

Putting the community back into community sentences

Rob Allen suggests how greater involvement by the community in community based justice can be achieved.

What do a Massachusetts shoemaker and a Hertfordshire printer have in common? The answer is that thanks to the efforts of John Augustus in 1820's Boston and Rainer in 1870's London, Police Courts began to defer the sentences of selected alcoholic defendants who would instead receive practical support and care aimed at reforming them. These small scale and local initiatives were starting a process that has led to the modern day community sentence.

Very early on, a formalised agency providing professional expertise to treat the underlying individual pathology of the offender began to replace the more straightforward and practical community response to offending. The first paid probation officer was appointed as early as 1878 in the USA while by the time of the Probation of Offenders Act in 1907 there were 143 Police Court Missionaries in England.

Putting the community into sentences

The creation of a national probation service in the Criminal Justice and Court Services Bill will arguably complete a journey, which has taken community sentences a long way from their voluntary and community roots. The recent redefinition of the probation role in terms of public protection, the current emphasis on the strict enforcement of orders according to increasingly prescriptive national standards and the priority being given to the provision of accredited programmes of 'effective practice' have combined to move the centre of gravity away from the community and further into the heart of the criminal justice system. There is some way to go before the California Probation motto of 'surveill 'em, nail 'em, jail 'em' applies to community sentences in Britain. Yet the narrow escape from being named the Community Punishment and Rehabilitation Service and growing interest in blurring the distinction between custody and community in more seamless sentences suggests the debate about screws on wheels is not far from being revived. The government has made it clear that they regard the service as a law

enforcement agency.

One way of balancing the growing trend towards repression might be to put back the community into community sentences. The term community has recently been used largely as a counterpoint to custody. There is a more positive use of the term that means not only that an offender is allowed to remain living in the community rather than in prison but also that ordinary members of the public can contribute in various ways to the supervision of offenders.

There are signs of growing community involvement around the world largely with non-violent, low seriousness crimes. In the American state of Vermont, the content of a probation order is decided not by the court or probation officer but by a Reparative Panel, comprising ordinary citizens. Meeting in public, they interview the offender and decide how he or she should make amends for their crime and how best they can be helped to stay out of trouble. With help from the panel, offenders are responsible for negotiating their own community service hours directly with local voluntary organisations that supervise the placements. Such direct relationships between offenders and communities also characterises alternatives to prison in parts of the developing world where the model of Community Service first established in Zimbabwe is gaining substantial ground across Africa.

Role of volunteers

Alongside this growing 'community justice' movement, there seems to be a renaissance in volunteer involvement in community sentences. In the early 1990's the Orange County Probation Department in California established Volunteer Probation Officers, similar in concept to reserve officers in the police. These played a key role in sustaining the groundbreaking eight per cent programme that identifies and intervenes intensively with potential serious repeat offenders.

In England and Wales, community involvement is increasing too, particularly on the youth side. The Referral Order to be piloted from June introduces Youth Offender Panels comprising community members that will agree a contract of reparation and

good behaviour with first time offenders. The growth of restorative justice and mentoring programmes, stimulated by funding from the Youth Justice Board, is leading to a substantial role both for individual volunteers and for voluntary organisations in work with young offenders.

On the adult side, the enforcement and 'What Works' agendas are taking community sentences in a rather different direction. Community Service too is being seen more and more as a punishment and less and less as an opportunity to make good, acquire skills and earn back acceptance into the community. Western probation services have with honourable exceptions been reluctant to exploit the availability of volunteers. It will be unfortunate if the growing specialisation of the probation role in England and Wales tends to weaken further the link between civil society and the treatment of offenders.

Beyond cognitive behavioural programmes

For one thing the successful rehabilitation of offenders is as much if not more to do with the opportunities offered to them by their local communities - accommodation, work, leisure, support - as it is a question of effecting change in the behaviour, thoughts and attitudes of individual miscreants. Extending the social inclusion agenda to offenders requires the winning of hearts and minds as well as cognitive behavioural programmes.

Of course the greater involvement of communities, whether in decision-making or in supervision requires safeguards. People who get involved need to have integrity and reliability, although the range of attitudes and beliefs with which they approach the task should not be trained out of them. On the other hand, communities can be even more repressive and discriminatory than the formal criminal justice system, which acts on their behalf. Getting the balance right is crucial.

The prize is worth it. The greater involvement of ordinary people in dealing with offenders promises to wean public opinion away from the mindlessly punitive default position propounded by the media and sometimes the government. It can introduce citizens to the complexity of crime problems and help us to see what is needed to solve the crime problem in an effective and civilised way.

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