

# Court-Ordered Community Service

## A National Perspective

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by Sarah Picard, Jennifer A. Tallon, Michela Lowry,  
and Dana Kralstein



Center  
for  
Court  
Innovation

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## Overview

As the use of monetary sanctions—including punitive fines and court fees—increasingly attracts attention for the burden it places on low-income defendants, jurisdictions across the country are seeking more equitable alternatives. Community service, often taking the form of court-mandated cleanup of public spaces or work in local community-based organizations, has long been a component of sentencing practice in the United States. Community service can be used in lieu of, or in addition to, other court-ordered mandates or sentences, such as jail time, monetary sanctions, or terms of probation. As of the late 1990s—the last period for which reliable data exists—it was estimated there were more than 500 community service and restitution programs being run nationwide (Development Services Group, 2006). Despite their prevalence, there has been little study of community service sanctions over the last decade, and no studies of a national scope to date.

Community service mandates in the United States date back to the late 1960s, when in the wake of rising correctional populations, a number of community service programs were established to serve as alternatives to incarceration for nonviolent crimes (Hudson and Galaway 1990). The evolution of community service since this period has been aptly described as patchwork, with many jurisdictions coming to utilize community service as one component of—rather than an alternative to—traditional community-based sentences such as monetary sanctions or probation terms (Harris and Wing Lo 2002; Tonry 2017). Moreover, the structure of community service mandates can vary widely by jurisdiction. For example, in New Jersey an individual convicted of multiple drunk driving offenses might receive 90 days of community service, while in California the same crime might draw only 90 hours (Anderson 1998).

Theoretically, there are benefits to the use of community service in the criminal justice context: it satisfies the dual requirements of being both restorative (requiring the individual to compensate the public for harm caused) and efficient (reducing the financial costs associated with traditional sentences such as jail). The practice also has the potential to be less burdensome to defendants than more traditional case resolutions, by reducing criminal justice debt associated with fines and fees or replacing incarceration with a community-based alternative. At the same time, little is known about community service sanctioning, including the extent to which community service is currently being used as an alternative to incarceration or monetary sanctions, as well as whether community service sentences lead to

improved outcomes for defendants (e.g., lower recidivism, decreased collateral consequences, improved perceptions of justice) or communities (e.g., restoration of public spaces).

This report is an effort to begin addressing these critical gaps in knowledge by providing researchers, policymakers, and court practitioners with a clearer picture of the current use of community service sentences in courts across the country. Drawing on a national survey of 396 lower jurisdiction criminal courts (i.e., county, municipal, or district courts that primarily hold jurisdiction over non-felony cases), we describe trends in the use of community service sentences, including reasons for use, length and types of service mandates, how community service is used in conjunction with other sentence types, court oversight of community service programs, and court actors' perspectives on the potential benefits and challenges of community service. Finally, we consider the implications of our findings regarding the potential of community service as an alternative to monetary sanctions in criminal courts.

## The State of the Research

There has been little to no national study of community service sanctioning over the past generation. Several evaluations have examined specialized community courts, which often rely on community service as one option in lieu of incarceration or fines. While these studies have yielded positive results regarding the community court model as a whole, they have not isolated the effects of community service mandates from other aspects of the community court model, such as the integration of procedural justice principles into court practice and the use of short-term social service mandates in lieu of jail sentences (see Lee et al. 2013).

Only two U.S. impact evaluations have been published over the last 30 years. The first, in 1986, evaluated the impact of community service mandates on recidivism in the Bronx and found no effect of community service when compared with a jail sentence, although this study had significant methodological limitations (McDonald 1986). More recently, a single-jurisdiction study comparing the impact on recidivism of community service and monetary sanctions found significantly lower recidivism among those given community service, after controlling for criminal background (Bouffard and Muftić 2007).

Evaluations of community service in other countries have found it to be successful in various contexts; in the Netherlands, for example, individuals who completed community service were significantly less likely to recidivate in both the short- and long-term when compared to

those who had been imprisoned (Wermink et al. 2010). In Denmark and Finland, when comparing community service to incarceration, community service was correlated with a lower recidivism rate (Klement 2015; Muiluvuori 2001). However, the generalizability of such studies to the U.S. criminal justice system context is uncertain, given that the practice has evolved differently in the United States, and, when compared with European examples, is less likely to be used as an alternative to incarceration in more serious cases (Harris and Wing Lo 2002; Tonry 2017).

## **An Equitable Alternative to Fines and Fees?**

Closely related to the conversation about community service is the debate about the growing use of monetary sanctions in the criminal justice system. With recent investigative pieces and op-eds in *The New York Times* and *The Washington Post* (Spillane 2016; Shaer 2019), public focus has been drawn to endemic problems with the practice, such as the imposition of fines and fees regardless of an individual's ability to pay; the accumulation of fines and fees that are disproportionate to the original crime; and jail sentences for nonpayment. In many places, current practices fall short of basic standards of fairness—effectively criminalizing poverty and increasing the likelihood of future justice involvement for those penalized (Harris, Evans, and Beckett 2010). The limited available data suggest that arrest and incarceration due to noncompliance with monetary sanctions are common (Spillane 2016).

As a response to the overuse of fines and fees in the criminal justice context, community service appears to be a logical alternative, especially for individuals who could theoretically “work off” their debt through community service hours. This perspective is increasingly woven into high-level discussions of official criminal justice policy. For example, the Brennan Center for Justice, the National Center for State Courts, and the American Civil Liberties Union have recommended that jurisdictions allow defendants a community service alternative to financial accountability (ACLU 2010; Diller, Bannon, and Nagrecha 2010; Smith, Campbell, and Kavanagh 2017). The federal government also addressed this topic in its 2016 consent decree with the City of Ferguson, Missouri, in which the United States Department of Justice required that the city's courts allow defendants the option of completing community service in lieu of paying fines and fees (Consent Decree, United

States of America v. the City of Ferguson [No. 4:16-cv-000180-CDP, E.D. MO, March 17, 2016]).<sup>1</sup>

Theoretically, reasonable fines and fees could be converted into community service hours, helping defendants avoid incarceration and reducing the overall reliance of the criminal justice system on punishments that disproportionately impact the poor. However, some advocates, academics, and policymakers share concerns regarding the translation of this theory into practice. First, there are concerns about whether community service work requirements would be proportionate or equitable. There is also concern that failure to *work*—much like a failure to *pay*—will result in incarceration or other punitive sanctions (Zatz et al. 2016).

Other criticisms center around the mechanics of community service mandates. For example, conversion of criminal justice debt to work hours is often determined by the individual court or judge at a rate that is not equivalent to a living wage, potentially creating unfair labor standards for justice-involved individuals. Even where conversion rates are fixed to reflect the local minimum wage or another agreed upon standard, it may take defendants with sizeable court debt a considerable amount of time (i.e., days or weeks) to work off their monetary obligations to the court. Lengthier mandates can increase the strain on defendants who are currently employed or are full-time caregivers and may be perceived as disproportionate to the nature of some lower-level offenses. Finally, depending on the types of community service mandates available, compliance may pose obstacles for individuals with physical or intellectual disabilities, transportation restrictions, and other logistical challenges (Bender et al. 2015; Colgan 2017; Criminal Justice Policy Program 2016).

In 2017, the Center for Court Innovation was awarded a grant from Arnold Ventures to begin addressing knowledge gaps regarding the use of community service by criminal courts. In collaboration with the National Opinion Research Center at the University of Chicago (NORC) and the National Association of Counties (NACo), we conducted a national survey of criminal courts, with a focus on lower jurisdiction courts. In short, the primary purpose of this research was to understand how community service mandates are used in current practice and to inform the national debate regarding their potential to function as an alternative to monetary sanctions.

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<sup>1</sup> Downloadable at <https://www.justice.gov/opa/file/833431/download>.



## Study Methods

In this section, we describe our approach to the research, including design of the survey instrument, construction of the national court sample, and data collection and analysis.

### Survey Design

The survey was developed to gain a broad understanding of how community service mandates are used by criminal courts across the country. We defined community service mandates as court-ordered public service, service learning, or labor for a specific amount of time (hours or days). The first section of the survey was designed to elicit general information (e.g., court structure and jurisdiction, case volume, sentencing practices) about all courts in the sample, regardless of whether they used community service as a sentencing option. Respondents indicating that their court utilized community service mandates were asked to complete the remainder of the survey, which was divided into two major sections: (1) uses of community service as a legal mechanism; and (2) characteristics of community service programming. Items throughout the survey sought to document whether and how the court currently uses community service to reduce or replace monetary sanctions. The final survey consisted of 41 items and was designed to take no more than 25 minutes to complete (see Appendix A).<sup>2</sup>

### Sample Construction

At the outset of the study, we assumed that the use of community service as an alternative to traditional sentences would be most common in lower jurisdiction courts, with caseloads primarily consisting of defendants charged with misdemeanor or violation-level offenses. Given that there was no preexisting list of such courts, we partnered with NACo to create a sampling frame of lower jurisdiction courts in each of the 3,143 counties in the United States. NACo employed its existing relationships with county-level court administrators and internet-based research to develop a comprehensive list of lower jurisdiction courts in each of these counties. The final sampling frame for the study included 15,500 county, municipal,

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<sup>2</sup> Content of the survey was reviewed by subject matter experts at the Center and an outside Advisory Committee: Beth Colgan, Assistant Professor of Law at UCLA School of Law; Mitali Nagrecha, Director of Harvard Law School's Criminal Justice Policy Program's Criminal Justice Debt Initiative; and Alexes Harris, Professor of Sociology at the University of Washington.

and limited-jurisdiction district courts across the country.

NORC utilized random selection to establish a final sample of 1,500 courts, stratified by region (Midwest, Northeast, Southeast, Southwest, and West) and urban or rural designation.<sup>3</sup> Before data collection, NORC calculated base weights for each court to adjust for the probability of selection in each stratum. After the final sample was identified, staff from the Center and NACo conducted follow-up research on each of the selected courts to establish a point of contact (e.g., presiding judge, clerk), mailing address, email address, and phone number for each court.<sup>4</sup>

## **Data Collection**

Survey data were collected over a period of 21 weeks, from May 2018 through September 2018. NORC utilized a multi-mode data collection strategy that gave respondents the choice of either completing the survey online or returning a completed hard copy by mail. To increase the representativeness of the sample, telephone outreach was utilized throughout the data collection period and provided respondents with an option to take the survey over the phone. Respondents most frequently completed the survey via the web (55%), followed by mailed questionnaires (35%) and phone (10%). The final survey response rate was 41%, yielding a total sample of 612 courts, of which 396 (65%) reported currently using community service mandates. Of those courts utilizing community service, 73% were lower-jurisdiction courts, while 27% also had jurisdiction over felony cases. To adjust for non-response bias, courts in the final sample were re-weighted after data collection.<sup>5</sup> All final analyses are based on weighted data. See Appendix B for the data collection schedule and details regarding sample weighting.

## **Analytic Strategy**

Using the weighted data provided by NORC, we conducted descriptive analyses to characterize the nature and scope of community service sentencing in criminal courts across the country. For most analyses, we isolated the sub-sample of courts that reported using

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<sup>3</sup> ZIP code was combined with US Census data to categorize jurisdictions as urban or rural.

<sup>4</sup> The final respondent sample was composed primarily of court clerks (67%), judges (16%), and administrative staff (13%).

<sup>5</sup> For example, urban courts and courts from the northeast region of the country were less likely to respond to the survey, and so were more heavily weighted in the sample.

community service as defined in our survey (n=396), with some analyses comparing lower jurisdiction courts (n=250) to those that also process felony cases (n=145).<sup>6</sup> While the research originally contemplated a sub-analysis focusing on courts that explicitly use community service mandates as an alternative to other case resolutions, this analysis was not possible given the small number of courts (n=80) who reported that community service is typically used this way in current practice. However, responses provided by the overall court sample nonetheless shed light on the *potential* for community service mandates to function as an alternative to monetary sanctions or other sentence types. Throughout the analysis, we extrapolated themes from open-ended survey items to add nuance to our findings. Open-ended survey questions were coded by the research team through the use of iterative thematic coding, with specific examples presented in our findings regarding court perspectives on community service.

## Study Limitations

Several limitations regarding the generalizability of the court sample should be noted. First, the lack of a pre-existing comprehensive list of all limited jurisdiction courts in the United States presented a significant challenge for the research. Courts that were not known to the Center or NACo teams, or did not have an internet presence, could not be included in the sample. Moreover, given the limited information regarding individual court jurisdiction available to the researchers at the point of sampling, a number of courts with felony-level jurisdiction were included in the final sample. Finally, patterns of missing data on some questions in the survey are partly attributable to our inability to identify the most knowledgeable respondent for each individual court.

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<sup>6</sup> Data regarding level of jurisdiction (felony versus misdemeanor) was missing for one court in the sample.

## Findings

Our findings underscore the importance of exploring alternatives to the use of monetary sanctions in lower criminal courts. Indeed, monetary sanctions were the sentencing option *most* commonly available to participating courts (98%), above jail (73%), community service (65%), and diversion or treatment programs (48%). As shown in Table 1, while community service and treatment diversion are also both widely available, community service was more frequently reported by the courts in our sample. This is perhaps because—like monetary sanctions—community service mandates are broadly applicable to a diverse range of cases (treatment programs may only be appropriate to defendants with specific needs).

**Table 1. Most Frequently Reported Sentencing Options**

	N	612
Monetary Sanctions (fines or court fees)		98%
Jail (or prison)		73%
Community Service		65%
Suspended Sentence		55%
Treatment/Social Services		48%

Note: Percentages do not add up to 100% as courts could report multiple response options.

## **Community Service Mandates: A National Snapshot**

Community service is a relatively widespread practice across the country, with 65% of all responding courts reporting its use. While the practice appears to be more common in the Northeast and western regions of the country, more than half of the courts we surveyed in the South and Midwest also reported community service as a sentencing option. Contrary to initial expectations, we did not find community service sanctioning to be a more common practice in lower jurisdiction courts. Courts utilizing community service generally contended with larger average case volumes than those that did not use community service. Specifically, in 2016, courts using community service averaged a caseload of 10,965, compared to 1,814 among the sample not using community service.<sup>7</sup>

### **Community Service in Practice**

The bulk of our findings focus on the 396 courts in our sample that currently use community service as a legal mechanism. We explore why, when, and how these courts use community service mandates. What are courts looking to achieve through the use community service sanctions? What types of cases and defendants are considered appropriate for community service? How are courts using community service in relation to other sentencing options? From the perspective of court practitioners, what is the potential for community service mandates to serve as an alternative to monetary sanctions or other sentences?

### **Courts Are Seeking Alternatives to Monetary Sanctions**

When we asked courts to identify commonly recognized reasons for using community service mandates, the majority of participating courts responded that community service mandates should serve as an alternative form of payment for court fines and fees (76%) or as a means to reduce the imposition of court fines and fees altogether (54%). Another half (49%) of respondents endorsed the idea of “repairing harm to the community” as a reason for community service mandates, while 42% reported that community service mandates are, or should be, used as an alternative to jail sentences.

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<sup>7</sup> Estimated annual case volume was missing in 20% of cases.

**Table 2. Commonly Recognized Reasons for Community Service Mandates**

	N	396
Alternative form of payment for court fines and fees		76%
Reduce imposition of fines and fees		54%
Repair harm to the community		49%
Alternative to jail		42%

Note: Percentages do not add up to 100% as courts could report multiple response options.

### **Community Service Is Used for Diverse Case Types**

Prior literature describing community services models in the U.S. has suggested that courts tend to view community service mandates as most appropriate for low-level crimes, such as public order or motor vehicle offenses (Tonry 1999; Harris and Wing Lo 2002). This viewpoint was only partially confirmed across our national sample. As shown in Table 3, community service mandates are *most* commonly used for defendants charged with misdemeanor (77%) or violation-level offenses (64%). However, for those courts in our sample with jurisdiction over felony cases (n=145), one-third reported also using community service mandates in felony cases and another 21% in violent felony cases. Moreover, a broad range of charge types were reported as eligible for community service, including drug (76%), property (61%), and domestic violence offenses (42%).

**Table 3. Case Type Eligibility**

	N	396
<b>Charge Severity</b>		
Felony <sup>1</sup>		37%
Violent Felony		21%
Misdemeanor		77%
Violations/Infractions		64%
<b>Charge Type</b>		
Drug		76%
Public Order		72%
Property		61%
Domestic Violence		42%

Notes: Data missing in 12% of cases; Percentages do not add up to 100% as courts could report multiple response options.

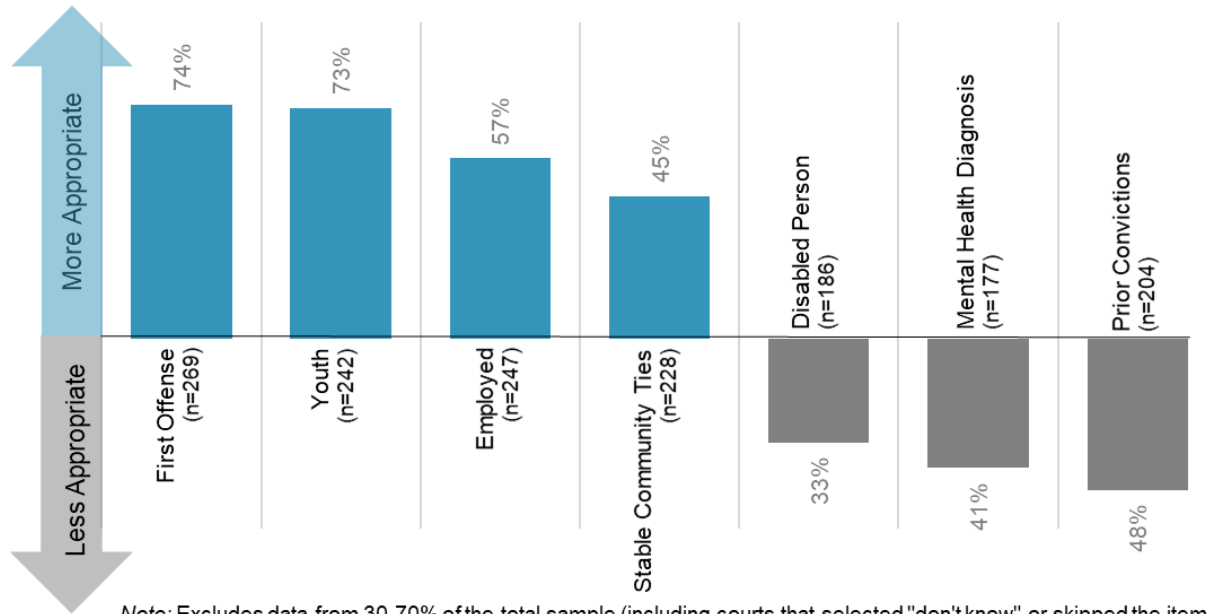
<sup>1</sup> Percent applies only to those cases with felony jurisdiction (n = 145).

### **Limitations in Defendant Access to Community Service Mandates**

Our findings thus far suggest that some courts across the country are seeking to use community service mandates to reduce the impact of monetary sanctions on defendants. However, factors such as judicial and prosecutorial discretion, court culture, or local resources may nonetheless affect the types of defendants who ultimately receive community service and the type of mandates they receive.

*Defendant Characteristics.* First, we asked respondents whether defendant characteristics—such as age, health, employment status, or ties to the community—might affect the likelihood of receiving a community service mandate. Notably, a substantial portion of our respondent sample did not provide responses to these items, possibly because many courts do not consistently have knowledge of these types of defendant characteristics at the point of sentencing. However, among those courts that did respond, several patterns emerged. As shown in Figure 1, specific groups of defendants considered particularly appropriate for community service included first-time offenders (74%), youth (73%), defendants who are working or in school (57%), and those with stable community ties (45%). Defendants with prior convictions (48%), mental health issues (41%), or physical disabilities were most likely to be flagged by respondents as inappropriate (or ineligible) for community service mandates.

**Figure 1. Impact of Select Defendant Characteristics on Eligibility for Community Service Mandates**



Note: Excludes data from 30-70% of the total sample (including courts that selected "don't know" or skipped the item entirely). Ns reflect those sites that responded.



*Types of Work.* Even in courts that do not explicitly limit the types of cases or defendants eligible for community service, the type of work available in a given jurisdiction may nonetheless limit access for some defendants. As shown in Table 4, manual labor—such as construction work, road cleanup, gardening, or janitorial work—was reported as available by 78% of responding courts, making it by far the most common type of work available to defendants completing community service mandates. More than half (57%) of respondents indicated that public or social service work is also available, including working with the homeless or in animal shelters. Less common types of available work included administrative work for public agencies (27%), and service industry labor (10%).

**Table 4. Types of Community Service Work**

	N	396
Manual Labor		78%
Public or Social Service		57%
Administrative		27%
Service Industry		10%

Notes: Data missing in 10% of cases; Percentages do not add up to 100% as courts could report multiple response options.

### **Variability in Court Models of Community Service**

We found high variability in terms of how courts across the country set mandate lengths, oversee community service programs, and ensure defendant compliance with community service mandates.

*Mandate Length.* In terms of mandate length, our data yielded little in the way of national norms. Indeed, only 30% of courts responding to our survey were able to estimate an average length of community service mandates. For this subsample, the average length for misdemeanor cases was estimated at 34 hours (just over four eight-hour work days) and 55 hours (seven work days) for felony cases. One reason that courts may have had difficulty with this estimate is that their mandate lengths depend on judicial or other decision-maker discretion. As shown in Table 5, the majority of courts in our sample reported relying on judicial or prosecutorial discretion (68%) to set mandate lengths. Fewer than half of courts reported utilizing formulas that convert monetary sanctions into community service hours

(46%), with one in three reporting the use of minimum wage conversion strategies. Finally, while more than 40% of the courts in our sample reported that community service mandates may be used as an alternative to jail sentences (See Table 2), only 15% of courts use a standard formula to convert jail days into work hours. Ultimately, these findings suggest that, at least in current practice, the amount of work an individual community service mandate will entail is largely a matter of court discretion.

**Table 5. Factors Influencing Mandate Length**

	N	396
Discretionary		68%
Standardized Formula		48%
Formula converts fines and fees into service hours		46%
Formula includes minimum wage conversion		28%
Formula converts jail days into service hours		15%

Note: Percentages do not add up to 100% as courts could report multiple response options.

*Operations and Oversight.* We also found substantial diversity in terms of the role courts play in the operations and oversight of community service mandates. As Table 6 shows, only 13% of respondents indicated that the court runs its own community service program. Instead, the majority of community service programs utilized by courts are administered by justice system agencies outside of the court itself (41%) or community-based organizations (16%), suggesting that court actors may have little say over the type of work that is required or how compliance is monitored once a mandate is in place. Indeed, more than one-third of courts reported that defendants are asked to identify their own work provider, though it is unclear from our data the extent to which courts may provide resources to defendants with respect to this task. Also shown in Table 6, the majority of courts (62%) track compliance based on defendants’ self-reporting to the court, either through submission of a work completion form or a compliance hearing.

**Table 6. Mandate Operations and Oversight**

	N	396
<b>Who identifies the work provider?</b>		
Probation or other criminal justice agency		41%
Defendant must find provider		32%
Community-based organization		16%
Court		13%
<b>Who reports compliance to the court?</b>		
Defendant (e.g., compliance hearing, submission of proof)		61%
Community service program staff		26%
Criminal justice system agent (e.g., probation officer)		13%

*Responding to Noncompliance.* Finally, we asked the courts how they typically respond to noncompliance with community service mandates. Nearly half (48%) indicated there was no standard response, underscoring our earlier findings that approaches to community service are highly discretionary and may vary widely by jurisdiction. For the 207 courts that reported standard responses, nearly two-thirds (61%) reported that defendants receive a second chance to complete their original community service mandate or have their mandate converted back to fines and fees. A number of courts also reported issuing warrants (41%) and remanding defendants to jail (31%) in response to noncompliance. It’s worth noting that, depending on rates of noncompliance with community service mandates in individual jurisdictions, more punitive responses to noncompliance, such as jail remands or the conversion of mandates back to fines and fees, could undermine the commonly reported goal that community service should serve as an alternative to these types of sanctions.

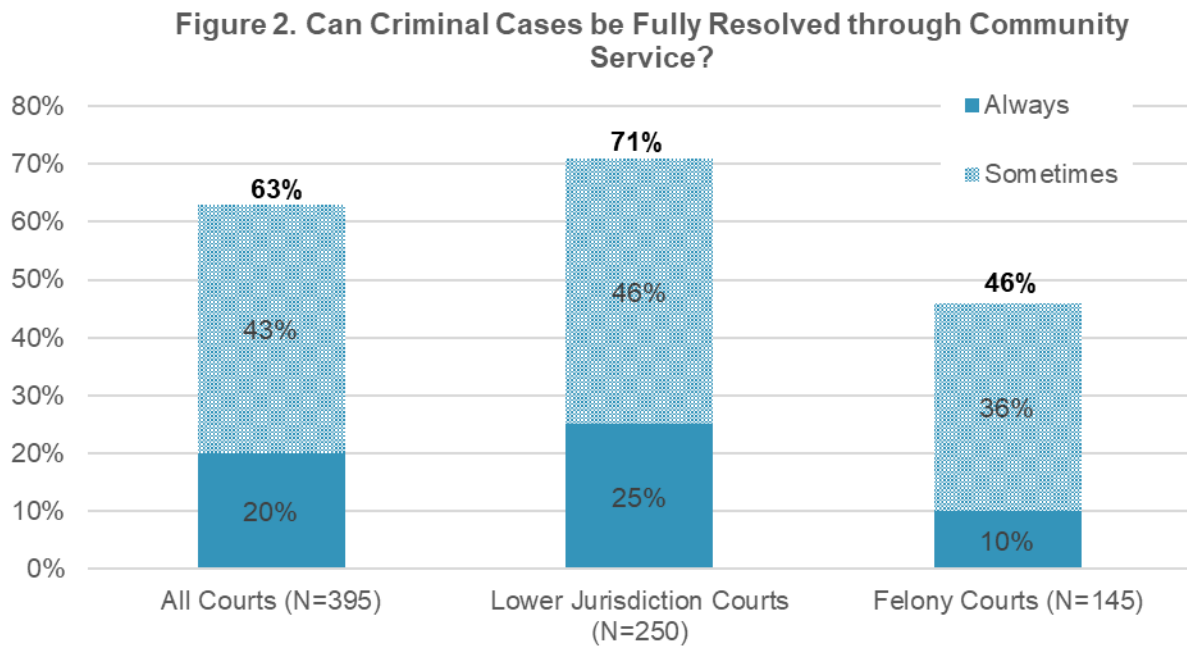
**Table 7. Responses to Noncompliance**

	N	396
No specific response		48%
Some specific response		52%
Defendant given a second chance		61%
Sentence converted to fines/fees		61%
Warrant issued		41%
Defendant remanded to jail		31%

Notes: Percentages do not add up to 100% as courts could report multiple response options. Percentages regarding specific responses to noncompliance reflect those courts that reported any specific responses (n=207).

## Community Service as a Sentencing Alternative?

As shown in Figure 2, less than half of all respondents (43%) indicated that a criminal case can “sometimes” be resolved with only a community service mandate, while only 20% reported that this was always possible. Unsurprisingly, courts with felony-level jurisdiction less frequently reported being able to fully resolve cases through community service.



*Note: Data is missing for 20% of lower jurisdiction courts and 24% of felony courts.*

Next, we asked respondents to describe how they typically use community service in conjunction with other mandates (Table 8). As shown, the use of community service mandates in combination with monetary sanctions was reported by four out of five respondents in our sample. Community service is also frequently combined with sentences to probation (66%) or other jail diversion programs (51%), particularly in courts with jurisdiction over felony cases. One out of three respondents also reported that community service could be intentionally combined with jail sentences.

**Table 8. Combination Sentences**

	Lower Jurisdiction Courts	Felony Courts	All Courts
N	245	145	390
Community Service + Fines and Fees	84%	79%	82%
Community Service + Probation	52%	78%	66%
Community Service + Other Diversion	40%	70%	51%
Community Service + Jail	28%	43%	34%

Note: Percentages do not add up to 100% as courts could report multiple response options.

### **Court Perspectives: The Benefits and Challenges of Community Service**

The widespread use of community service mandates by courts across the country suggests that court practitioners see practical benefits to these mandates. However, from the courts' perspective, the perceived benefits and challenges of community service mandates may not mirror those described in the policy or academic literature. To better understand the courts' perspective, we asked respondents to describe the “pros and cons” of community service mandates in their own words. Researchers coded the themes that emerged from the responses (e.g., “monitoring compliance is challenging”) and grouped them into common thematic categories (see Table 9) while preserving select quotes that were particularly salient.

The potential to reduce the negative impact of monetary sanctions was the most commonly identified benefit of community service. Thirty-nine percent of respondents answering this question described the ability to use community service to reduce court fines and fees and/or assist indigent defendants as a major strength. In the words of one respondent, “Community service provides an opportunity for defendants to disposed [*sic*] of their cases without putting a strain on their finances.” Other respondents frequently reported benefits included repairing harm to or “giving back” to the community (32%) and bettering the defendant—for instance, by improving their self-worth or teaching them a valuable skill (20%). Only a handful (7%) of respondents volunteered that community service mandates are an effective alternative to incarceration.

Respondents also described reasons that community service sentences can fail to live up to practitioner ideals and can be rife with practical challenges. The most common problem identified was a tendency for defendants to be noncompliant with community service mandates or to use the loose structure of community service mandates to exploit the system. One judge described challenges created by “some people try[ing] to take advantage of the system” by “falsify[ing] their proof” or by not “show[ing] up when told to.”

Another common challenge identified by respondents had to do with limitations of the community service programming itself, including a lack of diverse work options (20%). This latter issue intersected both with general concerns about program deficiencies and the more specific challenge that for some defendants who are theoretically eligible, community service is simply not a realistic option: “We are a small community and do not have lots of options for community service, but we do utilize it [whenever possible] because we are also a poor community. If the defendant is willing to do community service, the judge almost always takes this into consideration.”

Finally, a number of respondents identified operational and administrative hurdles for the court itself (e.g., responding to defendant noncompliance, length of time cases remain open) as an obstacle to effective use of community service in sentencing (14%).

**Table 9. Perceived Benefits and Challenges of Community Service Sentences**

	N	396
<b>Perceived Benefits</b>		
Reduces fines & fees/assists indigent defendants		39%
Repairs harm/gives back to community		32%
Improves the defendant (e.g., sense of self-worth)		20%
Holds defendants accountable		11%
Reduces incarceration		7%
<b>Perceived Challenges</b>		
Defendants take advantage/noncompliant with mandate		28%
Programmatic challenges (e.g., lack of service options, supervision)		20%
Practical Challenges (e.g., length of time to completion, administrative burden)		14%
Programs not tailored to defendants needs		4%

Notes: Data missing in 39% of courts (n=154) who did not respond the final open-ended question regarding the pros and cons of community service. Percentages do not add up to 100% as courts could report multiple response options.

## Discussion

Our findings confirm that community service mandates are a well-established aspect of sentencing practice in criminal courts across the United States, spanning urban and rural jurisdictions and felony and lower jurisdiction courts. At the same time, there appears to be significant room for expanded use of community service, as well as need for further development and professionalization of this field. At the moment, there is no definitive model of community service, with courts reporting a diverse range of eligibility standards and mandate lengths, and a largely ad hoc approach to the administration and oversight of service programs.

Community service sentences remain an intuitive, and potentially effective, alternative to the punitive use of monetary sanctions. Our findings suggest a recognition by courts across the country that monetary sanctions are inequitable and can have negative consequence for low-income defendants. The widespread use of community service mandates in current practice provides an infrastructure for building the evidence-based models that this field currently lacks. Most importantly, we found that with few exceptions, court actors *already* view reducing the negative impact of fines and fees as an important purpose for community service mandates.

A logical next step is to work intentionally toward improved models of community service. To this end, we draw on our findings to highlight some policy strategies and research directions that might facilitate improved practice.

### Policy Strategies

*Address Local Culture.* Our findings suggest that courts tend to view community service as a limited but “safe” sentencing option—one most appropriate for first-time offenders, youth, and those not facing challenges such as disability or mental illness. Some of our respondents suggested that community service is simply “not punitive enough” for more serious cases or defendants with prior convictions. This perspective is further reflected in the finding that—for those felony courts that may use community service in more serious cases—almost all reported only using it in conjunction with other sentences, including monetary sanctions, jail, and/or probation. Local stakeholders interested in expanding the use of community service may need to look for ways to challenge the notion that jail sentences or fines are inherently more punitive than public service work, and to highlight the potentially restorative or

rehabilitative aspects of community service. Courts might also consider establishing policies that allow for any case that can be partially or fully adjudicated via court fines and fees to instead have this aspect of the sentence translated to community service.

*Strengthen Connections Between Courts and Community Service Programs.* Under current practice, courts rarely administer or oversee community service program themselves, and primarily rely on defendants to identify providers and self-report compliance. As a result, many courts identified a lack of mechanisms for ensuring defendant accountability as a disincentive to using community service mandates. To make community service more palatable as a sentencing option, policymakers should consider strengthening supervisory and compliance monitoring structures, either by providing resources for courts to employ staff to monitor compliance or establishing court-reporting requirements for the agencies currently administering community service programs. Stronger connections between courts and community service providers could also reveal where gaps in the types of community service work available or the structure of mandates may be compromising the ability of some defendants to comply with community service mandates.

*Diversify Service Work Options.* Our findings demonstrate that community service sentences most often translate into manual labor, such as park or roadway clean up. While just over half of the courts in our sample reported that mandates to work with social service organizations are available, this type of work may also require a minimum level of physical or mental capacity—or access to resources such as transportation. To increase the potential for community service to function as an alternative to monetary sanctions for broadest possible range of defendants, courts should strive to expand community service options. More diverse service options, including those articulated by communities themselves, could also increase the likelihood that defendants and community residents will view community service mandates as meaningful, rather than as a “make work” exercise. Finally, with the growth of online case resolution, online community service options (e.g., e-learning or online administrative work) could conceivably mitigate many of the problems facing rural jurisdictions with fewer local service options or expand access for defendants with disabilities or scheduling challenges.

*Standardize Fine-to-Work Conversion Rates.* In courts across the country, there is little in the way of standards to dictate the length of community service sentences. More than two-thirds of courts reported that mandate lengths currently hinge on the discretion of an individual prosecutor or judge. For those courts currently using conversion formulas to determine the



number of community service hours, the most common strategy used is the conversion of fines and fees to work hours based on the local minimum wage. This approach can result in community service mandates that require onerously long terms of service work. In response, courts should consider developing methods to track average community service mandate length, and where long mandates are compromising compliance or other outcomes, establishing policy reforms. Some examples include establishing a maximum number of hours that can be imposed in any case or relying on a higher flat conversion rate.

## **Research Directions**

In keeping with prior studies of community service models, we find that while community service mandates are widely available in courts across regions and jurisdiction types, approaches to its use are diverse and there is currently little in the way of consensus regarding which types of cases are appropriate for community service, standards for determining mandate length or type, and strategies for responding to non-compliance. This portrait of current practice is only a first step toward establishing which approaches to community service are most effective for both defendants and communities. With respect to the potential for community service mandates to affect defendant outcomes, rigorously designed impact evaluations should assess the actual impact of community service sentences, either in terms of future arrests, accrual of criminal justice debt, or other collateral consequences (e.g., loss of employment or housing due to jail stays). Additionally, cross-site case studies of community service programs could reveal whether different approaches to community service mandates shape these outcomes or yield other qualitative benefits (community restoration, procedural justice, improved perceptions of the court system). Finally, studies regarding the experience of community service mandates from the perspective of defendants, community residents, or direct service providers are scarce and represent an important gap in our knowledge of the types of community service work or oversight models that might be most effective.

## References

The American Civil Liberties Union. 2010. *In for a Penny: The Rise of America's New Debtors' Prisons*. New York: The American Civil Liberties Union.

Anderson, David C. 1998. *Sensible Justice: Alternatives to Prison*. New York: New Press. Retrieved March 29, 2018 (<http://movies2.nytimes.com/books/first/a/anderson-justice.html>).

Bender, Alex, Stephan Bingham, Mari Castaldi, Elisa Della Piana, Meredith Desautels, Michael Herald, Endria Richardson, Jesse Stout, and Theresa Zhen. 2015. *Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California*. San Francisco: The Lawyers' Committee for Civil Rights of the San Francisco Bay Area.

Bouffard, Jeffrey A., and Lisa R. Muftić. 2007. "The Effectiveness of Community Service Sentences Compared to Traditional Fines for Low-Level Offenders." *The Prison Journal* 87(2), 171-194.

Colgan, Beth A. 2017. "Fines, Fees, and Forfeitures." *Academy for Justice: A Report on Scholarship and Criminal Justice Reform*, Erik Luna, ed. UCLA School of Law, Public Law Research Paper No. 17-25. Los Angeles: UCLA School of Law.

The Criminal Justice Policy Program at Harvard Law School. 2016. *Confronting Criminal Justice Debt: A Guide for Policy Reform*. Cambridge, MA: Harvard Law School.

Development Services Group. 2006. "Restitution/community service." Development Service Group, Bethesda, Maryland, 20814. Unpublished Manuscript.

Diller, Rebekah, Alicia Bannon, and Mitali Nagrecha. 2010. *Criminal Justice Debt: A Barrier to Reentry*. New York: The Brennan Center for Justice.

Harris, Alexes, Heather Evans, and Katherine Beckett. 2010. "Drawing Blood From Stones: Legal Debt and Social Inequality in the Contemporary United States." *American Journal of Sociology* 115(6):1753-1799.

Harris, Robert J., and T. Wing Lo. 2002. "Community Service: Its Use in Criminal Justice." *International Journal of Offender Therapy and Comparative Criminology* 46(4):427-444.

Hudson, Joe, and Burt Galaway. 1990. "Community service: toward program definition." *Federal Probation* 54: 3-9.

Klement, Christian. 2015. "Comparing the Effects of Community Service and Imprisonment on Reconviction: Results from a Quasi-experimental Danish Study." *Journal of Experimental Criminology* 11: 237-61.

Lee, Cynthia G., Fred L. Cheesman, David B. Rottman, Rachel Swaner, Suvi Lambson, Michael Rempel, and Ric Curtis. 2013. *A Community Court Grows in Brooklyn: A Comprehensive Evaluation of the Red Hook Community Justice Center*. Williamsburg, VA: National Center for State Courts.

McDonald, Douglas. 1986. *Punishment Without Walls: Community Service Sentences in New York City*. New Brunswick, NJ: Rutgers University Press.

Shaer, Matthew (2019). "How Cities Make Money by Fining the Poor." *The New York Times*, January 8. Retrieved April 29, 2019 (<https://www.nytimes.com/2019/01/08/magazine/cities-fine-poor-jail.html?login=email&auth=login-email>).

Muiluvuori, Marja-Liisa. 2001. "Recidivism among people sentenced to community service in Finland." *Journal of Scandinavian Studies in Criminology and Crime Prevention* 2 (1), 72-82.

Smith, Deborah W., Charles F. Campbell, and Blake P. Kavanagh, eds. 2017. *Trends in State Courts: Fines, Fees, and Bail Practices: Challenges and Opportunities*. Williamsburg, VA: The National Center for State Courts.

Spillane, Ed. 2016. "Why I Refuse to Send People to Jail for Failure to Pay Fines." *The Washington Post*, April 8. Retrieved March 29, 2019 (<https://www.washingtonpost.com/posteverything/wp/2016/04/08/why-i-refuse-to-send-people-to-jail-for-failure-to-pay-fines/>).

Tonry, Michael. 1999. "Community Penalties in the United States." *European Journal on Criminal Policy and Research* 7:5-22.

Tonry, Michael. 2017. "Community punishments." *Reforming criminal justice: A report of the Academy for Justice on bridging the gap between scholarship and reform*, 4, 187-204.

The United States District Court, Eastern District of Missouri, Eastern Division. *United States of America, Plaintiff, v. The City of Ferguson, Defendant: Consent Decree*. No. 4:16-cv-000180-CDP, 2016. Retrieved March 30, 2019 (<https://www.clearinghouse.net/chDocs/public/PN-MO-0002-0016.pdf>).

Wermink, Hilde, Arjan Blokland, Paul Nieuwbeerta, Daniel Nagin, and Nikolaj Tollenaar. 2010. "Comparing the Effects of Community Service and Short-Term Imprisonment on Recidivism: A Matched Samples Approach." *Journal of Experimental Criminology* 6(3):325-349.

Zatz, Noah, Tia Koonse, Theresa Zhen, Lucero Herrera, Han Lu, Steven Shafer, and Blake Valenta. 2017. *Get to Work or Go to Jail: Workplace Rights Under Threat*. Los Angeles: The UCLA Labor Center.

## Appendix A. Survey

[see next page]



















## Appendix B. Sample Weighting and Data Collection Schedule

**Data Collection Schedule**

	Data Collection Week																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Contact Strategy	5/19	5/26	6/2	6/09	6/16	6/23	6/30	7/7	7/14	7/21	7/28	8/4	8/11	8/18	8/25	9/1	9/8	9/15	9/22	9/29	10/6
Web invitation letter																					
1st Questionnaire Packet																					
Reminder postcard																					
1st Mass Email/Fax																					
2nd Questionnaire Packet																					
Phone Prompting																					
2nd Mass Fax/Email																					
3rd Mass Fax/Email																					
3rd Questionnaire Packet																					
4th Mass Fax/Email																					
Last Chance Postcard																					
5th Mass Fax/Email																					
Final/Last Day Mass Fax/Email																					
Data Collection Ends																					

**Population and Sample Size, Number of Completes, Response Rates and Weights by Stratum**

Region	Rural/Urban	Population Size	Sample Size	Number of Completes	Response Rate	Base Weights	Non-Response Adjustment	Final Weights
<b>Midwest</b>	Rural	1,632	158	76	48%	10.33	2.08	21.47
	Urban	1,814	176	72	41%	10.31	2.44	25.19
<b>Northeast</b>	Rural	667	65	22	34%	10.26	2.95	30.32
	Urban	2,115	205	47	23%	10.32	4.36	45.00
<b>Southeast</b>	Rural	1,579	153	68	44%	10.32	2.25	23.22
	Urban	2,572	248	94	38%	10.37	2.64	27.36
<b>Southwest</b>	Rural	1,377	133	57	43%	10.35	2.33	24.16
	Urban	2,142	207	95	46%	10.35	2.18	22.55
<b>West</b>	Rural	783	76	41	54%	10.3	1.85	19.10
	Urban	819	79	40	51%	10.37	1.98	20.48
	<b>Total</b>	<b>15,500</b>	<b>1,500</b>	<b>612</b>	<b>41%</b>	<b>10.33</b>	<b>2.45</b>	<b>25.33</b>

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