

Examining the Use of Community Service Orders as Alternatives to Short Prison Sentences in Ireland

Kate O'Hara¹ and Mary Rogan²

Summary: Ireland's highly discretionary sentencing system provides a rare opportunity to study the behaviour of judges when relatively free of externally imposed constraints. While this is so, few studies have investigated sentencing trends. In 2011, Ireland introduced the Criminal Justice (Community Service) (Amendment) Act 2011 requiring courts to consider imposing Community Service Orders (CSOs) in cases where sentences of less than twelve months are deemed appropriate. A CSO is a direct prison alternative requiring offenders to complete between forty and 240 hours unpaid community work in lieu of a prison term. In order to complete comparative analysis, administrative data pertaining to all cases sentenced to a short term of imprisonment or CSO between 2011 and 2012 were linked and analysed. Analysis of offence groups showed that more cases convicted of drug, public order, and robbery or related offences received Community Service than was expected; however effect sizes were small. Findings showed the average number of Community Service hours equivalent to one month of imprisonment differed by offence type and District Court jurisdiction. As the first of its kind in Ireland, this study provides a rare glimpse of the use of these two alternative criminal justice sanctions. Findings and their implications are discussed.

Keywords: courts, sentencing, Ireland, Community Service Order, short term imprisonment, alternatives to imprisonment, community sanctions, Irish judiciary.