

# Community service in Texas: results of a probation survey.

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Community service is compulsory labor performed by an offender as punishment for a crime and is often referred to as a community service order. An offender imposed a community service order is required to perform labor for a certain number of hours or days at community organizations such as charitable nonprofit agencies. Community service is closely aligned with restitution in that the offender engages in acts, which are designed in part to make reparation for harm of criminal offending, but these acts are directed to the larger community, rather than the victim, in the form of good works. The work performed is unpaid and intended to benefit communities; thus, community service is partly restorative in nature.

The first documented community service program in the United States began in Alameda County, Calif., in the late 1960s as an alternative to jail for traffic offenders who could not afford fine payments (Anderson, 1998; McDonald, 1986). Since then, community service expanded nationwide and today is used in every state and at the federal level. Despite the growth of community service, descriptive information is quite limited and national statistics are not readily available. To expand the literature, this article reports results of a statewide survey of probation administrators regarding community service for adults in Texas for fiscal year 2000 (Sept. 1, 1999, through Aug. 31, 2000). It describes the structure and administration of community service, the nature of community service sentencing and offender eligibility, characteristics of offenders and the community service work, and the attitudes of officials concerning the benefits and limits of community service.

## Sample and Method

Adult probation in Texas is administered by 122 community supervision and corrections departments (CSCDs), which serve 254 county governments. Between December 2000 and January 2001, one administrator in each

department expected to be the most knowledgeable about community service was contacted by telephone and then mailed a survey packet designed to gather descriptive information about community service. Eighty-nine subjects returned a completed survey, a response rate of 73 percent. During fiscal year 1999, these 89 departments supervised about 63 percent of the statewide probation population, or about 320,064 adults (Jones, 2000). Characteristics of respondents and the departments are reported in Tables 1 and 2.

## Survey Results

**Administration of Community Service.** Community service is a fairly recent innovation in Texas as most departments began to supervise offenders with community service orders in the mid-1980s. Texas rarely relies on private agencies for administering community service and rarely offers residential community service programs. Two-thirds (60 percent) of the departments operated a specialized Community Service Restitution (CSR) Unit. The typical unit comprises a three-member staff, generally full-time workers, who are responsible for managing community service restitution in the department. Several respondents provided job descriptions for CSR Unit workers, which are outlined below.

Community service restitution coordinators:

- \* Provide orientation to defendants when referred by the supervising officer by explaining CSR rules and regulations and safety guidelines, and assigning a work site based on job skills inventory, employment/unemployment status, transportation and health issues;
- \* Coordinate with all work site agencies maintaining daily communications (if necessary) to monitor CSR activities;
- \* Enter data about any CSR hours worked by defendants on a weekly/monthly basis;
- \* Follow referrals made by supervision officers and closely monitor compliance with the CSR program. Review and staff problem cases with officers on as-needed basis;
- \* Report noncompliance to officers when offender fails to report to orientation or report to work site, fails to adhere to CSR rules, and any other unacceptable behavior;
- \* Report defendants' CSR completion to appropriate agency and supervising officer;

- \* Maintain annual calendar of scheduled activities and projects;
- \* Assist and cooperate with all work site agencies on special projects and events; and
- \* Monitor defendants' CSR program completion.

Community service and restitution specialists:

- \* Set up the monthly calendar for CSR referral appointments;
- \* Conduct intakes and make CSR referrals for felony and misdemeanor probationers for initial CSR intakes or reassignments;
- \* Monitor CSR job sites for performance of CSR hours and procure new job sites;
- \* Maintain an up-to-date job site list;
- \* Coordinate and monitor all CSR projects with nonprofit organizations; and
- \* Maintain a program of public relations with government entities, civic clubs and nonprofit organizations.

Community service restitution clerks:

- \* Maintain an accurate ledger and file on each probationer assigned to do CSR hours;
- \* Verify CSR hours worked by probationers with assigned job site supervisor;
- \* Enter completed hours in computer;
- \* Properly close probationers' file when CSR hours are completed, send supervision officer a completion notice memo and type completion certificate;
- \* Tally intakes, reassignments, and successful and unsuccessful completion of the CSR service on a monthly and yearly basis; and
- \* Tally CSR hours for each individual court on a monthly basis.

Community Service Sentencing.

The survey gathered information as to the extent to which community service is used as an alternative to jail, a supplement to probation and as a sole sanction (see Table 3). Community service in Texas is used "most often (66

percent) or "always" (28 percent) as a supplement to probation supervision and is more often used as an alternative to jail than as a sole punishment.

Community service appears to be a popular sentencing option as most respondents reported that at least 75 percent of adults under supervision in their jurisdiction had a community service order. In fact, all probationers in 21 of the 89 jurisdictions were ordered to perform community service. The use of community service has increased in Texas during the past five years, growing at about the same rate (70 percent) or at a higher rate than probation (24 percent).

**Community Service Target Populations.** Drug and theft offenders are most commonly ordered to probation-supervised community service. Community service is used more often for violent/assaultive offenders than traffic/public order offenders and probation/parole violators, and this may be a function simply of the numbers of violent/assaultive offenders on probation compared with traffic/public order offenders and probation/parole violators. As a rule, offenders convicted of certain intoxication-related offenses (driving, flying and boating while intoxicated, intoxication assault and intoxication man-slaughter) are excluded from participation in community service (Gould Publications of Texas Inc., 2002). Disabled and seriously ill offenders as well as sex offenders are sometimes unofficially excluded.

**Community Service Orders.** Community service orders in Texas are imposed by sentencing courts and specify a certain number of hours offenders must complete. During fiscal year 2000, orders ranged from very short terms (20 hours) to more than 600 hours. The typical order for misdemeanants was 60 hours and the typical order for felons was 230 hours. Generally, the number of hours or days an offender is ordered to perform community service varies with the nature and seriousness of the offense, the offender's prior criminal record and extra legal factors such as family and work responsibilities. In Texas, criminal history does not appear to be a consistent factor in determining community service orders. The employment status of the offender is an important consideration in the determination of community service orders in Texas. According to the Texas Code of Criminal Procedure, offenders who are employed cannot be ordered to more than 16 hours of community service weekly, and unemployed offenders cannot be ordered to more than 32 hours weekly. It appears from the range of hours ordered, that judges retain considerable discretion in determining the length of community service orders. Judges may calculate community service orders against a fine or term of incarceration that could have, or presumably would have been imposed. In Texas, one day of jail confinement is considered served for each eight hours of community service. Although some jurisdictions in other states use a Fixed sentencing system whereby the order is predetermined based on an offense or offense level, Texas does not, according to the survey.

**Community Service Placement and Work Sites.** Adults with community service

orders are referred to or placed in work sites primarily by CSR Unit staff and by supervision officers, or a combination of staff, including unit staff, officers and judges (see Table 4). In addition to setting the duration of community service, judges may also specify a work site placement for offenders, but these data suggest their involvement is minimal. Placement and the scheduling of offenders' work at the sites differ when a department operates a CSR Unit. In such cases, CSR staff coordinate most offender placement, work scheduling, work verification and communication with the work site. Where a department does not operate a CSR Unit, supervision officers oversee placement and monitoring of offenders.

Nonprofit agencies are also most often (47 percent) or always (32 percent) used as work sites. Government agencies are frequently used. Rarely are private, for-profit agencies used as work sites, and this is consistent with state regulations. According to the Texas Code of Criminal Procedure (Gould Publications, 2002), community service can be performed only for a government agency or nonprofit organization that provides public services that enhance social welfare and the well-being of the community. The government and nonprofit agencies used by the departments include fire departments, humane societies, city parks and recreation, parks and wildlife, food banks, utility and maintenance departments, shelters, churches, boys and girls clubs, the Salvation Army, senior citizen centers and courthouses. On average, CSCDs used 50 work sites during fiscal year 2000 and maintain nearly 4,000 agencies for work sites.

**Community Service Work.** The survey sought information on the types of community service work performed by offenders, any special community service programming, and the supervision and transportation of offenders. Slightly more than one-half of the respondents (54 percent) indicated that their department operates a special work program or special projects program. In one large county operating such a program, a driver from a local residential program transports offenders each morning from the department throughout the county for community service work such as parks clean-up, cutting lawns for the elderly, grooming ball parks and demolishing condemned buildings. Other counties operate weekend programs where probation staff supervise the community service work of groups of offenders. Outside of the special projects, probation staff rarely transport offenders to work projects.

Community service in Texas most often involves physical labor (see Table 5); outdoor maintenance and debris removal is the most popular. Rarely do offenders perform clerical and human or social service work. As illustrated in Table 6, offenders with community service orders are supervised in their work usually by work site staff, especially when offenders work individually and this, too, appears to be consistent with the literature. Probation employees may be assigned to supervise offenders working in crews or groups.

**Offenders With Community Service Orders.** An important statistic sought in this

research is the number of adults under supervision with community service orders during fiscal year 2000. According to the data, at least 99,921 adults on supervision had community service orders during the period. This is a conservative figure, since only 66 respondents supervising 42 percent of the statewide population provided the information. A more accurate figure comes from data provided by the Criminal Justice Assistance Division in Texas, which oversees probation in the state. According to those data, approximately 197,485 adult defendants participated in CSR projects during fiscal year 2000 in Texas.

**Offender Treatment Needs.** The most obvious treatment need of adults with community service orders is for alcohol abuse. Drug abuse and financial difficulties are also impacting many of the participants. Most treatments and services available to offenders are provided through referral to outside agencies (see Table 7). About one-third of the departments do provide treatments for alcohol abuse, drug abuse, financial management and education services. Few departments provide treatments or referrals for legal issues and child care.

**Completion of Community Service Orders.** As indicated in Table 8, more than 5 million hours of community service was completed in 77 of the departments during fiscal year 2000. Based on this total and the then minimum wage figure of \$5.15, services worth more than \$26 million were contributed to the community through community supervision. On average, 71 percent of offenders with community service orders completed those orders successfully and 75 percent completed probation successfully. Failure to complete hours ordered was the most often reason for noncompliance followed by revocation for a new arrest (see Table 9).

**Respondents' Perception of Community Service.** The survey also sought opinions regarding the benefits of community service work, support for community service as an alternative to incarceration and problems associated with community service. The worthiness of community service is tied to community benefits and justice more often than offender benefits. More than 80 percent of respondents agreed that community service directly benefits communities through the work performed and through the symbolic restitution on the part of the offender, and more than one-half reported that community service serves as a fair and just punishment. Community service is thought to benefit offenders; however, it is only somewhat beneficial, especially in terms of developing a work ethic, pro-social attitudes and relationships, and responsibility/accountability.

Consistent with respondents' view of community service as a fair and just punishment, most respondents support the use of community service as an alternative to jail incarceration (85 percent) for low-level, nonviolent offenders. Respondents were somewhat reluctant to support community service for repeat low-level, nonviolent offenders.

Community service is not seen as a sanction that is problematic in its administration and management. However, the process of placing offenders into the work sites is seen as needing improvement. More than one-half of respondents indicated that community service is not a tough enough sanction for most offenders, and this sentiment may be reflected by criminal justice officials: slightly fewer than one-half indicated that criminal justice officials do not take community service seriously.

## Summary

The purpose of the research described herein was to gather descriptive information about community service for adult offenders on probation in Texas during fiscal year 2000. Results show that most departments began to supervise adults with community service orders in the mid-1980s, and many departments operate modestly staffed special probation units for the placement and monitoring of offenders with community service orders. Community service is used quite commonly, and its use has increased during the past five years. Consistent with national patterns, community service in Texas is used most often as a supplement to probation supervision, but it is also used as an alternative to jail incarceration, and administrators support its use as an intermediate sanction. During the year surveyed, nearly three-fourths of offenders with community service orders met their obligations and completed community service work throughout the state of Texas. Additionally, administrators had positive views of community service, especially as to the benefits to communities, but most commented that it was not a tough enough sanction for most offenders. Results suggest community service is a productive, albeit lenient, sentencing option used commonly for a variety of offenders and that it can be managed well by probation departments.

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Table 1. Respondent Characteristics

	Number	Percent
Gender		
Female	33	37%
Male	56	63%
Age		
Mean	47	
Median	49	
Range	28-69	
Race		
White	83	94%
Black	2	2%
Other	3	4%
Ethnicity		
Hispanic	16	19%
Non-Hispanic	69	81%
Education		
High school	4	4%
Some college	21	24%
College degree	50	56%
Graduate degree	14	16%
Current position		
CSCD director	33	37%
CSCD assistant director	46	52%
CSR coordinator	9	10%
Other	1	1%
Years in current position		
Mean	8	
Median	6	
Range	1-26	
Years working with offenders		
Mean/Median	14	
Range	1-34	



Table 2. Size of Departments and Supervision Caseloads

	Number	Percent
Number of counties served		
One	48	54%
Two	13	15%
Three	15	17%
Four or more	12	14%
Resident population serviced		
Under 10,000	4	5%
10,000-49,000	40	47%
50,000-249,999	31	37%
250,000-499,999	7	8%
500,000-999,999	2	2%
1 million or more	1	1
Adults on probation		
Under 1,000	26	37%
1,000-2999	30	43%
3,000 or more	14	20%
Regular supervision officers		
Mean	18	
Median	7	
Range	1-247	
Special/intensive supervision officers		
Mean	5	
Median	2	
Range	0-38	
Regular supervision caseload		
Mean	113	
Median	120	
Range	6-190	
Special/intensive supervision caseload		
Mean/Median	40	
Range	2-113	

Table 3. Characteristics of

## Community Service Sentencing

	Number	Percent
Adults on supervision with community service orders		
Less than 25%	--	--
25%-50%	6	6%
51%-75%	15	18%
More than 75%	43	51%
All	21	25%
Community service is used as jail alternative		
Never	8	9%
Rarely	17	20%
Sometimes	24	28%
Most often	35	41%
Always	2	2%
Community service is used as a sole sanction		
Never	46	53%
Rarely	33	38%
Sometimes	6	7%
Most often	2	2%
Always	--	--
Community service is used as a condition of probation		
Never	--	--
Rarely	--	--
Sometimes	5	6%
Most often	57	66%
Always	24	28%

Table 4.  
Community Service Placement

	Number	Percent
Who decides offenders' work placements		
Judges	2	2%
Supervision Officers	28	32%

CSR staff	27	30%
Offenders	6	7%
Combination	26	29%
Who determines offenders' work schedules		
Offenders	20	23%
Supervision officers	19	21%
CSR staff	10	11%
Work site staff	21	24%
Combination	19	21%
Responsible authority for documenting offenders' compliance with orders		
Supervision Officers	32	36%
CSR staff	37	41%
Combination	14	16%
Other	6	7%
Number of work sites during FY 2000		
Mean	50	
Median	30	
Range	3-400	
Sum	3,975	
Written agreement between CSCD and work site		
Yes	71	82%
No	16	18%
Written agreement between work site and offender		
Yes	23	27%
No	63	73%
CSCD transportation of offenders to work sites		
Yes	29	33%
No	58	67%

Table 5. Nature and Frequency of Community Service Work

	Never/rarely	Sometimes	Most Often
Indoor Janitorial/ Maintenance	1%	61%	38%
Outdoor Maintenance/ Debris Removal	--	36%	64%
Carpentry/Painting/ Plumbing/Electrical	7%	77%	16%
Distribution/Loading/ Unloading	18%	65%	17%
Human/Social Services	35%	52%	13%
Clerical	30%	61%	9%

Table 6. Supervision of Offenders at Work Sites

	Supervised by CSCD Officer	Supervised by Work Site Staff
Offenders working in groups	16	14
Offenders working individually	1	25
Both offenders working in groups and offenders working individually	1	4
Total	18	43

	Supervised by CSCD Officer and Work Site Staff	Unsupervised
Offenders working in groups	15	1
Offenders working individually	3	1
Both offenders working in groups and offenders working individually	7	1

Total 25 3

Table 7. Available Treatments/Services

	No	Yes, at CSCD	Yes, by by Referral	Yes, at CSCD and by Referral
Alcohol abuse	--	32%	51%	17%
Drug abuse	--	26%	55%	19%
Financial difficulties	29%	27%	39%	5%
Employment skills	21%	24%	51%	4%
Educational attainment	4%	26%	63%	7%
Job placement	27%	13%	54%	6%
Domestic violence	15%	17%	62%	6%
Legal issues	64%	4%	32%	--
Child care	64%	1%	35%	--
Mental illness	4%	6%	84%	6%

Table 8. Completion of Community Service Orders

	Number/Percent
Community service hours performed (n = 77)	
Mean	66,933
Median	25,266
Range	1.026-660.000
Sum	5,153,864
Percent of offenders completing community service orders (n = 69)	
Mean	71
Median	75%
Range	10-99
Percent of offenders with community service completing probation successfully (n = 59)	
Mean	75%
Median	80%
Range	12-95

Table 9. Reasons for Noncompliance With Community Service Orders

	Never/Rarely	Sometimes	Most Often
Failure to complete hours ordered	21%	44%	35%
Poor performance at work sites	58%	41%	1%
Negative attitude/behavior at work sites	47%	51%	2%
Probation revocation for new arrest	5%	81%	14%

Probation revocation for technical violation	11%	82%	7%
Early/ successful probation completion	70%	27%	3%
Transfer out of jurisdiction	22%	77%	1%
Incarceration	12%	82%	6%

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