

Initiatives designed to challenge or change established attitudes or structures appear very few.

In conclusion, my experience with the Institute of Criminology to date has served merely to reinforce the sense of frustration and intellectual stagnation that derives from working within "agencies of social control", that appear so often, impervious to change.

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W. A.

COMMUNITY SERVICE ORDERS: A pseudo-alternative to imprisonment.

Newspaper reports in the "West Australian" of January 1976, have outlined this State's proposals for Community service orders with the headlines, "Alternative to Gaol: Courts to get new powers."

It is stated that the new powers will give the courts more flexibility in dealing with offenders. The orders will apply, "instead of imposing gaol sentences, fines and probation penalties".

"Practical advantages" of the new system are said to be,

- a) A greater likelihood of rehabilitating offenders by keeping them in the community and giving them a chance to serve it.
- b) Avoiding unnecessary disruption to family life and loss of employment that inevitably resulted from a prison term.
- c) The requirement for offenders to face the consequences of public disapproval for their conduct.

The report goes on to state three requirements for the scheme's success, viz. the selection of offenders who would respond, their placement in situations in which they are likely to respond best and the provision of adequate supervision.

After this impressive list of benefits and advantages it appears one would have to be very suspicious, indeed near paranoid, to believe that all was not well with this new venture. The face validity of the proposals are incredibly high. It may appear unimportant to some, but I suggest the issues are well worth study as an example of increased punitiveness and desire for control over offenders masquerading as a rehabilitative proposal aimed at the benefit of prisoners and the community. My argument is that we should call a spade a spade

and a new penalty a punishment, avoiding rehabilitative rhetoric and untruth.

Are these alternatives in fact rehabilitative or punitive. I believe they are purely punitive, and to claim any so called rehabilitative value is extremely dubious, and brings further disrepute on the concepts of rehabilitation within the correctional systems. "Rehabilitation" implies a restoration of the ability to live in society, a borrowed medical concept of value in referring to heart attacks or head injuries, but a much abused concept when applied to the criminal field.

Will the community service orders present a genuine alternative to imprisonment? Here a clue can be found in the emphasis on selection of offenders. Carefully selected offenders will be subjected to a carefully selected programme and carefully supervised to ensure a successful result.

Nowhere has there been stated any intention to guarantee the persons who are now going to prison will in future be placed on alternatives, and so trusting is the public in such matters they will probably never question it. There has been no suggestion, for example, of abolishing all sentences of less than eight days. If this were done it would have affected approximately one third of all sentences in W.A. over a year.

We will presumably be told that the Courts will have to exercise their discretion in the use of these new powers and that a fair and honest use can be anticipated. Experience in the passing of parole sentences in this State must cast doubts upon that hope. Even in the United Kingdom it has been necessary to appeal to the High Court for some semblance of common sense to be employed in the passing of suspended sentences. In an appeal heard recently a man was sentenced to 1 year's imprisonment suspended for two years for assisting another man to carry away from a truck 7 crabs, both men being drunk at the time. The verdict favoured the man stating that the sentence was wrong in principle as imprisonment for the offence was inappropriate and wrong. Similarly in the proposed legislation for W.A. is there anything to suggest imprisonment would be in fact a likely penalty for the offence for which a community service order may be made? A most likely outcome will be that persons previously sent to prison will continue as before, and persons previously fined or placed on probation will have a community service order as an addition.

Another situation to be faced will be that of the person who fails to comply with his order and will no doubt be on a breach of probation

charge likely to result in a gaol sentence. It could well be that the prison population could be added to rather than reduced, as is the case with the parole system.

The R.A.C. has been reported as supporting the proposals, no doubt seeing it as a means of reducing the occurrence of weekend vehicle thefts. Such optimism is understandable but misplaced, as I know of no study which has demonstrated effectiveness of these orders in overcoming the incidence of a particular type of offence.

Although community service orders have indeed been introduced in England the results of evaluation have not yet reached the point where any reliable conclusions as to their benefits can be established<sup>(2)</sup>. Certainly there has been no outstanding reduction in prison populations. Consent of the inmate is a necessary part of programmes of this type, not to ensure his co-operation as one might think, but to avoid problems with International Labour Office Rules on slave labour. If the procedure in use in Tasmania is to be followed it is understood the offender is simply asked whether he prefers either a prison sentence or a community service order. Despite the fact that no-one could know if a prison sentence would have been passed, it is not unreasonable to assume most persons would opt for the community service, which is exactly what occurs.

Finally it is alarming to see this type of proposal developing as an added function of the probation and parole system. One must be concerned that the same spurious, superficial arguments on prison reform which were advanced to justify the introduction of parole, are now being used again to justify community service orders, and at a time when world wide opinion is turning sharply against the basic premises of parole.

Any expenditure of limited resources of staff and funds, badly needed in other areas of corrections and community problems, is wasteful and counter productive if the basic criminological concepts from which the scheme has evolved are themselves deceptive and illogical.

It is extremely disappointing that we in Western Australia appear doomed to follow others into yet another criminological bureaucratic and political blind alley, not for reasons genuinely to do with prison reforms, but to provide token answers only to those calling for harsher penalties for most offences. Community service orders, unless very different to proposals already elaborated, will merely mean an additional penalty to current probation orders, and will have no effect whatever on prison sentences. They will not be genuine

alternatives to imprisonment.

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Refs. (1) R.V. McGowan, Criminal Law Review, Feb. 1975 p.113

(2) See, for instance, Jeff Smith "The Community Service Order" in L. Blom-Cooper (Ed.) "Progress in Penal Reform" Clarendon Press 1974.

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## PRISON FOR ME!

Well, there I was then, out of work and broke. Hot as hell it was and with my thirst I needed a couple of pints. I got to yarning with this bloke in the pub and when I thought the time was right I put the word on him for a couple of quid. Well the sod turned nasty and before I could blink I was up in court before the judge.

"Jack Hobson" says the judge, "you've been to prison before. This time I give you a chance. We have just got a law allowing for me to sentence you to a Community Service Order. Would you like a Community Service Order or Prison?"

Well I'd never heard of this community thing but I suppose it couldn't be worse than prison.

"If I take this community thing will I go to prison?"  
"No." said the judge.  
"Right!" I said. "I'll take it "

That was my mistake. You'd think there would be nothing worse than prison; but there is! I'll explain. My "service order" said that five times a week for the next couple of months I would appear at the local cemetery to help clean the grounds. So, off I went. When I arrived at the cemetery you know who I worked with? Two of me old mates doing time in the local gaol.

"What are you doing Jack?" they said.  
"Judge gave me a choice," I said proudly. "Prison or Community Service. I chose community service."  
"You always were the mug, Jack." they said. "There you are doing the same work as us here at the cemetery, and what do you get? We get three meals a day, a bed, clothing, transport, movies at the weekend, and a bit of spending money on the side. Well, what do you get Jack?"