

**Community Service: An exploration of the views of
Community Service Supervisors in the Irish
Probation Service.**

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Abstract

This study reviews the literature both Irish and International on Community Service and in particular reviews the experiences of other jurisdictions that have enhanced Community Service through adopting rehabilitative practices. The study uses a focus group discussion, involving Community Service Supervisors, as a qualitative research tool to ascertain if any rehabilitative practices are used in Ireland. The role of the Community Service Supervisor in relation to the development of Community Service is studied.

The study finds there is a paucity of research studies on the application of practices to enhance Community Service. A few studies suggest that some characteristics of Community Service lead to better outcomes. Offenders having contact with beneficiaries of their work, having access to basic skills training and having positive experiences with pro-social Supervisors were effective in completion of orders and might result in less reoffending.

Data generated by the qualitative research suggests that some rehabilitative practices are occurring on an informal basis in Ireland. The data also suggests that because of the setting and the supervisory relationship with clients, that Community Service Supervisors are well placed to instigate planned programmes of rehabilitation.

This study highlights the need for more research into the practice of Community Service. Finally, a theoretical framework that could guide the Probation Service to exploit the full potential of Community Service is suggested.

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Chapter One

Introduction

Introduction to Community Service:

Community Service is a sanction available to the court that requires a convicted offender to perform unpaid work for the benefit of the community as a direct alternative to custody.

The first modern Community Service programme was developed in Alameda County, California in 1966 when certain traffic offenders were required by the municipal court to perform unpaid work for the community.

Community Service was first introduced to Ireland in 1983 with the Criminal Justice (Community Service) Act, 1983. Responding to increasing levels of overcrowding in prisons and the associated costs, Ireland looked to the experience of Community Service Orders in England and Wales when framing its own legislation.

Community Service had been introduced in England and Wales in 1972 (Criminal Justice Act 1972) having been recommended by the Advisory Council on the Penal System chaired by Baroness Wootton (thereafter known as the Wootton Committee). The Committee (Advisory Council on the Penal System 1970) proposed that the Community Service Order could fulfil a number of sentencing aims; it would punish offenders by requiring that they sacrifice some of their leisure time; it would enable offenders to make

amends to the community for their wrongdoing; and it might, in some instances promote a changed outlook on the part of the offender.

Rehabilitation was not an explicit aim of the proposal though it was implied that the experience of community service could be of benefit to the offender. In Britain there was ambiguity from the enactment of the legislation as to whether the sanction of Community Service should be only used as a direct alternative to a custodial sentence or as a sentence in its own right.

In Ireland the Act (Criminal Justice (Community Service) Act, 1983) clearly states that the Act applies only to a person convicted of an offence for whom, in the opinion of the court, an appropriate sentence would be one of imprisonment or detention (Section 2). The Act requires an offender to perform unpaid work of not less than 40 hours and not more than 240 hours (Section 3(2)). A report from the Probation Service as to the suitability of the offender to perform work under the Act is required (Section 4. - 1(a)) and suitable work must be available. The offender must consent to the order (Section 4. -1(b)).

Rationale

The Irish Probation Service (rebranded in June 2006 from the Probation and Welfare Service) is in the process of major organisational change. Resources have been invested in the development of Young Peoples Probation and a Risk Assessment Tool LSIR (Level of Service Inventory Revised) is now used in preparing all court reports as the Probation Service strives to deliver a value for money service to all its customers. In 2005 (most recent figures available) the Probation Service prepared 2,040 Community Service reports

and supervised 1,167 offenders on Community Service Orders (Annual Report 2005).

One of the goals in the strategic Statement of the Service (Strategy Statement 2006-2007) is to maximise the potential benefit of Community Service to local communities by reforming, revitalising and restructuring its delivery. With media attention on crime and public demand for tougher sentencing, there is more pressure on the Probation Service to display credibility in delivering effective community sanctions.

The only published critical analysis of Community Service in Ireland since its inception is that commissioned by the Service in 1999 (Walsh and Sexton 1999). This study recommended that a follow up study be conducted after three years to check if the offenders in the files survey had reoffended, consideration be given to the possibility of combining Community Service with other forms of sanctions and more exacting regulations in dealing with offenders consent be explored.

There was no recommendation made concerning one of the stated objectives of the study, which was to assess the scope for an enhanced role for Community Service within the Irish Criminal Justice system. None of the recommendations of this study have been acted on.

Against this background and especially as the Probation Service embarks on organisational change, now would seem to be an opportune time for an exploration of the rehabilitative potential of Community Service. Having worked with offenders for the last twenty-two years and the last six years

being responsible for the delivery of Community Service in an urban area, as Senior Probation Officer, I have developed a special interest in the potential of this sanction.

Statement of Problem:

This study sets out to examine the experiences in other jurisdictions that have enhanced their community service practice through adopting a rehabilitative agenda in order to focus on what could be effective in the Irish context; as part of this exercise the study explores what, if any, rehabilitative practices are already being used in Ireland. The role of the Community Service Supervisor in relation to the development of Community Service is studied. It is intended that the findings will inform the development of future best practice.

Definition of Terms:

Community Service: A court order which requires an offender to do a specified number of hours of unpaid work in the community as a direct alternative to serving a custodial sentence.

Probation Service: refers to the Irish Probation Service, a national organisation that is part of the Department of Justice, Equality and Law Reform.

Rehabilitation: models of change (effective practice) employed by Probation Officers in working with offenders to address their criminogenic needs and reduce reoffending.

Reparation: Compensate the community for wrong or injury done. Reparation can enable individuals to see themselves and to be seen by others as valuable resources with something to offer the community.

Restorative Justice: A process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future.

Community Service Supervisors: Staff who are employed by the Probation Service to supervise offenders in the field who have been sentenced to community service. These staff do not have social work training and are not required to have a third level qualification. While minimum D I Y skills are sufficient for the post, it is advantageous to the Probation Service if the supervisor has a trade.

Offender: People who come before the courts and have been convicted of an offence.

Research Questions:

The research questions formulated as the basis of this study are as follows:

What does the international research say about the usefulness of enhancing community service through the adoption of rehabilitative practices?

Are some rehabilitative practices already being practiced in Ireland? e.g.

a) Have offenders contact with beneficiaries in Ireland?

b) Is Pro-social modelling being practiced in Ireland?

c) Are offenders encouraged to engage in basic skills training?

What are the perceptions of community service supervisors working in Ireland regarding the development of rehabilitative aspects of community service?

Background

Literature Review

The literature review combines both international and Irish studies on Community Service.

Given the limited amount of research into Community Service in the Irish context, a review of international literature is necessary in order to draw comparisons and learn from the experiences in other jurisdictions. Such literature includes the evaluation of Community Service Pathfinder Projects (Final Report 2002) and the influential study of Community Service in Scotland by McIvor (1992).

She found that people who viewed their experience of Community Service as worthwhile in a number of respects had higher rates of compliance and lower rates of recidivism than other offenders. What made offenders regard the work as worthwhile was seeing the work as useful, having contact with the beneficiary and having the opportunity to acquire skills.

One of the Pathfinder Projects (Final Report 2002) used the approach of pro-social modelling, seen as congruent with McIvor's findings (1992), in developing the rehabilitative potential of Community Service. A review of

Trotter (1999 and 2000), Mclvor (1998) and Cherry (2005) would therefore be pertinent.

Other international studies, Killias (2000), Hudson and Galaway (1990), Allen and Treger (1990), Polonoski (1980), Liebrich, Galaway and Underhill (1984), Asher and O'Neill (1990) and Muiluvuori (2001) review different facets of Community Service.

The focus of the Irish Probation Service in the last few years has been on adopting effective practices with offenders on probation supervision to achieve improved outcomes - less offending, better compliance with supervision and ultimately a better service to offenders and other stakeholders. Borrowing from developments in practice in England and Wales, the Probation Service has focussed on the causal factors (criminogenic needs) of clients offending and planned interventions based on risk assessment. Interventions are based on social learning and cognitive behaviour theories. The work of Bandura (1977 and 1986), and Trotter (1999) are explored.

Effective practice is based on research into 'What Works '. Seminal writers in this area include Andrews (2000), Bonta (2004) and McGuire (1995).

More recent studies on desistance theory warrant review as they raise questions about the correctionalism that these writers see as developing in the Probation Service in England and argue that rehabilitation should include not only the reduction of reoffending but also the social inclusion of

offenders. Maruna (2000) argues that desistance research can and should redress deficits in the 'what works' research by identifying processes of reform and helping in the design of interventions that can enhance or complement offenders' efforts to change. Other writers in this area include McNeill (2004), Rex (1999) and Farrell (2004).

Writers in the Restorative Justice field for example, Marshall (1998), Bazemore (1998), and Walgrave (1995) are included in the literature review as the restorative elements of Community Service are considered.

Methodology

(A) Documentary Analysis

According to Hart (Hart 1998:1) a review of the literature is important in order to acquire an understanding of what has already been researched on this topic, how it has been researched, and what the key issues are. The literature review was conducted by charting the topic through the use of the library catalogue, relevant journals (in Probation, Psychology and Criminology) bibliographies, textbooks and electronic resources. Google Scholar was the search engine used. Databases such as, Social Science Citation Index, Academic Search Premier, ASSIA Applied Social Sciences Index and Abstracts, JSTOR, Sage Journals, Blackwell Synergy, Swetswise and Hein online were accessed. The information in this study dates from 1970 onwards as this was the year that the Wootton Committee report was published and marked the genesis of Community Service as a sanction in Europe.

(B) Qualitative Research

Initially a semi-structured one-to-one interview method was considered, however after reviewing different methods of data collection (Bell 2005, Cournoyer and Klein 2000: 148-169, Mark 1996) focus groups seemed to offer more potential in gathering data that would address the research questions raised. Particular advantages of focus groups relate to the benefits of group interaction, such as the extent to which the cross-flow of communication sparks ideas that would not emerge as easily in a one-to-one interview (Darlington and Scott 2002: 62). A key characteristic that distinguishes focus groups is the insight and data produced by the interaction between participants (Morgan 1997: 12).

Focus groups facilitate the gathering of a larger amount of information in a shorter period of time. It is considered that the methodology used provides a valuable source of data as the participants of the focus group have expertise and experience that has not been explored previously. A focus group can also act as a catalyst to a process of consultation with key stakeholders in any future development of Community Service.

(2) Sources of Data:

1. Literature Review of research studies on effective practices with offenders that includes desistance focused practice and rehabilitative practices as applied to community service

2. One focus group with a non-random sample of Community Service Supervisors working on the north side of Dublin. A topic guide was developed prior to running the group (Appendix A)

(3) Methods of analysis of Data:

The focus group was recorded and the content transcribed. The data was coded manually (Miles and Huberman, 1994:55-71) and themes extracted based on the topic guide used and grouped in order to identify and interpret issues pertinent to the research questions.

Scope and Limitations of Study:

Time constraints limited the scope of this study to a small sample. The use of a focus group as a method of data collection was limited in that focus groups are open ended and cannot be entirely predetermined. The facilitator has less control over data produced. Though the evaluation of community service carried out in 1999 (Walsh and Sexton 1999) recommended a follow up study after three years of the individuals in the files survey to check whether they had reoffended, this study has not happened. Therefore there is no retrospective research in Ireland on rates of reoffending of individuals who completed community service orders

A quantitative type study recording rates of reconviction was beyond the scope of this thesis considering the longitudinal aspect of such a study. This

study focuses on staff, as it is primarily an exploratory study to ascertain if rehabilitative practices are being used. The literature review indicates that it would be a useful study in the future if offenders, beneficiaries of the service and the judiciary were asked about their experiences of Community Service.

Ethical Issues:

Permission from the Deputy Director for operations was received to conduct this research. There was consultation with the Assistant Director responsible for community service and support from the Regional Manager. The people in the identified sample were written to outlining the purpose of the research and inviting their participation (See Appendix B). It was made clear to potential participants that participation was voluntary and that the subject could withdraw at any time without penalty; that information would be held in confidence; and that the risks and benefits of participation would be completely disclosed (Cournoyer and Klein 2000: 27).

There will be no identifiable information on individuals (either offenders or Supervisors) in this study and recordings and notes of focus groups were destroyed on completion of the Study.

Outline of Chapters:

Chapter one explains the purpose of the research, outlining the context, methodology, limitations and ethics.

Chapter two provides a brief outline of the genesis and history of the Community Service sanction. It includes the major topics in the English

language literature with emphasis on the application of rehabilitative practices to Community Service

Chapter three provides an overview of relevant theories from psychology, social work and Probation theorists, with which to analyse the findings.

Chapter four provides a record and analysis of the focus group discussion.

Chapter five discusses what has been found in relation to the research questions, possible future developments and conclusion.

Chapter Two

The Development of Community Service

Introduction

This chapter outlines a brief history of Community Service internationally and in the Irish context. The chapter will also review the literature on the enhancement of Community Service through the application of rehabilitative practices.

Formal Community Service programmes began in the United States with the establishment of the Alameda, California programme in 1966. This programme focussed on female traffic offenders who could not pay a fine, and for whom a jail sentence would have created a hardship. The growing reputation of the Alameda programme led to other court referral programmes developing across America, with the feature of voluntary participation by offenders as an alternative to fines, or in some cases, imprisonment. Harris and Lo (Harris and Lo 2002) claim that the adoption of Community Service in the United State has been localised and patchy, and not seen as a realistic option for serious offenders.

According to the literature, (McIvor 1992, Hudson & Galaway 1990 and Harris and Lo 2002) Community Service was more enthusiastically embraced in Britain, proving to be a popular measure with the courts. The British experience served as a model for schemes that were subsequently developed across Western Europe. In Britain at this time, concerns were

being expressed about the levels of overcrowding in prisons, the increased cost of incarceration, the recognition that imprisonment did not lead to less offending and that it had detrimental effects on individual offenders and their families (Home Office, 1969). Against this background the Advisory Council on the Penal System were set the task of devising alternatives to custodial sentences. The council was chaired by Baroness Wootton and became known as the Wootton Committee. In the Council's 1970 report, Community Service orders were seen as the 'most imaginative and helpful' of the committee's recommendations (Advisory Council of the Penal System 1970) and entered legislation with the 1972 Criminal Justice Act.

Many research studies have addressed facets of Community Service in many countries. The widespread appeal of this sanction lay in the possibility that it could fulfil many sentencing aims; punishment without the cost of incarceration, the offender being made more accountable to the community, and also rehabilitation of the offenders in order to reduce future re-offending. The 'catch all' nature of the sanction contributes to difficulties in researching the many facets of Community Service and difficulty in measuring successful outcomes.

Community Service in North America

First established in America, Community Service has not been extensively developed for serious adult offenders (Morris and Tonry 1990). There are wide variations in schemes across different states. Some states use Community Service as a stand-alone sentence, as parole conditions or usually as a condition of probation.

A detailed study of 14 American Community Service programmes by Hudson and Galaway (Hudson and Galaway 1990) identified two types of programmes. One group of programmes combined Community Service with other sanctions, including financial restitution and served primarily more serious offenders (those who had committed felonies-offences punishable by sentences of more than one year). A second group of programmes required offenders to complete Community Service only and mostly served less serious offenders. From their review of these programmes they identified a number of development and research needs:

- Programmes were vague in terms of clarifying why Community Service might be a more appropriate sanction than others for accomplishing specific penal purposes.
- There was a need to define the actual offender population served by Community Service programmes and address whether the population being dealt with in the programme was appropriate to the programme purpose.
- More information was needed on the perceptions of offenders and other citizens to the Community Service sanction.

A study of Federal Probationers who received court ordered Community Service in the Northern District of Illinois reviewed the perceptions of probationers and host agencies regarding Community Service orders. This study used a theoretical perspective of rehabilitation, deterrence, desert, and the justice model (Allen and Treger 1990). The authors conducted a descriptive-exploratory study between May 1st and June 30th 1987 using biographical data from files and interview data. Findings from the study

showed that the Community Service operation in the Northern District of Illinois was effective and appeared to meet the needs of both probationers and agencies.

Maintaining a supportive relationship with the host agencies was suggested as essential. More than two-thirds of probationers interviewed perceived their Community Service orders as an opportunity to give back something to the society they had wronged. The authors (Allen and Treger 1990) suggest that the principle of reform through Community Service may accidentally prove to be a powerful rehabilitative sanction and create change in the criminal justice process.

In relation to Juvenile offenders Community Service seems to have become more refined and developed in America. 99% of youth courts use Community Service as a sanction (National Youth Court Statistics 2006). The Urban Institute Study (Butts, Buck and Coggeshall 2002) suggested that Community Service might play a positive role in lowering recidivism rates. They found that Youth Courts promoted volunteerism thus more effectively connecting young people to their communities and Youth Court participants tended to develop problem-solving and decision making skills.

In the United States two models have emerged to attempt to make Community Service with juveniles more effective: Community Service Learning (Service Learning Network 2006) and the Civic Mission of Schools (Civic Mission of Schools). Both these models apply goals, principles, and

methodologies of school based service learning and court based restorative justice principles and strategies to court mandated Community Service.

These models suggest that schools and juvenile justice groups can help develop competent and responsible citizens by providing opportunities for Community Service that allow participants to engage in meaningful work to address real community needs and reflect upon their activities.

Educational modes of Community Service tend to explore how the wrong someone has committed affected victims, the community and the offender enabling young people to grasp the consequence of misbehaviour and provide offenders with opportunities to 'give back' to those most impacted by crime - their victims and the community at large.

In Canada, similar to the US, the introduction of Community Service and its administrative structure varies by province. Community Service in Canada arose from judicial initiative, is a condition of probation, and is a private service run by non-profit agencies that arrange for other local non-profit organisations to provide work for and supervise all probationers doing Community Service (Menzies and Vass 1989). A study by Polonoski (Polonoski 1980) who interviewed 192 Community Service participants found that they had positive experiences.

Community Service in New Zealand and Australia

New Zealand

Community Service came into effect in New Zealand on 1st February 1981. It was the first sentence in New Zealand in which a part of the responsibility for

the supervision of the offender was given to the community. It was also the first sentence for which the consent of the offender was to be obtained before its imposition (Ministry of Justice 1999).

In New Zealand, the sentence of 'Periodic Detention' was already in existence since 1962. This sentence required an offender to report to a Periodic Detention work centre for up to 18 hours per week to undertake community work outside of the centre. A breach of Periodic Detention is punishable by imprisonment of up to 3 months. In contrast, a breach of Community Service is punishable by a fine only.

Unlike Periodic Detention, an offender sentenced to Community Service would not be in custody or under the supervision of a statutory officer, and there was no element of probation involved as there could be with periodic detention. It was argued that Community Service could instil in an offender a greater sense of community responsibility.

It seems that Community Service and Periodic Detention have not made any significant reductions in the prison population as were envisaged. A survey in 1984 (Liebrich, Galaway and Underhill 1984) suggested that there was no consistent view as to where Community Service fell in the sentencing tariff. Community Service as an alternative to custodial sentence was the aim least seen as being accomplished.

In a research project on community sanctions in New Zealand (Asher and O'Neill 1990), findings suggested that Community Service was viewed as a

'soft option' inappropriate for "serious offenders", and was not perceived as a genuine attempt to involve the community.

Australia

All Australian states and territories have Community Service in some form. Nowhere is it a specific alternative to prison, but everywhere it can be imposed instead of a fine. Community Service is a sentence in its own right in all jurisdictions except Victoria and Western Australia. In some jurisdictions Community Service can also embrace education, counselling and personal development programmes. (Ministry of Justice 1999),

Community Service in Western Europe

The development of Community Service in Western Europe was influenced by the popularity of the sanction in Britain. Schemes were introduced in Switzerland (1964 for juveniles), West Germany (1975), Luxembourg (1976), Italy and The Netherlands (1981), Belgium, Denmark and Portugal (1982), France (1983), Norway (1984), Sweden (1992), Finland (1994) and the Czech Republic (1995) (Harris 1995). In most European countries Community Service is used in lieu of short prison sentences.

According to a study of Community Service in Finland (Muiluvuori 2001) the assumption is that Community Service can affect offenders in a rehabilitative way and thus reduce recidivism. This study compares the subsequent recidivism of people sentenced to Community Service in 1991-1992 with recidivism of people sentenced to prison for a maximum of 8 months in 1992.

The findings showed that recidivism after Community Service compared to recidivism after prison sentences was slightly less widespread. The author suggests that Community Service seems a suitable sanction, especially for sentenced people without previous prison experience. The study does not discuss any rehabilitative aspects of Community Service.

A Swiss study (Killias et al 2000) found lower conviction rates among offenders sentenced to Community Service than among those given short prison sentences. The results suggested that those randomly assigned to Community work rather than prison reduced delinquency more than the control group, and developed less negative attitudes towards their sentence and the criminal justice system. The study does not display why this outcome occurred. The authors suggest that offenders feeling they have been treated fairly may impinge on later reduction of reoffending

Community Service in the United Kingdom

In 1973 the Community Service order was introduced on an experimental basis in six pilot areas and in the following year was extended to other parts of the country. Introduced as an alternative to a custodial sentence, there was confusion from the outset about whether it was a direct alternative to custody or could be used as a sentence in its own right. The Criminal Justice Act 1991 clearly established Community Service as a sentence in its own right rather than an alternative to custody by introducing a 'combination order' where Community Service could be combined with other community sentences. A further change occurred in 2001 when Community Service

became Community Punishment, perhaps in an effort to make the sanction more attractive to sentencers.

To work efficiently and effectively Community Service must be flexible and able to bring together the interests of the sentencer, the offender and the community (Hine and Thomas 1996). To evaluate success from the viewpoint of the different stakeholders, a wide range of variables would have to be assessed. A few research studies have addressed just one or two of the many facets of Community Service (Carnie 1990, Skinns 1990, Knapp et al, 1992, Duguid 1982). Two research projects have attempted to evaluate a wide range of the elements of Community Service - one in Scotland (Mclvor 1992) and one in England (Pathfinder Projects Final Report 2002).

Mclvor's (Mclvor 1992) research aimed to identify effective community Service practice by studying twelve schemes in four local authority areas from 1986-1991 in Scotland. The programme of research evolved into a series of studies evaluating different aspects of Community Service. She has attempted from her research to define not simply whether Community Service 'works' but to define effectiveness more broadly and explore under what circumstances and for which offenders it works best. This contrasts with the 'What Works' literature, which focuses on the rates of reconviction as the only measure of positive outcomes.

In summary her main findings suggest that offenders most valued placements which:

- Maximised their contact with the beneficiaries

- Enabled them to gain new skills
- Allowed them to engage in work they could recognise as being of benefit to the recipients.

The importance of the offenders' relationships with their placement supervisors was also stressed.

In a much earlier study in 1975 of the first six schemes in England when Community Service was brought in on an experimental basis, an important aspect to emerge was the development of the relationship between the offender and his supervisor, although no direct questions were asked about this (Pease et al 1975).

Similar to McIvor's (McIvor 1992) and Pease's (Pease 1975) findings, Rex in a small study of 60 probationers (Rex 1999) found probationers more willing to embark on sustaining a decision to stop offending where they felt positively engaged in the supervisory relationship and pro-social work. It is interesting to note that in a report dated 23rd December 1909 (Departmental Committee on the Probation of Offenders Act 1907) there is reference to the direct, personal influence the Probation Officer can have on the offender as being very great. The report suggests that the Probation Officer must be endowed not only with intelligence and zeal but also with sympathy, tact and firmness.

In a more recent article Dowden and Andrews (Dowden and Andrews 2004) report on a meta-analysis of the contribution of certain staff skills to the effectiveness of rehabilitative work with offenders. They define these skills as

'core correctional practices' or CCPs which can be summarised briefly as effective use of authority, appropriate modelling and reinforcement, the use of a problem - solving approach and the development of relationships characterised by openness, warmth, empathy, enthusiasm, directiveness and structure. According to the authors this meta-analysis revealed that CCPs made independent contributions to enhanced effects of human service programmes and almost all CCPs were associated with significant reduction in the rates of reoffending. Their results suggest that the emphasis placed on developing and utilizing appropriate staff techniques has been sorely lacking within correctional treatment programmes.

Mclvor (Mclvor 1991) argues that the data from two schemes out of the twelve schemes researched presented the possibility that the provision of a more intensive social work service to offenders achieved slightly higher than expected levels of success. The more intensive service was given to offenders who, according to a number of criteria, were assessed as being at an intermediate risk of breach and in need of intervention. She acknowledges that because of the relatively small numbers being compared, the data requires cautious interpretation.

In 1999 under the Crime Reduction Programme, a series of interrelated projects were set up in England to pilot specific elements of 'Community Punishment' (The term 'Community Service' is used in Ireland and Scotland). The establishment of Community Service Pathfinder Projects had been prompted by an interest in the rehabilitative potential of Community Service influenced by Mclvor's (1992) study and other research studies that

suggested that Community Service might be effective in reducing recidivism (May 1999, Lloyd et al 1995, Raynor and Vanstone 1997).

Similar to McIvor's research, the evaluation of these projects focused on how and why things work with whom and under what conditions. The aim of the projects was to investigate what in Community Service might be effective in reducing reoffending by focussing on a number of approaches (or models of change) that had been developed in practitioner initiatives since the mid 1990's. These approaches include pro-social modelling, skills accreditation and an approach tackling offender related needs. The sample covered 1,851 offenders who came into the projects after January 2000 and whose orders terminated by 30th November 2001.

Findings from the projects were tentative, as a reconviction analysis had not been undertaken. Short-term outcomes were encouraging with offenders showing reductions in perceived problems and pro criminal attitudes (as measured by Crime-Pics11, a standardised tool for assessing offenders problems and their attitudes towards offending).

The findings suggested that projects focussing on skills accreditation produced the best results, although the costs of pro-social modelling were lower. A combination of skills accreditation with pro-social modelling appears effective. Projects prioritising offender related needs (such as lack of employment related skills, an ability to problem solve or inadequate awareness of the point of view of other people such as potential victims) did not appear to produce positive outcomes overall, possibly because a lack of strong focus hampered success.

Rex (Rex 2001:80) has commented that the application of What Works principles to Community Service can be discerned in the Pathfinder projects, for example that programmes should target criminogenic needs and they should teach skills that will help people avoid offending. She goes on to say that providing routes to further training and employment also seems to be aimed at improving offenders' positions in the social environment contributing to their offending/non offending choices.

Mclvor (Mclvor 1998:56) has suggested that Community Service placements may provide an important vehicle through which an informal yet potentially powerful process of pro-social modelling may occur. Trotter's work in Australia is known for providing the most thorough exploration of pro-social modelling (Trotter 1996,1999). He claimed a strong statistical relationship between pro-social modelling and lower rates of recidivism, which was sustained over a four-year follow-up period. However it is not clear from the research how pro-social modelling was disentangled from other elements of problem-solving and reflective listening.

Community Service in Ireland

The Community Service order was introduced into Ireland under the Criminal Justice (Community Service) Act 1983. This piece of legislation was imported almost wholesale from Britain. The legislation differed in two areas. The maximum sanction of 240 hours was immediately available for 16year olds in Ireland, a provision not introduced in England and Wales until 1991. Also, as Community Service was intended as a direct alternative to imprisonment, the

sentencing judge was required to specify the prison sentence that would otherwise have been imposed.

The Probation Service in Ireland has adopted research-based interventions with offenders on probation supervision, (Andrews and Bonta 1995, Lipsey 1992, Losel 1995, Antonowicz and Ross 1994 and McGuire 2000). However, there has been little attention paid to what would be useful in facilitating offenders on Community Service Orders to complete orders and reduce reoffending. The only published research on Community Service in Ireland seems to be that commissioned by the Probation Service in 1999 (Walsh and Sexton 1999). This piece of research is a comprehensive account of the practice of Community Service in Ireland. The files survey included a sample of 269 offenders on a community service order between 1st July 1996 and 30 June 1997. The findings suggested that generally Community Service Orders were used in accordance with the legislation and that more than four fifths of Community Service Orders were completed. However the recommendations proposed in the research have not been acted upon. The recommendations were:

- To conduct a follow up study after three years to check if the offenders in the files survey had reoffended
- To give consideration to the possibility of combining Community Service Orders with other forms of sanctions
- More exacting regulations in dealing with the offenders consent.

Though one of the stated objectives of the study was to assess the scope for an enhanced role for Community Service within the Irish Criminal Justice

system, the authors have not made any recommendations on this issue other than those recommendations mentioned above. One of the limitations of the methodology used is that no offenders were interviewed to ascertain their experience of Community Service. In Ireland to date the emphasis appears to have been more on the retributive (punishment in the community) and on the reparative (paying back to the community) aspects of Community Service rather than on the rehabilitation of the offender.

Conclusion

The review of the literature indicates that there is a divergence in the application of Community Service in different countries. Most studies are exploratory / descriptive type studies, and examine one aspect of Community Service. Some studies have highlighted findings that offenders responded to the sanction more positively if they perceived themselves to have been treated fairly by the system in general and perceived their order as an opportunity to give something back to the society they had wronged.

The two studies from the United Kingdom suggest that certain models of practice applied to Community Service merit attention. These models emphasize pro-social modelling, addressing offenders' basic needs such as skills training and employment and the importance of the supervisory relationship.

It is suggested in the literature that the chameleon-like nature of Community Service is its strength but it remains a sanction without a knowledge base (Worrall and Hoy 2005). Most studies reviewed do not use a theoretical framework to examine enhanced Community Service or what is effective in

the development of this sanction. Before examining the qualitative data collected for this dissertation and presented in Chapter 4, it would be useful to have a theoretical framework with which to analyse the findings. The next chapter will address this.

Chapter Three

Behaviourist Theories in Working with Offenders

Introduction

Having examined the available international literature in the last chapter, the studies reviewed did not seem to use a theoretical framework or be explicit about what framework underpinned the approaches to Community Service being studied. This may be indicative of McDonald's (Mc Donald 1989) claim that Community Service was a 'practice in search of a theory'. Bazemore argued that a major problem with Community Service was that it is ordered and implemented in a vacuum with reference neither to sentencing objectives nor to a theory of intervention with offenders. (Bazemore 1994)

This chapter will attempt to address this deficit by examining theories relevant to the development of a rehabilitative agenda in Community Service. The objective is to choose a framework, against which to analyse the findings from the qualitative data.

The Emergence of Behaviourist Theories in Working with Offenders.

Through the seventies and into the eighties there were widespread views that in working with the offenders to reduce reoffending, little or nothing of any kind would work. These views were based on results of wide-ranging

surveys of research conducted in the mid 1970's in the United States and Britain, particularly Martinson's work in 1974 when he believed that his work revealed 'a radical flaw in our present strategies - that education at its best, or even psychotherapy at its best, cannot overcome, or even appreciably reduce, the powerful tendency for offenders to continue in criminal behaviour' (Martinson 1974: 49). For a long time the 'nothing works' view was deeply embedded in the thinking of a majority of professionals at most levels of the criminal justice system. Later, in 1979 Martinson recanted the statements made in his 1974 article (Martinson 1979) In 1985 McGuire & Priestley assembled a sizeable list of studies in which promising outcomes had been obtained, and sought to challenge the view that nothing constructive could be done to alter patterns of offending behaviour (McGuire and Priestley 1985).

According to McGuire and Priestley (1995) what turned the 'nothing works' conclusion on its head was the number of research reviews undertaken since the mid-1980's using the statistical tool of 'meta-analysis'. This method involved the aggregation and side-by-side analysis of large numbers of experimental studies. Using this method of statistical analysis it was possible to detect trends concerning what does work and also what does not. It appeared that traditional interventions based on the medical model, classical psychotherapeutic models and punitive measures had no effect on reducing recidivism. What emerged as useful were methods that address the factors that had played a causal or contributory role in an offending act and that would place the offender at risk of reoffending in the future (McGuire and Priestley 1995). The research evidence on effective interventions with offenders is commonly referred to in the field as 'What Works'.

Lists of the characteristics of successful programmes have been produced and updated by a number of commentators, particularly by Andrews and McGuire and the most recent version points to 18 principles of effective interventions to reduce recidivism. (McGuire 2002 .24 drawing on Andrews 2001) These can be summarised as:

- Using strategies based on ‘personality and social learning’ theories.
- Using community based settings.
- Assessment of risk levels and criminogenic needs.
- Using multi-modal approaches which matches services to learning styles, motivation and aptitude.
- Developing staff skills, including the capacity to maintain ‘high quality interpersonal relationships’
- Monitoring and maintaining programme integrity.
- Ensuring good knowledgeable management.

These methods were largely based on behaviourist and cognitive behavioural theory.

One area of concern about the interpretation of the ‘what works’ literature is that research studies into its effectiveness have mainly evaluated structured group programmes. Programmes are not the only form of effective intervention and in working with individuals the Irish Probation Service has largely embraced the work of Trotter (1999), an approach based on

behaviourist theory that incorporates components of the 'what works' approach. This approach is discussed later in this chapter.

Social Learning Theory

Social Learning Theory is the behaviour theory most relevant to the interventions used by the Probation Service with clients in the last five years.

Bandura (Bandura 1977) purported that nearly all behaviour is learned. He claimed that all phenomena resulting from direct experience could occur vicariously by observing other people's behaviour and its consequences for them. The capacity to learn by observation enables people to acquire rules for generating and regulating behavioural patterns without having to form them gradually by tedious trial and error (Bandura 1986). Observational learning is also known as imitation or modelling. Learning occurs when individuals observe and imitate other's behaviour. According to Bandura (1977: 24-28), there are four component processes to observational learning. These components are: attention, retention, motor reproduction and motivation.

Attention – The observer must be able to attend to and perceive accurately the significant features of the modelled behaviour.

Retention – The observer must be able to retain in memory the observed learning. This is done through the use of symbols and imagery. It is the advanced capacity for symbolisation that enables humans to learn much of their behaviour by observation. In order to reproduce the modelled

behaviour, the observer must code the information into long-term memory. Images and verbal coding facilitate observational learning and retention.

Motor Reproduction – Learners must possess necessary skills to transfer learning into action and refine and monitor behaviour on the basis of informative feedback. Where deficits exist, then modelling and practice must first develop the basic sub skills required for complex performances.

Motivation – People are more likely to adopt modelled behaviour if it results in outcomes they value than if it has unrewarding or punishing effects. Observed consequences also influence modelled conduct. Behaviours that seem to be effective for others are favoured over behaviours that are seen to have negative consequences.

Bandura cautioned that the provision of models, even prominent ones, would not automatically create similar behaviour in others. In summary, the failure of an observer to match the behaviour of a model may result from any of the following: not observing the relevant activities, inadequately coding modelled events for memory representation, failing to retain what was learned, physical inability to perform, or experiencing insufficient incentives. (Bandura 1977: 29).

As Bandura developed his theory, he felt the label ‘social learning theory’, becoming increasingly ill fitting. He relabelled the theory as ‘Social Cognitive Theory’ to encompass psychosocial phenomena, such as motivational and self-regulatory mechanisms that extend beyond issues of learning. He

conceptualised learning as knowledge acquisition through processing of information.

Social Cognitive Theory

The Social Cognitive Theory explains how people acquire and maintain certain behavioural patterns, while also providing the basis for intervention strategies (Bandura 1977). Some of the key concepts of Social Cognitive Theory underpin the 'What Works' approach and the model of practice proposed by Trotter (Trotter 1999). These concepts state that:

- Environment provides opportunities and social support to the person.
- Misperception of one's environment can be corrected to promote a healthier outlook.
- A person's knowledge and skill to perform a given behaviour can be learned through skills training.
- Modelling positive outcomes of healthy behaviour helps the person to anticipate outcomes of behaviour change.
- Outcomes of change must have meaning for the person.
- Provide opportunities for self-monitoring, goal-setting, problem solving and self-reward.
- Include credible role models of the targeted behaviour.
- Provide reinforcements and incentives.

- Perceived self-efficacy is a significant determinant of performance i.e. a person's confidence in their ability to perform a particular behaviour.
- Provide training in problem solving and stress management.
- Consider multiple avenues to behaviour change, including environmental, skill and personal change.

(Glanz et al 2002:169)

Pro-Social Modelling

Trotter (Trotter 1999) defines pro-social modelling as an approach that involves workers identifying and being clear about the values they wish to promote and purposefully encouraging those values through the use of praise and other rewards. It also involves appropriate modelling of the values the worker seeks to promote, and challenging anti-social or pro-criminal expressions and actions.

Trotter claims that the pro-social approach (by which he means the use of pro-social modelling and reinforcement) is based on the research about effective practice, which shows it to be an effective method of working with involuntary clients (Trotter 1999: 66). The basic behavioural principles of this approach are:

- That behaviour is more likely to be maintained or developed if it is rewarded

- The promise of a reward does not work as well as simply providing the actual reward following an occurrence of the particular behaviour
- Rewards are more effective if they are no greater than they need to be, rewards work best if they are perceived as fair in the circumstances.

Trotter identifies four steps in the prosocial approach:

- Identifying prosocial comments and actions
- Providing Rewards
- Modelling pro-social behaviours
- Challenging undesirable behaviours.

(Trotter 1999: 67-73).

To summarise it is important in direct practice with clients to reward pro-social comments and behaviours, to show disapproval of anti-social behaviour or rationalisations for it and to remember that people are more likely to learn from positive reinforcement and to focus on the positives.

Motivational Interviewing (Rollnick and Millar 1995), a model used by the Probation Service, particularly in interventions with clients who have addiction issues, has developed from learning theory principles such as the use of positive modelling, self-efficacy, cognitions and selective reinforcement of self-statements to change behaviour.

Desistance Theory

There is a growing body of literature proposing that the focus of probation work be shifted away from 'offending related' to 'desistance focussed' matters. (Farrell 2004, Rex 1999, Maruna et al 2004, McNeill 2004). This literature says that understanding how and why offenders stop committing crime is crucial for the development of effective crime prevention and criminal justice practices. According to Bottoms et al (2004) the study of desistance properly includes any significant lull or crime-free gap in the course of a criminal career.

Farrell from his study of 199 offenders (Farrell 2004: 228) argues that while cognitive behavioural work is not to be abandoned in that it correctly focuses on increasing offenders human capital (i.e. their own skills), it is unable to address the wider social and economic needs - what he calls social capital - of offenders. It is social capital that is necessary to encourage desistance. Helping people develop human capital (personal skills, capacities and knowledge) can involve a range of both one to one and structured group programmes. These can include motivational interviewing, structured programmes and pro-social modelling.

In social capital theory the core idea is that social networks have value. According to Putnam (Putnam 2000) social capital refers to connections among individuals-social networks and the norms of reciprocity and trustworthiness that arise from them. He distinguishes between Bonding social capital and Bridging social capital. Bonding social capital denotes ties between people in similar circumstances (e.g. families, close friends and

neighbours). Bridging social capital includes more distant ties (e.g. acquaintances, loose friendships, and relations with workmates. The Desistance literature seems to suggest a refocus on the traditional 'welfare' aspects of social work, working with the client on family problems, employment, addictions and overcoming what Rex (Rex 2001) calls social obstacles.

The Liverpool Desistance Study (Maruna et al 2004) highlighted the importance for ex-offenders of achieving 'redemption' through engagement in 'generative activities' which help to make sense of a damaged past by using it to protect the future interests of others. Research indicates that it is constructing a new identity as a person with something to contribute that distinguishes those who 'go straight' from those who do not (Maruna, 2001). According to Toch (Toch 2000) involvement in altruistic activity provides offenders with a sense of accomplishment, grounded increments in self-esteem, meaningful purposiveness and has restorative implications. Community Service seems to have relevance in offering 'redemptive' opportunities echoing Mclvor's (Mclvor 1992) findings that offenders valued work they could recognise as being of benefit to the recipients.

Reparation and Restorative Justice

Rather than focusing on the traditional rehabilitation versus retribution debate, many researchers and policy makers now consider the concept of restoration as a valid third alternative (Zehr 1990). Bazemore has written extensively on the potential of restorative justice to address the needs of communities and victims through apology and reparation, a process that

hopefully leads to the reintegration of offenders into society. Bazemore (Bazemore1998) sees reparation as an opportunity for offenders to be actively engaged - possibly for the first time – in roles that allow them to gain useful and valued skills and practice being competent. Restorative Justice is defined as a voluntary community based response to criminal behaviour that attempts to bring together the victim, the offender and the community in an effort to address the harm caused by criminal behaviour (Latimer et al 2005). Marshall (Marshall 1998) says that Restorative Justice is a process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future.

The primary objectives of Restorative Justice are:

- To attend fully to victims' needs.
- To prevent reoffending by integrating offenders into the community.
- To enable offenders to assume active responsibility for their actions.
- To recreate a working community that supports the rehabilitation of offenders and victims and is active in preventing crime.
- To provide a means of avoiding escalation of legal justice and the associated costs and delays.

Marshall (1998)

There are four types of conferencing models based on restorative principles utilized to some degree in a number of jurisdictions around the world. These include Victim-Offender mediation (North America and Europe), Reparative

Boards (Vermont and a few other states), Family Group Conferences (New Zealand, Australia and Europe) and Circle Sentencing (Yukon, parts of Canada, Minnesota, Colorado and Massachusetts). In these models victims and offenders meet in sessions designed to help both of them, they communicate directly with each other and participate in decision-making.

In contrast Community Service involves indirect reparation, as the offender does not 'pay back' to the actual victim of their crime except in a symbolic way by making restitution to society.

Walgrave (Walgrave 1995) suggests that mediation and Community Service can be described as Restorative Justice having restorative principles in common.

- A definition of crime as an injury to victims (concrete and societal)
- The orientation towards restoration, which may be in symbolic terms
- The active and direct implication of the offender in restoration
- The judicial framework making possible use of coercive power and legal moderation at the same time.

Raynor (Raynor 2001:195) suggests that Community Service is already a conspicuously reparative and restorative penalty and that the combination of visible reparation and effective programmes (what works) could bring together the community safety and community justice agendas.

Conclusion

From the theories examined in this chapter it is proposed that the restorative model and the social learning/pro-social modelling approach may help develop a broader vision of the potential of Community Service. These theories can provide a framework to guide the development of this sanction that is consistent with rehabilitative, reparative and reintegrative objectives. One of the objectives of this dissertation was to establish whether the Supervisors were, without consciously doing so, using pro-social modelling as part of their work with offenders on Community Service. This is one aspect that was addressed in the focus group and is discussed in the next chapter.

Chapter 4

Qualitative Research Data

Introduction

This chapter reports on the findings from the focus group discussion with Community Service Supervisors.

As discussed in the methodology section, ten community service supervisors based on the north side of Dublin were invited to a focus group discussion to discuss their role and experiences of working in an urban area. Nine supervisors attended, seven men and two women. The group's length of employment as Community service supervisors ranged from three years to twenty-one years with the majority having over seventeen years experience.

This chapter reports the findings from the focus group and is structured under the themes outlined in the topic guide (Appendix A). The questions ranged from the general (role of supervisor, training, aim of community service) to more particular questions (relationship with clients, practices on site, improvements) in order to facilitate a consultative process, a sharing of information and not restrict any opinions, feelings or perceptions of the community service supervisors in as far as possible. To maintain confidentiality quotes will be given from the group and not assigned to any one respondent.

Community Service Supervisors perception of their role and how it has changed over time.

The Respondents agreed that Community Service Supervisors supervised people who were sentenced by the courts to a specified number of hours of Community Service, in lieu of serving a custodial sentence. The group saw their role as having two components:

1) Supervision of work

Supervisors took part in the work themselves even if there were no clients on site. They taught clients the necessary skills to complete tasks.

“Supervisors also work, they do some work as well, they don’t just give out instructions all week – they take part in work as well.”

“They’re seeing rooms getting stripped and gutted and completely redone, the way a decorator would do it”

“also a lot of these lads, they’ve never worked with tools in their life”.

“You realise, given a bit of practice, he’ll be good at it. Till he’s working away with a skill that he can take on”

2) Support and Listening

Respondents were also of the view that part of their role involved supporting and listening to clients.

"We also have to listen to some of the clients problems, and privately you might sit down and talk about them"

"I had a new girl started on Tuesday, she started at 2pm and by 3pm I had her life story---She felt she was safe to do that"

"They are working along side you and a young fellow will just open up and give you his life story"

"So probably when clients come in, they spend far more time with their supervisor than they will with a probation officer or any professional they are going too"

Supervisors considered this second component of their role as very important. They stressed the importance of treating clients with respect and some respondents believed that coming from a background and area similar to their clients gave them more insight into how to relate too and help clients.

“You’re trying to work with the clients and you’re trying to help this client”

“And you show respect to these lads, and treat them with respect, they will respond to you in most cases”

“The lads that we deal with, and some of the women, they come from a similar background that I grew up in, so I know how to speak to clients in their own language so to speak”

Though Supervisors did not indicate that they perceived a gender difference in client disclosure, there was a suggestion that different types of work and the circumstances on the site might facilitate clients being more likely to confide in Supervisors. For example, the women tended to take part in work where they were sitting down and in closer proximity with the supervisor. They did not necessarily have to seek out the supervisor to talk to them and the conversations could take part more naturally than in other sites. Some of the comments made by respondents in this regard were:

“If they have a problem and they want to come to you, they don’t even want the rest of the lads around when they talk to you about it.”

“But it always amazes me the way they won’t have that conversation with their probation officer, which a lot of them should have, and I think it is because they don’t know the probation officer as well”

The group felt that being with clients all day provided a setting conducive to clients talking about their concerns.

There was unanimity among Supervisors that their role had changed and become more challenging and complicated over time. Clients presenting with more complex social and personal issues was identified as a factor affecting the change in their role. The Supervisors with many years experience saw differences in client groups and client characteristics as relevant.

“I’ve been working with non-nationals over the last year or two. And on those occasions I’ve had an interpreter to tell them what to do”

The drug issue; if someone has Hep C, and HIV... needs first aid to be carried out and we don’t know what’s wrong with them.”

“there are people who done community service, have been killed, shot, you know”

Respondents also perceived that clients with mental health problems and juvenile offenders posed challenges for them.

“There is a number we are missing out on, that is the young, illiterate, uneducated teenager, 18 years of age, his body has got a 12 year old brain, thrown out of school when he was 12, and he has nothing but the street corner since”

With changes in Health and Safety legislation Supervisors had concerns about how to deal with certain client problems, in particular clients with drug and alcohol addictions.

“When we started first, anyone that was caught smoking hash was sent for 6 weeks urine samples and he wasn’t taken back on site.... but over the years it has changed, and....I mean there are people taking methadone...under the Health and Safety, I wonder how they let them. I mean you wouldn’t be allowed in a factory”.

Community Service Supervisors experience of training

All respondents concurred that they received no formal training when first employed. This applied to both long serving supervisors and more recent employees.

“They (Probation Service) never actually took them (supervisors) aside and showed them – trained them”

“On day one it was get on with it, at that stage, I was quite naïve, I didn’t realise these guys came from such dysfunctional backgrounds, so it was- I had to learn in a hurry. But that worked as well”

Long serving supervisors felt that with Probation officers they had developed structures as they went along in regard to the practical aspects of Community Service.

“It wasn’t something that was in a book or anything like that, we made up things as we went along, you know the safety thing, the boots and all that, as supervisors they had to- because they were on the ground working at the coalface.”

The group agreed that the focus of training they received in recent years was on Health and Safety legislation and First Aid training. More recently some training has been introduced and clearly respondents welcomed this, in particular the training dealing with challenging behaviour. They also commented that they are looking forward to drug awareness courses that are planned.

“Most of us have the urban legend version of drugs, but we’ve never actually received some sort of formal course saying this is what they are and this is what you look out for...we’ve never received that, although they’re getting around to it”

As respondents had indicated that interaction with clients was an important part of their role they would appreciate some training in interpersonal skills.

“We all have our own ways of dealing with clients that are up in our faces, and sometimes, just through lack of knowledge, we don’t deal with it the right way”

Noting the value of formal training courses, Supervisors emphasised the importance for them of common sense when dealing with clients.

Rehabilitation and Community Service

Respondents were of the opinion that Community Service contained the elements of retribution, reparation and rehabilitation but that the rehabilitative potential had not been realised.

“Okay he got Community Service as a punishment, but there’s no rehabilitation attached, no probation attached to Community Service-it’s a straightforward punishment, but it could be used as a link to catch these young fellows, before they progress on”

“they’ve got sentenced to a certain number of hours, laid down by the courts.... to pay society for the offence they’ve committed”

The group agreed that Community Service has advantages for clients and wider society. It was thought that the recidivism rate for people who did Community Service was less than for those who went to prison. A prison record was seen as having a more negative impact on clients.

“If he’s locked up in Mountjoy, they’re massively overcrowded, the services inside are not as good and the chances of locking into them all are very slim”

“for the state it’s an awful lot cheaper in funding terms to put people on Community Service than it is to put them in the prison system”

Respondents believed that Community Service provided a structure where clients could gain valuable learning. It was considered rehabilitative if clients could experience normative practices they had not experienced before.

“there is no structure in their lives and they have absolutely no gateway into current society”

“Community Service can be used as a base, because it is like a job”

“they have to turn up on time, and they have to get up in the morning, get their lunch, get up to site-it’s like doing work”

Supervisors were of the opinion that linking clients to further education, training and jobs could be a productive development of Community Service.

“but I think if we were linking in educationally, putting them on courses, like you’ve to teach these guys life skills”

“a couple of lads came on stream and they had so many hours and we say, okay we have a computer course that we can put you on as part of your hours”

Community Service Supervisors Experience of Rehabilitative Practices.

The questions asked in this section sought to establish whether any practices that the literature indicated as useful in enhancing Community Service were

being practiced in Ireland. Information was sought from the Supervisors on whether clients ever had contact with the beneficiaries of their work, whether Supervisors encouraged clients to pursue basic skills training and whether Supervisors practised pro-social modelling i.e. did they see acting as positive role models being part of their role.

1) Input from beneficiaries:

Most of the respondents had experience of someone (school principal, teacher, committee member) from the host agency (the beneficiaries of community service) directly thanking the clients for their work.

“Every time there is a job done over there, the staff come and thank the lads”

“they’d come and give them a treat-a Chinese or whatever”

Supervisors agreed that clients responded well to having their work acknowledged.

“the thank you from the host is bigger than a thank you from us”

2) Basic Skills Training:

The group identified educational disadvantage for clients as an obstacle to their getting employment.

“There doesn’t seem to be anything for them, because the education system isolated them from everything when they were 13/14. They just dropped them there and then”

Some respondents had the experience of giving information to clients on courses and evening classes. From their experience Supervisors felt that the potential of Community Service could be optimised to link clients in a more structured way to basic skills training.

“you could say to a fellow, well okay, you’re not going to prison you must get up in the morning and be on this site-when that’s finished you have to be down here doing this course”

There were opinions expressed that present sites were inadequate, in offering variety of work that would benefit clients in learning new skills or in being useful to the community. The group felt that a lot of clients wanted to work and enjoy the benefits of having a job and there was scope in Community Service to link clients to further training and preparation for work.

3) Pro-social Modelling:

A deliberate decision was taken to use the term pro-social modelling without explaining it so as not to bias the feedback from Supervisors. These Supervisors would have heard the term at a regional meeting without being given any introduction to the concept. The literature indicated that the role of the Supervisor as a positive role model was a relevant part of the Community Service model. Therefore it was important to explore the concept of pro-social modelling without influencing their responses.

When asked about the practice of pro-social modelling, respondents were clearly uncomfortable with the term. This is not language they would normally use and felt it was a label being imposed from outside.

"I think it's a yuppie expression and someone who read a lot of books probably came up with that"

An opinion was expressed that the use of this kind of language was perhaps used by professionals to label and distance people from certain areas.

“that’s a buzz word now, pro-social modelling, that’s only keeping people apart. But what about justice and fairness, and that kind of thing”

Though they expressed unhappiness with the term, Supervisors were very clear about the concept and what it meant in their everyday practices.

“My understanding of what pro-social modelling is-you’re actually showing clients who come in to us, you’re showing them by your own example of how you are working, how you deal in conversations with them, what the proper way society expects us to act”

Supervisors felt that they had an opportunity to influence clients, that clients could emulate a work ethic and learn to follow rules and regulations by following the supervisors’ example.

“When they start talking about getting into rows at the pub or they’re hanging around in the park...smoking - so you say, that’s where you’re going wrong. You’re getting into trouble there, if you weren’t there, the guards won’t be in your face”

Though Supervisors agreed that their input couldn’t change the disadvantage or unstable environment that some clients came from, they believed that they could help to make them think differently.

"I find simple things, if you give the fellow a little respect, they will soften up. It's not just about painting walls, restore a bit of dignity, let them understand that they're there for help"

Community Service Supervisors Relationship with Clients.

All respondents agreed that the supervisory relationship they developed with clients was very important. Supervisors reported that they attempted to create a relaxed atmosphere on site that facilitated the completion of Community Service orders with the least possible disturbance and facilitated clients feeling safe to talk about their problems.

"I think the system we've developed over the years of doing it is, most of the guys don't put themselves in a confrontational situation, they work along beside me. You're not there to kind of say, now I'm here to tell you what to do - that's behind it - but it's not put in those words to them, so they tend to accept us a lot more."

The group felt that because clients spend more time with Supervisors than with Probation officers, the relationship developed. Supervisors saw having authority as important rather than being authoritarian.

“They don’t see us as prison officers or guards or probation officers, so in some instances they can have a chance to open up to us”

“They start to see the person behind the job, and they tend to open up, which is what I think they don’t see in any of the structural contacts they’re having with anybody from the state”

Supervisors concurred that listening to, respecting and not undermining clients encouraged trust and relationship building.

“A lot of the time, the lads I’ve spoken to over the years now, you’d be nearly bordering on friendship with some of them”

“we wouldn’t ask you to do anything we wouldn’t do ourselves”

“It’s very important not to talk down to clients”

It was agreed that many clients thanked the Supervisors and some kept up contact, visiting the site occasionally to let the Supervisor know how they are doing. Respondents did not ask clients about their experience of Community Service.

Community Service Supervisors Relationship with Probation Officers and Probation Management.

Respondents also had concerns about their relationships with Probation Staff and Management. Supervisors would welcome more interaction with Probation officers about clients and a more inclusive, respectful relationship. Some respondents felt undermined by Probation officers, sometimes in front of clients.

Some respondents commented that being invited to participate in this focus group was the first time they had being consulted with on a direct, personal level. They would like the Probation Service management to consult with them not just through union representatives.

“It would be nice if senior management came and sat down with Supervisors and say well you have experience, we’re looking for new projects, let’s all have an input into it”

Conclusion

The data gathered from the focus group discussion suggests that Community Service Supervisors not only see their role as supervising clients to complete practical tasks but also including rehabilitative aspects of listening to clients, supporting them and acting as positive role models. Their role has developed

over time as Supervisors responded to changes in Health and Safety legislation and the changes in client groups. There is evidence from this research to suggest that the role of Community Service Supervisors has become more complex and there is a sense that Supervisors have felt isolated and unsupported in how they deal with new challenges. In the analysis of the data no significant difference between the opinions of the male and female respondents emerged.

The data suggests that the training that Supervisors received in the past was limited and focused on training required for insurance purposes such as Health and Safety and First Aid. There are indications that this is changing.

The findings from the focus group indicate that Supervisors would welcome training, particularly in interpersonal skills so as to enhance their interactive role with clients.

The data from the focus group suggests that respondents consider Community Service to contain elements of retribution, reparation and rehabilitation. They were of the opinion that the rehabilitative aspects of Community Service should be developed.

The Findings also indicate that Supervisors consider Community Service a sanction that has value for various stakeholders - society, the courts, the community and the offender. They viewed Community Service as:

- less expensive than custodial sentences
- gave offenders a second chance to lead a pro-social life whereas a prison sentence would be detrimental to future prospects

- provided useful work to communities, often the communities that offenders came from.

The data indicates that rehabilitative practices that were found useful in research findings in Scotland (McIvor 1992) and England (Crime Reduction Programme, Final Report 2000) such as contact with beneficiaries, pro-social modelling and encouraging offenders to engage in basic skills training are being practiced by this group of Supervisors in Ireland on an informal basis.

In keeping with other research findings (McIvor 1992, Pease et al 1975) the Community Service Supervisors stressed the importance of the supervisory relationship they develop with clients.

The final chapter provides further discussion of the findings from the literature and qualitative data.

Chapter 5

Conclusions

Introduction

One of the underlying philosophies of Community Service is to enhance rehabilitation of offenders. The aim of this study was to examine the practice of Community Service at an international level and in particular to look at the role of Community Service Supervisors within the Irish Probation Service. The purpose of this examination was to explore what rehabilitative practices are applied to enhance this sanction. It also set out to learn whether some of these recognised practices are being used in Ireland.

The study sought to answer the following research questions.

What does the international research say about the usefulness of enhancing Community Service through the adoption of rehabilitative practices?

Are some rehabilitative practices already being practiced in Ireland? e.g.

- (a) Have offenders contact with beneficiaries?
- (b) Is Pro-social Modelling practiced in Ireland?
- (c) Are offenders encouraged to engage in basic skills training?

What are the perceptions of Community Service supervisors working in Ireland regarding the development of rehabilitative aspects of Community Service?

In order to answer the research questions an examination of international literature was undertaken and Community Service Supervisors in one region of the Irish Probation Service were interviewed about the operation and potential development of such practices.

This chapter will discuss the findings as they pertain to the main themes that emerged in the research before drawing a number of conclusions.

Discussion of Research Findings

Roles and Relationships

The literature review highlights the importance of the supervisory relationship and the role of the Supervisor in the effectiveness of rehabilitative work with offenders. It is suggested that certain staff skills, effective use of authority, appropriate modelling and reinforcement, the use of a problem-solving approach and the development of relationships characterised by openness, empathy, enthusiasm and structure, enhance programmes and are associated with significant reduction in the rates of reoffending. The importance of the role of the Supervisor and their relationship with offenders is confirmed by the data from the focus group.

While the Supervisors job description does not allude to any requirement to engage with clients other than 'to encourage offenders on Community Service to work diligently and to a high standard' (Management of the Community Service Order, Probation Service 2005) it was clear from the discussion with the respondents in this study that there is some evidence to

indicate that Supervisors have developed their role beyond their job description using their own initiative, in order to deal with a more complex and challenging job. Supervisors seem to have developed practices that they have found useful in motivating clients to complete orders in the absence of any policy and practice guidelines from the Probation Service. In comparison a very detailed manual (A Manual on the delivery of Unpaid Work 2006) is provided to Community Service staff in the United Kingdom. This manual clearly outlines the requirements for the delivery of unpaid work and the quality standards placements are expected to meet. Pro-social modelling is highlighted as an important element of the supervisory relationship. Supervisors in the United Kingdom are trained and expected to practice it unlike Irish Supervisors who seem to practice pro-social modelling intuitively rather than based on knowledge of what they are doing.

The respondents in this study have more direct interaction with offenders than many other criminal justice personnel. They have opportunities to form and do form trusting relationships with their clients. This would confirm the finding in the literature, which clearly indicates the importance of the supervisory relationship. It could be argued that this relationship might be more significant for the offender than their relationship with the Probation Officer. Aside from their role in reporting on the suitability of offenders for Community Service, Probation Officers appear to have a limited role in the ongoing execution of the Community Service Order. Since this research has demonstrated the primary importance of the role of the Supervisor it would indicate a need for clarification of the roles of the Probation Officers vis-à-vis Community Service Supervisors.

There are particular aspects of Community Service that facilitate the development of such relationships. One aspect is the setting. The setting is important, as a Community Service site is normative, unlike court or prison settings, and can act as a leveller. In this setting, the client can take on the role of 'worker' as opposed to 'offender'. The client can provide a service as opposed to being a recipient of help. The qualitative data collected for this dissertation highlights that the Supervisor can be a 'buddy' albeit a buddy without being authoritarian. This research therefore indicates that the supervisory relationship has potential for pro-social modelling and this should be capitalised on through training for the benefit of offenders and the job satisfaction of Supervisors.

A second aspect that may facilitate the supervisory relationship is the fact that Supervisors predominately share a similar social background with their clients. However with the increasing number of foreign national clients who are placed on Community Service this may not be such an important influence in the future. The need for training to provide a greater understanding of cultural diversity could address this.

Thirdly, the positive attitude of Supervisors towards their clients and the obvious respect and understanding of them as individuals appears to be another important aspect that facilitates good relationships and can be used as a tool to enhance the rehabilitative element of Community Service.

Training

It is clear from the literature and this research that training is an important element for Supervisors. The literature highlights the importance of regular

communication and ongoing training as effects lessen in practice over time. Managerial support and resources were also pertinent for the effective delivery of projects (Crime Reduction Programme Final Report 2000). With the changing nature of Community Service, the type of training that has been used in the past seems to be insufficient. Greater emphasis on training staff in modelling, developing problem-solving approaches and interpersonal skills are required. It would seem that more research is needed to establish the most appropriate training that can assist Supervisors to manage their role that has become more complex. One of the benefits of no training was that Supervisors came to the setting with no institutionalised bias other than the bias of their background experience (which from the findings seems to be sympathetic and positive). A possible irony of introducing training might be to change the delicately balanced role relationship between Supervisor and client. However Supervisors are clearly seeking knowledge to manage their job, which they identify as having become more challenging. Training could build on the intuitive knowledge and practice skills already prevalent among the Supervisors as found in this study. It would seem that appropriate training merits further examination, and in particular should include Supervisors and training programmes being developed in consultation with them.

Rehabilitation

The data suggests that Community Service Supervisors are clearly of the view that Community Service has rehabilitative value and that the rehabilitative potential is not being realised. The Community Service Supervisors see their role as more comprehensive than overseeing clients on site and completing their time sheets. Though the Probation Service purports

that 'well managed and operated Community Service projects do increase public safety and reduce reoffending as well as supporting behaviour change by offenders and their integration into the community' (Management of the Community Service Order, Probation Service 2005) there is no clarity as to what practices or interventions will achieve this aspiration. Everyday practice emphasises the completion of orders as the only criteria for the successful implementation of Community Service.

Data collected indicates that rehabilitative practices that were found useful in research findings in Scotland (McIvor 1992) and England (Crime Reduction Programme, Final Report 2000), contact with beneficiaries, pro-social modelling and encouraging offenders to engage in basic skills training are being practiced in Ireland on an informal basis.

How Community Service Supervisors have developed their role to encompass rehabilitative practices appears to be based on individual Supervisors response to situations over time and the responses they have adopted as most useful in facilitating safety on site and the successful completion of orders.

A further important element that became apparent in the current research was that of developing human capital. Commensurate with the literature Supervisors believed that Community Service had a role in developing the client's human capital such as problem solving, skills training and helping others which could promote a sense of responsibility and self-efficacy. In general offenders were not involved in the normative practices of getting up in the morning, attending training or employment and leading a law-abiding

life. The Community Service Supervisors in this study also alluded to offenders' lack of social inclusion as they felt that offenders (because of educational disadvantage, living in areas of deprivation together with the norm of criminal behaviour) were isolated from the wider society.

'In practical terms, social exclusion blocks opportunities for work, better housing and an improved standard of living, thus making the conceptualization of alternative, law-abiding futures so difficult to develop and sustain' (Burnett and McNeill 2005: 233).

Considering the setting and the supervisory relationship it would seem that Supervisors are well placed to instigate planned programmes of rehabilitation with offenders.

Implications for the Irish Probation Service

This study suggests that the Community Service Supervisors would welcome clarity from the Probation Service management as to whether The Probation Service views Community Service as encompassing rehabilitation along side retribution and reparation and would welcome inclusion and consultation in the development of Community Service. Although there is evidence to suggest that pro-social modelling (as defined in the literature) is practiced by Supervisors, their reluctance to embrace this label needs to be acknowledged and taken into account. Perhaps an assumption could be made that Supervisors are not seeking to become Social workers/ Probation Officers but to be assisted and given more training in managing their own role that has become more complex and be supported in applying rehabilitative practices.

The principles of Restorative Justice and the competency development model based on Social Learning theory provide a framework that could guide the Probation Service in Ireland to exploit the full potential of Community Service in order to have the most impact in reducing rates of reoffending. Such a framework could incorporate the following principles:

- Ensure that the service is clearly of benefit to the community and that offenders have contact with the beneficiaries of the work who could express how much they valued the work.
- The Service should at least symbolically link offender with offence and victims and, whenever possible, Community Service should be performed in the offenders' own community.
- Train all staff to ensure that they are good models of pro-social attitudes and that they reward and reinforce such attitudes and behaviour by offenders.
- Ensure Supervisors develop good problem solving approaches in the way they deal with issues arising in the workplace.
- Develop staff skills, including the capacity to maintain 'high quality interpersonal relationships'.
- Provide Rewards (rewards can include some hours being deducted from order for regular attendance; praising work that is done to the best of an offender's ability; the Supervisor having discretion to provide 'treats' when commitment and pro-social behaviour is demonstrated by offenders)
- Treat offenders as resources and involve them in planning and executing projects.

- Provide opportunities for access to basic skills training.
- Source a broader spectrum of sites that can maximise interaction between Supervisors and offenders.

Implications for Research

This study was a small-scale research project and therefore limited by a number of factors. The findings need to be interpreted in this light. In particular the focus group was confined to a small number of Supervisors who were based in an urban area of Dublin covering a number of areas designated as areas of deprivation. Supervisors working in a more rural setting in another part of the country may well experience their work differently. It is not possible therefore to generalise from this study.

The findings imply there is a need for more research into the practice of Community Service.

Given the interest and positive attitude of the Supervisors and the fact that they don't feel consulted with on a direct, personal level, further research on a larger scale with a representative sample of Supervisors is worth consideration. A double-sided research project could involve Supervisors consulting with clients (as they are trusted by clients) and engage both parties in exploring the rehabilitative possibilities of Community Service.

This may be a way to gather information that

'obtains detailed information about subsequent outcomes that goes beyond a dichotomous measure of the presence or absence of

reconviction ...a richer, more disaggregated picture of post-programme activity could reveal effects that would otherwise remain hidden' (Healy and O'Donnell 2005)

This study notes that offenders are not asked about their experiences of Community Service. The literature indicates that the experiences and opinions of offenders need to be taken into account in the evaluation of Community Service. This process could be facilitated by Community Service Supervisors completing questionnaires or interviews with offenders at the end of the order.

At present no mechanism exists to record outcomes when offenders are returned to court for breach of Community Service. Recording of outcomes would provide valuable information as to how the judiciary view Community Service and if the sanction is administered according to the legislation. The availability of the number of completed orders each year would assist in the overall assessment of the sanction. These figures are not included in the Probation Service statistics. Seeking feedback from beneficiaries of Community Service would provide useful information for the promotion and development of this sanction.

The main findings from the literature indicate a paucity of research studies on the application of practices to enhance Community Service. In the Irish context, there has been no follow up study to the research commissioned by the Probation Service in 1999 (Walsh and Sexton 1999) and there was no recommendation in that report in regard to one of the stated objectives, to

assess the scope for an enhanced role for Community Service in the Irish Criminal Justice system.

Conclusion

Community Service offers a setting, where the focus is not on 'offending behaviour' but through the contacts into which it brings offenders, might well offer learning experiences at least as powerful as an approach that directly tackles offending (McIvor 1998).

This study suggests that Community Service is a sanction with potential for development that can incorporate reparation, restoration and reintegration. However it needs to be firmly based on a strong theoretical foundation and utilise the very real strengths of the Community Service Supervisors.

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Appendix A

Topic Guide

Can you tell me what a Community Service Supervisor does?

[a] Did you receive training for this job and if so does that training equip you for the job?

[b] Has your role changed over time?

[c] If it has changed, how is it different now?

[d] Are there things that hinder you doing your job?

[e] What helps you do your job?

What is the aim of Community Service?

[a] Has rehabilitation a place in Community Service?

[b] Do you think you are helping clients to rehabilitate?

[c] What do clients learn from Community Service?

Would you say that your relationship with clients is important?

[a] How do you develop a working relationship?

[b] Do clients talk about their personal lives?

[c] Do you know much about them?

[d] Would you think that clients copy your behaviour?

[e] Do clients see you as someone to look up too?

Do any of the following practices happen on sites that you have worked on?

[a] Do clients have direct contact with the beneficiaries of their work?

[b] Would clients ever be assisted or encouraged to pursue some basic skills training after their order is complete?

[c] Would pro-social modelling be practiced though it might not be called that?

In your opinion are such practices relevant to Community Service?

If they are relevant how can they be developed?

Do clients ever give you feedback about their experience of Community Service?

**What improvements, if any, would you like to see in the development of
Community Service?**

Appendix B

Dear _

I moved to the Finglas office in January as Senior Probation Officer. At present I am doing a Masters in Social Work in U C D and am doing a thesis on Community Service.

I am hoping that you will agree to attend a Focus group discussion that I plan to hold in Parnell Street office on April 4th from 2.30 to 4.30 approx. (wont be later than 4.30pm.)

I am hoping that the Northside Community Service Supervisors will all attend.

I feel it would be useful to have a discussion with Supervisors who are working daily with clients to gather your views and learn from your experiences. I have to record our discussion by tape for my analysis but all comments are confidential and anonymous. All recordings and notes will be destroyed on completion of this study. Your participation is voluntary but your attendance and contribution is greatly appreciated.

Anna Connolly, APPO, has given me permission to hold this group and for you to be able to close sites at lunchtime.

Please phone me to let me know if you can attend.

Many Thanks

Mary McGagh

(Senior Probation Officer)