characterizing community service in Texas as a whole. For instance, three of the six largest Texas counties failed to return a survey. Harris, Bexar, and Tarrant counties did not return surveys. Fortunately, Dallas, Travis, and El Paso counties did return surveys. This may influence results somewhat, since larger counties may operate differently and have considerably more probationers. In this project, multiple mailings and telephone calls to non-respondents were used to ensure high response rates.

In total, 88 questionnaires were returned as of March 31, 2002. Therefore, the study group for the research is 88 subjects. Considering that mail survey response rates often fail to reach 50%, we considered this project a success since it garnered a response rate of 72%. A low response rate was not an issue.

The survey instrument is a 10-page questionnaire containing 77 questions, which seek numerical data (i.e., quantitative) in most cases and qualitative data (such as job descriptions) in others (see Appendix A). Based upon a pretest (to be described), the survey takes approximately 45 minutes to complete.

#### The Pretest

Although the survey instrument gathers descriptive information, contains no scales or indexes, and is rather simple, it was pretested. It was important to find individuals for pretesting that would not also be present in the study group, but would be similar to said group. If a potential respondent was selected to complete a pretest, and then was selected to participate in the actual survey process, he or she may give answers that were biased from the previous experience with the survey (Fowler 1993). The pretest was conducted with two individuals working in roles similar to the study population, though at juvenile probation departments. Additional pretests were deemed unnecessary because of this reason. For instance, the majority of the questions require only that a box be checked. It was expected that any respondent familiar with his or her department should have no difficulty completing the questionnaire.

The pretest respondents were chosen based on availability and accommodation. They work in separate juvenile probation departments. It was decided to conduct the pretest in different departments to ascertain whether language and terms used in the survey questionnaire could be equally understood in different jurisdictions. Even though the departments occupy neighboring counties, language may differ across jurisdictions.

Both pretests were completed in the presence of this author, although I had no interaction or involvement in the completion of the questionnaire. Each respondent was directed to ignore my presence and fill out the questionnaire as he or she normally would. After each respondent completed the questionnaire, we discussed any areas which caused confusion or otherwise presented difficulty.

The first pretest was administered to a "Unit Supervisor" at the Collin County

Juvenile Probation Department. A Unit Supervisor does not carry a caseload, but assists

with supervision of the probation officers and their caseloads. The respondent works in a

variety of areas, including community service.

The respondent finished the survey with minimal difficulties. For instance, the respondent sought clarification on terms used to describe the positions of individuals within the department. The respondent explained that many departments have probation supervisors who do not handle a caseload, but who may run programs. So, the survey was appropriately revised and a new category, "Probation Supervisor," was added. Also, the format of the questionnaire was subsequently changed to a matrix style, which was deemed more eye pleasing. In general, the respondent had little difficulty understanding what the questions were asking and what type of answers were sought.

A "Special Programs Coordinator" who works for Denton County Juvenile

Probation completed the second pretest. The pretest was done using the questionnaire that included revisions from the first pretest. The pretest was completed with fewer complications than the first, presumably as a result of the revisions. Approximately three questions that were considered overbroad or confusing were eliminated or altered after the pretest. For example, a question that dealt with overall probation officer caseloads was altered to include specific categories, such as regular supervision, special or intensive supervision, and deferred probation or adjudication.

After completion of the second pretest, final revisions were made and copies of the instrument were printed for distribution to the targeted study group.

## Description of the Questionnaire

The questionnaire begins with informed consent and instructions. The remainder of the questionnaire is divided into seven sections.

Section one, entitled "Respondent Information," intends to gather basic demographic and occupational information. Questions 1-12 address age, ethnicity, gender, and current job description. These data are used to characterize the respondents, who are the individuals most knowledgeable about community service for adults in Texas.

Section two is entitled "Department Information." Questions 13-25 gather information about the respondent's CSCD, such as how many counties it serves, the total population served in the county or counties, and number of full-time officers employed. The section also seeks information on the gender and ethnic makeup of the offenders that the CSCD was responsible for over FY 2000. These data are used to determine how community service is administered, structured, and operated for adult probationers in Texas.

Section three is entitled "Community Service Orders: Sentencing and Target Populations." Questions 26-37 explore the sentencing and target populations of court-imposed community service orders. Questions deal with the proportion of adult probationers ordered to community service, how commonly community service is used as an alternative to prison, how often community service is used as a condition of probation, and target populations for and the exclusion of certain offenders from community service.

In sum, this section seeks information on which groups of offenders normally receive community service as a sanction.

Section four is entitled "Community Service Orders: Placement and Worksites." Questions 38-46 address the placement and worksites of offenders, such as if offenders normally provide unpaid labor to government agencies, not-for-profit agencies, or for-profit agencies. This allows the research team to determine which agencies receive unpaid labor from community service programs.

Section five is entitled "Community Service Orders: Work Performed." As the name implies, questions 47-54 seek information regarding the kind of work usually performed by offenders at worksites. For instance, how often do offenders perform janitorial work, debris removal, carpentry, and clerical work?

Section six, entitled "Community Service Orders: Offender Characteristics," gathers information on the offenders ordered to community service. Questions 55-73 characterize the average offender placed in community service programs. Offenders' demographic information, such as age, gender, and ethnicity, are sought in this section. Also, information is gathered about offenders' classification of crime (felony or misdemeanor), and what type of probation they were ordered to complete. Finally, section five addresses difficulties the offenders encounter in completing the ordered community service, such as drug and alcohol abuse, mental illness, and negative peer associations. As the description implies, this section may shed light on the behavior of these offenders before and during ordered community service.

Section seven, entitled "Community Service Orders: Program Impact," is the final section of the questionnaire. Questions 74-77 seek the respondent's opinion on impacts of community service, such as whether community service is a fair and just punishment, and if it should be used as an alternative to short jail sentences. The section also seeks opinions concerning the perceived problems of community service, such as enforcement of community service orders. All 77 survey questions are original questions created by Dr. Gail Caputo, the project's principal investigator.

### Administration of the Questionnaire

All 122 questionnaires were administered to the study group via mail beginning December 3, 2001. The questionnaires were part of mailing packets sent to each respondent in the study group. These mailing packets included a cover letter that sought informed consent through completion of the questionnaire and explained the project (see Appendix B), the survey questionnaire, and a self-addressed, stamped envelope.

Respondents who did not return questionnaires after two-and-a-half weeks were sent another packet (second wave), including a cover letter reminding them of the nature of the research and the importance of his or her response. After waiting another three weeks, a third wave of mailing packets was sent to non-respondents. These individuals were also contacted by telephone.

#### Data Analysis

The 88 returned questionnaires were checked for inaccuracies and prepared for data entry. The information from the questionnaire was then entered into an SPSS computer program and cleaned again. Being that this study was designed to provide a

previously unseen view of the characteristics of community service programs and offenders in Texas, it was determined that simple, descriptive statistics were most appropriate in this situation. Analyses are, for the most part, limited to examining frequency distributions reported in percentage or number columns. In certain circumstances, however, analyses include measures of central tendency, or average, such as mean and median. Mean is most often used to display the average number of certain variables reported by respondents, such as number of probation officers dedicated to community service programs, or the average number of hours ordered for felons with community service orders. Using the mean as a measure of central tendency is most valuable when the data sets are not "skewed," meaning they do not contain very high or very low numbers (Bachman and Paternoster 1997). In the few cases where the data in this research are skewed, the median was deemed to be a more appropriate measure of central tendency, or average, and is included along with the mean. The median is the score that divides the distribution of scores into two halves. The median is insensitive to very high or very low scores. Ranges, which show the highest and lowest figures reported, are also commonly used to show distribution of the data for appropriate variables and are also included in the presentation of some data.

#### CHAPTER 4

#### RESULTS

Chapter 4 includes an overview of the survey's results and discusses why certain tests were used on certain variables. Five tables illustrate the characteristics of the respondents (Table 1), characteristics of the departments (Table 2), characteristics of community service (Table 3), the likelihood of certain offenders being ordered to community service (Table 4), and characteristics of offenders with community service orders during FY 2000 (Table 5).

#### Research Question 1:

What are the Characteristics of Community Service Programs in Texas?

Characteristics of Respondents

For the purposes of this project, respondent demographics are important. This is due to the fact that the person most knowledgeable about community service in his or her agency was to complete the survey. Subsequently, it does appear that most of the respondents were indeed in charge of, or highly involved in, their respective community service programs. This provides descriptive demographic information about who is actually in charge of community service programs in Texas. Knowing who is in charge of the CSCDs that administer community service in Texas is a step in beginning to answer the project's first research question: What are the characteristics of community service programs in Texas?

The study group consisted of 88 respondents, 56 of which were men (64%) and 32 were women (36%), with ages ranging from 28 to 69 years. The mean age of respondents was 47 years. The majority of respondents were non-Hispanic whites (81%). Most respondents were either CSCD Directors (38%) or CSCD Assistant Directors (53%) who hold college degrees (57%), and have worked an average of 8 years in their present position (see Table 1).

Table 1

Characteristics of Respondents

	Frequency or Percent	
Job Title		
CSCD Director	38%	n=88
CSCD Assistant Director	53%	
Community Service Coordinator	9%	
Years Worked in Position		
Mean	8	n=87
Range	<1-26	
Years Worked with Offenders		
Mean	14	n=87
Range	1-34	
Age		
Mean	47	n=81
Range	28-69	
Gender		
Male	64%	n=88
Female	36%	
		( <u>Table Continues</u> )

Table 1 (continued)

## **Characteristics of Respondents**

	Frequency or Percent		
Race			
White	94%	n=87	
Black	2%		
Other	4%		
Ethnicity			
Non Hispanic	81%	<i>n</i> =84	
Hispanic	19%		
Level of Education			
High school diploma	4%	n=88	
Some college	23%		
College degree	57%		
Graduate degree	16%		

## Characteristics of Departments

Table 2 concentrates on the characteristics of departments presented in this research. This also serves the purpose of answering the first research question of this project. The majority of CSCDs involved in this study served only one county (54%) with a population base of 10,000 to 49,000 residents (48%). Over half (58%) of the CSCDs surveyed have formal community service programs that are staffed by a mean of three officers. The mean age of the formal community service programs is 10 years.

Table 2

<u>Characteristics of Departments</u>

	Frequency or Percent			
Number of Counties Served	Number of Counties Served			
One	54%	n=87		
Two	15%			
Three	17%			
Four or more	14%			
Resident Population Served				
Less than 10,000 residents	5%	n=84		
10,000 - 49,999 residents	48%			
50,000 - 249,999 residents	37%			
250,000 - 499,999 residents	7%			
500,000 – 999,999 residents	2%			
1,000,000 or more	1%			
Number of Offenders under Supervisi	on			
Less than 1,000 adults	26	n=69		
1,000 – 4,999 adults	35			
5,000 or more adults	8			
Number of Supervision Officers				
Mean	19	n=87		
Median	10			
Range	1-144			
Operates Weekday/Weekend				
Community Service Program	54%	n=84		
Has Formal Community Service Unit	58%	n=85		
Service Onit	3070	n-03		
Age of Unit	10	4.4		
Mean/Median Range	10 years 4-20 years	n=44		
Number of Unit Staff				
Mean	3	n=48		
Range	1-18			

## Characteristics of Community Service

Table 3 represents the characteristics of the administration of community service as a sanction. Also included is further information as it applies to the CSCDs that administer community service. Most often (44%), community service is a replacement for jail, but is almost never (54%) used as a sole sanction, instead most often or always (94%) acting as a condition of probation. In fact, most CSCDs (75%) claim that over 75% of their probationers have community service orders. Most community service orders for misdemeanants range between 20 and 300 hours with a mean of 60 hours, while orders for felons generally range between 40 to 600 hours with a mean of 231 hours. Also of note on this table is the fact that only four percent of the CSCDs that responded are involved with private agencies that contract with the court to oversee community service and only two percent have target populations.

Table 3
Characteristics of Community Service

	Frequency or Percent	
Community Service Replaces Ja	il	
Never	9%	n=85
Rarely	20%	
Sometimes	27%	
Most often/always	44%	
Community Service as a Sole Sa	nction	
Never	54%	n=86
Rarely	37%	
Sometimes	7%	
Most often	2%	
		(Table Continues)

Table 3 (continued)

# Characteristics of Community Service

Fr	equency or Percent	
Community Service as a		
Probation Condition		0 =
Never/Rarely	-	n=85
Sometimes	6%	
Most often	66%	
Always	28%	
Percent of Probationers with		
Community Service Orders		
Up to 50%	7%	n=84
51% - 75%	18%	
More than 75%	50%	
All	25%	
Private Agencies Contract with		
Court to Oversee Community Service	4%	n=86
Community Service is a Residential		
Program	8%	n=84
No Target Population Exists	98%	n=86
Certain Offenders are Excluded	17%	n=86
Age of Community Service Sanction		
Mean	14	n=70
Range	4-32	
Estimated 5 Year Growth of Community Service Compared to Probation		
Increased at same rate of probation	70%	n=81
Increased at higher rate than probation	24%	
Decreased while probation increased	6%	
1		(Table Continues)

Table 3 (continued)

### <u>Characteristics of Community Service</u>

Frequency or Percent				
Community Service Order for				
Misdemeanants				
Mean	60 hours	n=83		
Median	50 hours			
Range	20-300 hours			
Community Service Order for Felons				
Mean	231 hours	n=85		
Median	200 hours			
Range	40-600 hours			

#### Research Question 2:

What are the Characteristics of Probationers who have

been Sentenced to Community Service in Texas?

Likelihood of Certain Offenders Being Ordered to Community Service

The information contained in Table 4 begins the shift away from department or agency characteristics to offender characteristics. This data is a step in answering the second research question of this project: What are the characteristics of probationers who have been sentenced to community service in Texas? The first measure in this category pertains to which types of offenders are most likely to be sentenced to community service. It appears that drug offenders (71%), theft offenders (70%), and violent/assaultive offenders (56%) are most likely to be ordered to community service. However, traffic/public order offenders (40%) and probation violators (39%) are also sentenced to community service quite often.

Table 4

Likelihood of Certain Offenders Being Ordered to Community Service

	Never or Rarely Ordered to Community Service	Sometimes Ordered to Community Service	Most Often Ordered to Community Service	
Theft Offenders	1%	29%	70%	n=86
Violent/Assaultive Offenders	4%	40%	56%	n=85
Traffic/Public Order Offenders	29%	31%	40%	n=82
Drug Offenders	-	29%	71%	n=85
Probation Violators	20%	41%	39%	n=84

# Characteristics of Offenders with Community Service

## Orders during FY 2000

Table 5 continues to provide descriptive information about offenders ordered to community service. To begin with, the CSCDs that responded each supervised a mean of 1,440 probationers with community service orders. The median, however, was only 700, indicating a data set that was skewed by extremely high and low numbers. The range was 60 to 9,985. Thus, the median may be a more effective measure of average in this case. A sum was also used with this variable to show that 93,261 was the total number of probationers with community service orders supervised by CSCDs in this study. The mean length of supervision for a community service probationer was 38 months. The distribution of felons and misdemeanants sentenced to community service was split

evenly down the middle, with 50% each. Most offenders were on regular supervision (72%), and were white (54%) and male (77%), while 19% were black and 31% were Hispanic. Wide variances in race were reported, however. One county reported their probationer population as 99% white, while another reported their population as 98% Hispanic.

Table 5

Characteristics of Offenders with Community Service Orders during Fiscal Year 2000

Frequency or Percent					
Number of Offenders with					
Community Service Orders					
Mean	1,440	n=65			
Median	700				
Range	60-9,985				
Sum	93,621				
Length of Supervision					
Mean	38 months	n=64			
Range	2-120 months				
Percent Felony Offenders					
Mean	50	n=64			
Range	18-95				
Percent Misdemeanor Offenders					
Mean	50	n=64			
Range	5-82				
Percent on Regular Supervision					
Mean	72	n=67			
Median	80				
Range	5-100				
		( <u>Table Continues</u> )			

Table 5 (continued)

Characteristics of Offenders with Community Service Orders during Fiscal Year 2000

	Frequency or Percent		
Percent on Intensive Supervision			
Mean	10	n=65	
Range	0-60		
Percent Male			
Mean	77	n=70	
Range	60-98		
Percent White			
Mean	54	n=67	
Range	5-100		
Percent Black			
Mean	19	n=67	
Median	13		
Range	0-55		

#### CHAPTER 5

#### DISCUSSION

This project is not able to provide an absolutely comprehensive view of community service in Texas. A modest amount of descriptive data, however, was gained in an attempt to address the two research questions put forth in this paper. This study is important because none of this data previously existed. This previously unexplored descriptive data now reveals the first glimpse of community service as a sanction in Texas. The following is a discussion of the findings and the implications they may have on each research question. Following a discussion of research question implications are sections exploring recommendations for the future structure and success of community service, and inherent limitations of this study and ideas for further research.

#### Research Question 1:

What are the Characteristics of Community Service Programs in Texas?

Respondent Demographics

The first research question sought descriptive data on the characteristics of community service programs in Texas. As previously mentioned, since the survey was designed to be completed by the person most knowledgeable about community service, one might assume those same respondents are also in charge of the community service program. Given the high percentage of CSCD directors and assistant directors that acted as respondents, it may be somewhat safe to say that they represent the average individual in charge of administering community service as a sanction in Texas. Determining who is

in charge may be considered a step in characterizing community service programs. If the respondents are, indeed, in charge, it appears that community service programs are mostly administered by male, white, college-educated criminal justice professionals that have worked in their current position for approximately eight years.

### Characteristics of Departments

Now that an image of those in charge has been established, a clearer picture of the agencies and community service programs should begin to emerge from the descriptive data gathered from the survey. Even though many CSCDs act as regional departments for more than one county, the majority of the CSCDs in the study group only serve one county. Surprisingly, even though the mean number of supervision officers per CSCD was 19, only a mean of three officers were dedicated to a community service caseload. This is interesting since over 75% of the departments reported having 75% or more of their probationers serving a community service order. This discrepancy may be due to the fact that 42% of the CSCDs that responded do not have a formal community service unit. Hence, supervision officers in these departments take care of community service orders as part of their regular caseload.

#### Characteristics of Community Service

Unfortunately, one of the criticisms of community service in the United States is that it is rarely used as the stand-alone alternative to incarceration it was designed to be. Disappointingly, the data gained in this project appears to back this complaint up. Even though respondents claim that community service replaces jail sometimes/most often/always (71%), it is never/rarely (91%) used as a sole sanction and is most

often/always (94%) used as a condition of probation. Instead of being a true alternative to prison overcrowding, its infrequent use as a sole sanction reduces community service to acting as a supplement to traditional probation sentences. This has a net-widening effect that limits the potential of community service as an alternative criminal sanction (McIvor 1993). Instead of being a true alternative to traditional sanctions, community service is possibly being misused as an added punishment.

### Research Question 2:

What are the Characteristics of Probationers who have been Sentenced to Community Service in Texas?

The rest of the data presented within this section may be used to learn more about the characteristics of the average offender sentenced to community service in Texas.

Offender classification, demographics, and severity of sentence will be examined in this section.

# Likelihood of Certain Offenders Being Ordered to Community Service

Many of the probationers with community service orders are drug offenders and theft offenders. The data also reveals, however, that healthy percentages of violent/assaultive offenders, traffic offenders, and probation violators are often given community service orders. Almost none (2%) of the CSCDs participating in the survey have target populations for community service orders, which may explain why there is little polarization among groups that commonly receive community service. One of the traditional tenets of the community service movement was that it should only be used for

non-violent offenders; yet, according to these data, violent/assaultive offenders are quite often ordered to complete community service. Although there is no definition of violent/assaultive offenses within the survey, this contradiction could possibly be explained by the fact that many of the offenders may have been sentenced to community service following bar brawls, etc. Once again, however, there is no definitive clarification to explain the contradiction. It seems the only group that does not commonly receive community service orders is sex offenders. Since there appears to be little in the way of target populations or offender guidelines, this too may increase the net-widening aspect of community service.

# Characteristics of Offenders with Community Service Orders during FY 2000

Apparently, the average offender sentenced to community service during FY 2000 was equally likely to be a felon or misdemeanant. Split down the middle, neither offender group was distinctly sentenced to community service any more than the other. If community service was actually being used as an alternative to prison, one could argue that the percentage of felons ordered to community service would be greater. Since most of the offenders are on regular supervision, this may also tend to support the fact that community service is often acting as an add-on sanction for offenders receiving traditional probation sentences (see Table 5). As far as demographics are concerned, offenders are predominately male (77%), and are most often white (54%), rather than Hispanic (31%) or black (19%). The demographic makeup of probationers who received community service orders is very similar to the general probation population. In the

general probation population, 77% are male, 67% are white, while 32% are Hispanic and 18% are black. With the exception of the higher percentage of whites, the general probation population virtually mirrors the population ordered to community service.

# Recommendations for the Future Structure and Success of Community Service

If community service is ever going to realize its potential as an effective alternative to incarceration, supporters must maximize its cost effectiveness and future standardization must be explored. Until these two paths are traveled, community service will continue to be the least used of all alternative sanctions (Tonry 1997).

Supporters have long touted community service as being a cost-effective alternative to incarceration. Even though there seems to be some debate over how much money it really saves, there may be avenues in which savings could be increased over the present. For years now, Texas has embraced the privatization of prison, yet only 4% of the CSCDs included in the survey were involved with counties that contracted with private agencies to oversee community service offenders. Connecticut's Office of Alternative Sanctions operates their programs through contracts with private, non-profit organizations (Coleman et al. 1998). This approach has been successful for Connecticut, and could be successful in other states, for several reasons. First, privatization has the ability to save money because, if properly run, programs can be operated without the administrative overhead inherent of government agencies. Second, privatization gains support of those who are in favor of providing more services with fewer government employees. Finally, privatization has the ability to hold those who administer community

service programs accountable for poor performance. If necessary, a service provider can be released almost immediately if their performance is sub par (Coleman 1998). If community service is going to continue gaining the support of conservatives on its platform of cost effectiveness, it may need to maximize future cost benefits by exploring more privatization.

Standardization is possibly the main avenue by which community service may realize its future potential. Standardization, in general, can be defined as comparing with a standard, or bringing into conformity with a standard. This, as we will see in the next section, may involve identifying and studying exemplary programs as baselines for future standardization. Standardization of community service in the United States and Europe has faced roadblocks for several reasons. One of the inherent problems with community service is the sanction's origins (Parent et al. 1997). Since many community service programs were introduced at the local level, they never fell under the tutelage of state and federal actors who may have had interests in standardization. The local origin of many alternative sanctions has other implications as well. First, since many community service programs are local innovations, it is difficult to explain and generalize it on a national level. Second, goals and rules differ greatly from program-to-program. And, third, programs are often guilty of pursuing contradictory goals. This may happen when community service is inappropriately tacked onto traditional punishments (Parent et al. 1997).

What parts of community service could be standardized? That is a question that is open to much debate. Since there seems to be little polarization between groups that

receive community service (see Table 3), standardizing target populations may prove to be suitable in the future. For instance, targeting drug and theft offenders may be appropriate since they are often in and out of jail and are normally nonviolent. If groups such as this were targeted for community service as a stand-alone alternative to prison, more resources could be donated to ensure their success. This would be in contrast to tacking community service onto a wide array of offenders' sentences as a condition of probation, thus reducing its seriousness as a sanction. Also, there exists potential for standardization in the number of community service hours ordered to both felons and misdemeanants. CSCDs reported a wide range of community service hours sentenced, which may lead one to believe that certain crimes carry harsher punishments in certain jurisdictions. If community service is to become an equitable punishment, it must carry certain sentencing guidelines to ease its transition to a stand-alone sanction. A felony crime drawing a community service sentence of 60 hours in one jurisdiction and 500 in the next is not equitable by any standards. Standardization of community service hours for certain felonies and misdemeanors could alleviate this discrepancy.

Standardization does have its potential drawbacks, however. Could it be that this variance in community service hours ordered between jurisdictions is valid? Is the number of hours ordered for a misdemeanor in Dallas County really necessary in a small, rural county? Is a lack of polarization among offenders sentenced to community service really a negative? Are offenders arrested for crimes that do not involve drugs or theft less worthy of a community service order than those that fit the arbitrary criteria? Many would argue that the hallmark of an equitable and just criminal justice system rests in its

ability to be flexible from case to case, offender to offender. Standardization of certain aspects could have the opposite of the intended effect, making community service a rarely-used sanction by judges who do not want to operate with their hands tied and discretion neutered.

There are some critics, however, that want to see community service taken out of the hands of benevolent judges and placed firmly on statutory ground. Any level of standardization seems ad hoc to these supporters, who offer up rather compelling advantages of requiring statutory authority for community service orders. First, the authority to punish criminals would be placed in the statutory arena instead of its present place in local judicial legislation. Second, if community service was to be authorized as a punishment by statute, it may be able to finally stand alone as a true alternative to prison (Harland 1980).

Whether it is by standardization or statutory authorization, the implications on community service could determine its future as a criminal sanction in this country. The lack of guidance currently available to criminal justice professionals would be replaced by administrative guidelines and detailed procedures that would aid in removing the sentencing disparity and associated inequity of the present community service sanction (Harland 1980).

#### Project Limitations and Ideas for Further Research

As previously stated, the information attained from this study is by no means a comprehensive and all-encompassing view of community service in Texas. The descriptive data only begins to shed light on the two research questions, and like many

studies, the answers only produce more questions. Even though the response rate of 72% can be considered successful, the data may be slightly affected by the fact that three of the six largest Texas counties (Harris, Bexar, and Tarrant) did not complete and return a survey. This could be important since agencies in large urban areas may have markedly different ways of operating since they have considerably more probationers. How much this may affect the data is open to question, however. The data is only generalizable to CSCDs in the state of Texas and certainly cannot be construed as a snapshot of community service in the United States.

This study, however, may be a humble step in the right direction due to its examination of the characteristics of community service programs and offenders functioning within the framework of one of the United States' largest criminal justice systems. Due to its size and population, Texas has the potential to yield a great deal more information on community service. The data compiled for this study gives a previously unseen view of community service on Texas. It has potential, however, to be built upon.

The next step would be the study of individual programs that exhibit successful organization, equity, and low recidivism rates for participants. Information gleaned from these programs may be used to better understand what elements define a successful program. Ideally, four or five sites would be chosen for future evaluations. In turn, this information could be applied to improve other CSCDs within Texas by using target populations, selection criteria, and program requirements that have already been implemented by successful community service programs.

After successful programs are identified in Texas, researchers could turn towards the long-term objective of applying this study's methods on a national scale to determine if community service programs in the United States are similar to those in Texas. In this case, representative samples of county-level community service programs could be surveyed. Once again, successful programs could be identified and evaluated to aid in the growth of community service in the United States. This, in turn, could be a step towards future standardization and the eventual ability of community service to realize its full potential as a stand-alone alternative to incarceration.

APPENDIX A
QUESTIONNAIRE

APPENDIX B

COVER LETTER

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