

**'Something from Nothing': Shifting Credibility in Community Correctional Programs in Australia.**

(in press, 2002) *Criminal Justice: the International Journal of Policy and Practice* 2.

**Mark Israel**

School of Law, Flinders University, GPO Box 2100, Adelaide, SA 5001, Australia. E-mail: [mark.israel@flinders.edu.au](mailto:mark.israel@flinders.edu.au); 618 8201 3673 (tel); 618 8201 3630 (fax)

**John Dawes**

School of Law, Flinders University, GPO Box 2100, Adelaide, SA 5001, Australia. E-mail: [jdawes@cobweb.com.au](mailto:jdawes@cobweb.com.au); 618 8294 7811 (tel and fax)

**Abstract**

Growth in the number and size of community corrections programmes in Australia has occurred despite concerns about the value of those programmes. In this article, we examine the debate that has occurred among researchers and practitioners about the credibility of community corrections following Martinson's apparent assertion in 1974 that 'nothing works' and investigate what little is known about the confidence that various groups in Australia are prepared to place in them.

**Key words**

Community corrections; credibility; 'nothing works', Australia

**Bibliographical note**

Dr Mark Israel is a Reader in the School of Law, Flinders University, Adelaide, Australia.

Dr John Dawes was the Chief Executive Officer of the South Australian Department of Correctional Services (1982-93). He is currently Senior Research Fellow in the School of Law, Flinders University, Adelaide, Australia.

**Word Count** - 7760

## **'Something from Nothing': Shifting Credibility in Community Correctional Programs in Australia.<sup>1</sup>**

### **Introduction**

In 1998, the Australian Labor Party in Victoria announced its interest in following the rest of Australia by developing a back-end home detention scheme if it came into government (Heggie, 1999). The scheme would be aimed at low risk offenders and was justified, variously, as a low-cost sentencing option that could reduce pressures on Victorian prisons, lowering reoffending and institutionalisation. In November 2000, having won the state election, the Labor government announced its intention to introduce legislation to enable a three year trial to begin in 2001.<sup>2</sup>

The scheme has been consistently derided by the Liberal Party in Victoria. In government in 1999, Liberal Premier Kennett rejected the idea declaring he had 'never heard of a more preposterous idea' - 'God, strewth, must be Christmas' (Hannan and Kermond, 1999). The State Attorney General, Jan Wade, also opposed home detention arguing it was not cost effective, posed a risk to the community, and had been criticised by women's groups as endangering women and children who lived with offenders. In Opposition in 2000, the new Liberal leader, Denis Napthine attacked Labor's scheme as 'soft on crime', 'nothing more than a cheap option' that would endanger community safety (Chappell, 2000; Shaw, 2000). Napthine told talkback radio that offenders who had been sentenced to jail should serve their time in jail.

The Liberal Party found some support for its position from organisations such as the Police Association and a small Victorian lobby group representing predominantly homicide victims which questioned the retributive value of allowing 'criminals to sit at home and watch videos all day' (Ferguson and Dargan, 2000). Newspaper editorials and readers' comments published

---

<sup>1</sup> The review of the research literature referred to in this article was conducted with the financial assistance of the South Australian Attorney-General's Department. We are also grateful to Dr John Tomaino for his help with the literature survey.

<sup>2</sup> The *Corrections and Sentencing Acts (Home Detention) Bill* (<http://www.dms.dpc.vic.gov.au/>) was introduced to the Victorian Parliament in April 2001. The Bill would allow a magistrate or judge to refer convicted offenders to a home detention programme at the beginning of a sentence. The Adult Parole Board would then assess a prisoner's eligibility. If eligible, and with the consent of the offender's family, a prisoner would serve the end of the sentence on home detention. The pilot order would involve, electronic tagging, drug and alcohol testing, restitution to victims, rehabilitation, education and training programmes. The Parole Board could return offenders to prison if an offender committed a serious breach of a condition of the order. The scheme would cater for 80 offenders at any one time. An amended bill passed its third reading in the Legislative Assembly in May. In June, the Legislative Council (Upper House) delayed passage of the Bill pending further consultation.

in local newspapers were also predominantly - though not uniformly - negative. As the Attorney General had noted, the scheme was also resisted by community legal service organisations. However, rather than opposing the scheme for being too lenient, these lawyers were concerned that home detention represented a form of net-widening since, as one argued, anyone safe enough to live at home would be safe enough to serve a less intrusive community-based option (George, 1999).

The ongoing Victorian home detention debate illustrates the difficulties that have surrounded the introduction and development of community corrections programmes in most Australian jurisdictions. The credibility of these programmes has been debated by academic researchers and by corrections professionals. At various times, programmes have come under attack from the media, political groupings and the public. In these assaults, community corrections programmes have been repeatedly characterised as merely 'a slap on the wrist' or, in the Australian idiom, as 'a bag of lollies'.

In general, correctional services have found it difficult to respond to such criticisms even where the criticisms appear to have little foundation. While these agencies have identified the low credibility of community corrections as a problem, increasing sophistication in policy analysis and implementation frameworks has not been matched by improved evaluation. Nevertheless, in the last few years, agencies have begun reviews of some of their programmes to identify what works, how, why, for whom and under what circumstances and to articulate clearer rationales for the programmes. Yet, even where programmes have been judged to be effective by Australian agencies, correctional services have had difficulty establishing the political credibility of such programmes.

In this article, we focus on the ideological struggle rather than the practical difficulties faced by community corrections. We examine the impact of the international debate on the credibility of community corrections, tracing what little is known about the confidence various groups in Australia have been prepared to place in such programmes. This issue is poorly explored within the Australian research literature and yet, as many politicians and administrators have noted, it is crucial if governments and agencies are to be given the opportunity to develop and maintain what may turn out to be effective programmes:

The problem is getting public support for these alternatives, and seeking that support can be a political risk because the public favours longer prison sentences as the main solution to crime prevention. Changing public attitudes depends on a skillful marketing strategy. (Graycar, 2000)

### **From 'Nothing Works' to 'Something Works'**

Martinson's (1974) analysis of over 200 studies of rehabilitation programmes in the United States was conducted at the height of positivism and, through this lens, the only meaningful outcome for corrections was deemed to be reduced or no recidivism despite the difficulty in defining recidivism and the problems of undertaking accurate research in this area. In a much quoted passage, Martinson (1974:25) reported that 'With few and isolated exceptions the rehabilitative efforts that have been reported so far have had no rehabilitative effect on recidivism.' Elaborated in Lipton et al. (1975), this view was dubbed 'Nothing Works' and, partly as a result of extensive media coverage (Palmer, 1978), received both widespread attention and considerable acceptance in the United States and United Kingdom (Mair, 1997a). Of course, we are not suggesting that the effects of Martinson may be generalised across jurisdictions. Indeed, it is less clear what impact 'Nothing Works' had in Australia. It is conceivable that the relatively late development of a broad range of community corrections in Australia in the late 1970s and early 1980s (Chan and Zdenkowski, 1986a) might have tempered both early enthusiasm and later disillusionment. However, most commentators – albeit without reference to specific supporting evidence – seem to suggest that Martinson had a significant impact on Australian penal discourses and practices.<sup>3</sup> For example, the 1987-88 Annual Report of the South Australian Department for Correctional Services (written by John Dawes) concluded that major Australian agencies had 'widely, if not totally accurately interpreted the results of research undertaken by Martinson and colleagues, as saying that "nothing works" in the field of correctional rehabilitation.' (1988:7)

In the United States, Martinson received some support from the meta-analysis of Whitehead and Lab (1989). Other proponents of meta-analysis have come to very different conclusions (Andrews et al, 1990; Lipsey, 1992) and the technique has been used to claim that treatment or rehabilitation does work and that community corrections programmes do therefore have value. However, the methodology of each of these strands of work has come under critical scrutiny (Hollin, 1995; Mair, 1995).

A further attack on community corrections came from a very different direction. Critiques of community corrections by writers such as Andrew Scull, Thomas Mathiesen and Stan Cohen became well-known to many Australian practitioners (Chan, 1992:15) and Australian researchers (for instance, Hills, 1976; Tomasic and Dobinson, 1979; Garton, 1988) as

---

<sup>3</sup> By 1980, the visiting American academic giving the John Barry Memorial Lecture in Melbourne felt confident enough to declare that Martinson had been partly responsible for burying the rehabilitative ideal in corrections (Dinitz, 1981; see also van Groningen, 1979:242-3; Sallmann, 1981:26; Broadhurst and Maller, 1990:88; Aungles, 1994:194; and Sarre, 2001 for brief comments on the effects of Martinson). Like many of the Australian discussions of Martinson at the time, it is not clear whether Dinitz was referring only to the United States, referring to American data to comment on Australia, or relying on unspecified Australian research to draw conclusions for Australia. Given the failure of many of these commentators to provide specific supporting evidence, this might be fertile ground for future research.

programmes were being developed. For example, Janet Chan and George Zdenkowski (1986b), in work originally undertaken for the Australian Law Reform Commission, reviewed the growth of community-based programmes in Australia. They noted concerns about the expansion and acceleration of control, the widening of discretionary power exercised by the state, and bifurcation. They concluded dryly that introduction of non-custodial penalties 'does not automatically lead to more humane and just punishment' (p.142).

More recently, several academic researchers have expressed greater optimism about the potential of community-based penalties (Gendreau and Ross, 1987; Genevie et al., 1986; McIvor, 1990; 1997; von Hirsch and Maher, 1992). This increased enthusiasm has also been apparent in Australia, though Paul Wilson warned that such optimism was often 'based on the rhetorical flair of enthusiasts... who are motivated by political expediency, blind faith and cost-benefit considerations' (1985:318). Nevertheless, as one researcher working in the field of young offenders argued, some Australians were prepared to attack Martinson's position: 'recent studies... make it increasingly apparent that the "nothing works" view is a rash generalisation' (Borowski, 1986:155). Some programmes may, in fact, achieve some success. In other words, something may work but it will take careful evaluation using well-defined criteria of effectiveness to demonstrate what kind of programme should be used, to what degree, with what offenders and within what kind of regime (Palmer, 1992; Mair, 1995; Pawson, 1997; Israel, 1999).

As a result, some academics are arguing that we might be able to specify some of the approaches that might work in particular circumstances. In their 1995 review, James McGuire and Philip Priestley attempted to distinguish clearly between what did not work and what appeared to work in some contexts. Based on the meta-analyses conducted by Andrews et al. (1990) and Lipsey (1992), McGuire and Priestley noted that little empirical evidence existed to support claims that recidivism had been reduced by programmes based on psychotherapeutic models - including those that have been used in individual casework counselling, medical models and punitive measures based on individual or general deterrence or incapacitation. In addition, they claimed that for punishment to change behaviour then it must be inevitable, immediate, severe, comprehensible and used to direct people towards alternative behaviours. They concluded that none of these conditions were met by contemporary criminal justice systems.

Instead, McGuire and Priestley suggested that programmes that were more effective in reducing reoffending were likely to recognise that: higher risk clients should receive more intensive services (risk classification); programmes should address those problems faced by the client that contributed to or supported reoffending (criminogenic needs); styles of workers should be matched to styles of clients while recognising that most offenders require active,

participatory methods of working (responsivity); the closer programmes were to clients' home environments, the more likely clients would be able to apply what they learn to their own lives (community base); most clients had a variety of problems and needed help with a range of skills (treatment modality); programme aims should be stated, linked to the methods being used, that programmes should be adequately resourced, staff should be appropriately trained and supported and the programme should be monitored and evaluated (programme integrity). These six issues have been identified by the British Home Office as 'critical success factors' against which current and planned programmes should be reviewed (Vennard et al., 1997). Such evaluation has rarely been conducted in Australia. The picture recently painted by the Office of the Correctional Services Commissioner in Victoria (1999) provides a fairly accurate portrayal of much of the rest of Australia: '...there are few impact evaluations of rehabilitation-focused programmes implemented by Victorian Corrections and even fewer scientifically and statistically valid impact evaluations that demonstrate their effectiveness in reducing offending behaviour.' (p.3)

According to McGuire and Priestley, many of the most promising programmes identified by the meta-analyses were based on behavioural, cognitive or cognitive-behavioural methods. For example, Robert Ross and his colleagues suggested that cognitive training – in problem solving, social skills, management of emotions, negotiation skills, critical reasoning, creative thinking and values enhancement – might increase the range of choices available to people whose usual response to problems lay in offending (Ross and Fabiano, 1985). After a series of reviews of intensive probation programmes in Canada (Ross et al., 1988), Ross developed a reasoning and rehabilitation programme which he found yielded reconviction rates over nine months which were significantly lower than in two control groups. The programme, though itself subject to critique (Pitts, 1992; Hannah-Moffatt and Shaw, 2000), became part of the 'Something Works' response to Martinson resulting in the development of programmes in the United Kingdom (Raynor and Vanstone, 1994), Mexico and Spain. By 1997, South Australia had introduced the Reasoning and Rehabilitation Cognitive Skills Program (South Australian Department for Correctional Services, 1996). Ross' work has been used in Western Australia (Social Systems and Evaluation, 1998) and most Australian jurisdictions have expressed some commitment to developing cognitive training programmes (see, for example, Office of the Correctional Services Commissioner, Victoria, 1999).

### **The Impact on Confidence**

The debates within the research community have interacted with other interests to influence attitudes in other spheres – staff working in community corrections, politicians, judges and the media – about the effectiveness of community-based penalties. Managers and practitioners in Australia have been under pressure to work efficiently with fewer resources and larger

caseloads while demonstrating through programme evaluation that their work has had a useful effect on the lives of offenders. However, as George Mair noted in the United Kingdom, many managers appear to fear results of evaluation. Consequently, the 'desire to be seen in the best possible light, to make exaggerated claims for projects, and to become defensive about work make evaluations difficult.' (Mair, 1997b:xxi)

One response adopted by correctional managers has been to fall into line, at least in terms of rhetoric, with the policies of the current political administration. During a climate of law and order politics, programmes that emphasise more punitive approaches may allow administrators to show their reduced tolerance for crime and disorder and share the law and order sentiments expressed by political masters. This has been the pattern in Australia with a revival in community corrections from the 1980s emphasising the development of punitive programmes such as community service and home detention rather than probation. Such programmes may fulfil bureaucratic and organisational needs by delivering more staff and more money, enhancing the esteem accorded to the service and the sense of self worth of professionals working in the area.

Lower down the organisational hierarchy, a wider range of attitudes may be more prominent. Staff probably hold diverse views about effectiveness: some staff may accept Martinson's reported claim that nothing worked - a view that has found favour among the Victorian Probation Review Committee (see Trotter, 1995); other officers may view the concept of effectiveness as so inherently nebulous that they remain sceptical that their work could be evaluated on those terms; a further group of probation officers may see effectiveness in terms of an ability to divert offenders from custody; others may measure their effectiveness in terms of the production of reports for courts.

This diversity of views is particularly troubling when one recognises that staff attitudes might play an important part in the success or failure of a programme. On the other hand, there are some signs that under the right conditions staff may take a more positive attitude to improving probation practice. This might occur when practitioners are confident of their own abilities and comfortable with the style of management adopted by their service. Some probation officers are paying more attention to evaluating their own practices, partly to maximise the usefulness of evaluation and partly because if they do not undertake the research, no-one else would. The interest has been fuelled by increasing confidence that some forms of interventions do work, as well as by the growing impact of demands for accountability in the public sector. In Western Australia, all new programmes have to state their objectives, how success or failure will be measured, what data needs to be collected to allow evaluation and how that data will be obtained (Daley, 1998). A commitment to evaluation in other states also appears to be present in the 1993 Review of the Role of Probation and Parole Officers in South Australia by the

Probation and Parole Review Committee and in the legislation that established the home detention programme in New South Wales. Despite such rhetoric, it has proved difficult to change practice. Recent external reviews of community corrections have found it difficult to obtain statistical evidence covering inputs to or outcomes of community corrections programmes (Pearson and Associates, 1999: 19; Arthur Andersen, 2000a: 3; 2000b: 9-10).

### *Political debate*

Somewhat surprisingly, not much analysis has been undertaken on the politics of community corrections. The little research that has been done only examines what has happened in a very particular political environment. Researchers have found that community-based programmes may provide easy targets for governments chasing popularity on the back of law and order campaigning. Criminologists in Australasia have documented the way that calls for tougher penalties with reduced opportunities for parole have formed a recurrent part of law and order debate (Brown, 1988; Hogg and Brown, 1998). It is not difficult to imagine why. In periods where the public is in a retributive mood, the prison sentence provides an important symbol of public rebuke of particular kinds of conduct. Unfortunately, as Hogg and Brown (1998:39) noted: 'The short-term exploitation of popular concerns and expectations can turn into a long-term disaster in public policy as expectations are fuelled which simply cannot be met by a simplistically punitive penal policy.' During such periods, it is difficult for any politician to argue for a balanced approach to criminal justice policy. As Ashworth and Hough (1996) note sadly in the United Kingdom, 'balanced' can become a synonym for 'soft'. Unfortunately, little attention has been paid to the effect of law and order campaigns on community-based programmes in Australia.

### *Media*

There has been almost no research on the way the media portray community-based penalties. However, some lessons about the production of media stories in this context may be drawn from the more general criminological literature. For example, the media offer a distorted picture of the levels and kinds of crime committed (Lippman, 1978). As a result, a majority of sentences reported in the media appear to concern imprisonment despite the fact that most sentences are non-custodial.

One of the more important studies of media coverage of crime in Australia was undertaken by Grabosky and Wilson (1989). They suggested that journalists were indifferent towards corrections, ill-informed about correctional issues and saw good news about corrections as no news (Brown, 1987; Wilson, 1988). Although the authors did not discuss community-based programmes, they did point out that coverage of prison issues was hindered by '...the

ignorance displayed by many journalists concerning the prison system... [which] reflected the views of top management on the newsworthiness of prison issues... [and] a lack of interest on the part of reporters.' (Grabosky and Wilson, 1989:64)

Israel (2000) reviewed coverage of community corrections by the South Australian press between 1995 and 1998. He found that much of the coverage of community service orders in South Australian newspapers *has* been positive, featuring stories about how the work undertaken by adults serving community service orders benefited the community and was worth about \$4 million per year to the state. However, he also reported that South Australia's daily and Sunday newspapers consistently published articles that questioned the use of community service orders as a sentence in particular cases and highlighted failure to complete community service orders. Although never advocating the abolition of community service orders, the newspapers portrayed orders as soft options.

### *Public Satisfaction*

Responding to the American legislative focus on imprisonment as the major form of punishment, Joan Petersilia (1995) urged correctional services to 'regain the public's trust that probation and parole can be meaningful, credible sanctions' (p.488) so that they might help create 'a public climate to support reinvestment in community corrections' (p.490). American prosecutors, judges and corrections officials seem to have believed that this would be a difficult task (DeJong and Franzen, 1993). It is difficult to know whether similar problems exist in Australia.

Of course, public opinion should not be reduced to officials' perception of public opinion – indeed, several studies have revealed significant differences between the two (Indermaur, 1990). Consequently, various attempts have been made to ask samples of the general public in Australia what they think about punishment. Unfortunately, '...the data indicate varying and often contradictory results, and the studies concerned are often methodologically flawed or contested... much depends on whom you ask, when and about what (and of course how...).' (Tomaino, 1998:19)

Based on research on public attitudes to sentencing, a case could be made that the general public in Australia want courts to impose tougher sentences (see, for example, Audience Development Australia, 1995, and the *Sunday Mail's* survey reported in Israel, 2000). However, other surveys do not seem to support such an image of a vengeful public (Galaway, 1984; Tomaino, 1998).

Support for community corrections programmes can be found in Indermaur's study (1990). Indermaur asked a sample of Perth residents what should be done about prison overcrowding. Forty-five per cent suggested that alternatives to prison such as probation, restitution, community service orders and fines should be pursued. Thirty-four per cent were in favour of building more prisons while 18 per cent suggested that the government should pursue both possibilities. Indermaur found that there was considerable support for specific proposals for community-based sentencing options: 70 per cent preferred fine defaulters to undertake community service rather than go to prison; 75 per cent wanted offenders with prison sentences of under three months to do a special course instead.

Alternative methods of exploring the public's views on sentencing have been employed. People may be more willing to express highly punitive views in focus groups, views that do not appear in survey research. One of the few attempts in Australia to elicit public opinion in this way was undertaken in Victoria by the Victorian Community Council Against Violence (1997). The Council used a range of methodologies which included issuing invitations for submissions, holding public hearings and running 16 focus groups. The focus groups were asked what they knew about community corrections programmes. The Council found that most participants were aware of the programmes but had little knowledge of the way they operated or were administered. Some participants explained that they had an impression from media reports that the administration of the programmes might be ineffective and that offenders were treating them as an easy option. This view was endorsed by some of the written submissions. As we noted, similar attitudes were expressed two years later during the debate about home detention in Victoria.

It seems that the level of information available is critical to public attitudes to sentencing. In general, the less information people have about any particular case, the more likely they will adopt a punitive attitude. For example, Tomaino (1998) surveyed a sample of the general public in Victoria. He found that when members of the public were provided with further information about various sentencing options, they were far more willing to prefer non-custodial to custodial sanctions in a broad range of hypothetical cases. The reduced preference for imprisonment occurred even in cases involving murder or armed robbery.

There has been a tendency in the public opinion literature to treat the public as one mass distinguished as individuals on the basis of demographic characteristics. However, a more reasonable view of the public is one that acknowledges the diversity of community and sectional interests. Some sections of the public have been allowed only minimal involvement in the organisation of community corrections programmes despite the fact that their members comprise a disproportionately large number of people who are processed by the criminal justice system. Clearly, any measure of public satisfaction with such options has to pay particular

attention to the views of indigenous communities. A report to the South Australian Department of State Aboriginal Affairs (Planning Advisory Services and Chris Larkin, 1995) found that Aboriginal communities in general, and indigenous offenders in particular, had very little knowledge of community corrections programmes and that this might be acting as a barrier to their use. An evaluation of an intensive intervention centre for persistent offenders in Western Australia (Social Systems and Evaluation, 1998) also found that most members of the Metropolitan Commission of Elders which represented indigenous people had no knowledge of either the Centre or the Aboriginal Family Supervision Program run by the Ministry of Justice. The consultant concluded that the Aboriginal community had not been consulted sufficiently nor kept fully informed about the programmes.

In the late 1980s, a report was written by Denise Kirk for the South Australian Department of Correctional Services (Kirk, nd) about the possibilities of establishing community service programmes in the Anangu Pitjantjatjara Lands in the remote north-west of the state. She found that each of the communities that lived on the Lands favoured the establishment of community-based programmes as long as the programmes continued to be organised on the basis of consultation with each one of the communities, that each community could appoint its own supervisor, that Community Councils decided where offenders were to work, that offenders would be incorporated into existing work programmes already functioning within the community, that female and male offenders worked in separate areas, that the programmes operated for one week each month, and that ceremonies, funeral, special occasions, important meetings and community functions be deemed valid reasons for absence from the community service programmes.

The evidence on public reactions to community-based programmes is therefore quite mixed. However, the surveys in Western Australia and Perth that suggest that the vast majority of Australians support the use of such programmes in particular circumstances are encouraging and community corrections have discovered that particular communities might support such programmes if they are consulted properly, kept informed about the programmes or are allowed to take some control over the organisation of the programmes. These signs are significant because, as Raynor and Vanstone (1994) have argued in the United Kingdom, community-based offending programmes must be viewed as credible by the public if innovative programmes are to survive: 'Unless a community recognises or accepts the premise that a change in corrections is needed, is affordable, and does not conflict with its sentiments regarding just punishment, an innovative project has little hope of surviving, much less succeeding.' (Petersilia,1990:144) While Joan Petersilia's comment was grounded in an American experience, such a conclusion may be warranted in Australia.

*Offender Satisfaction*

There has been little analysis of the views of Australian offenders towards their sentences. Some research on the views of offenders has been undertaken in Victoria by Trotter (1992) and Tomaino and Kapardis (1996). Trotter investigated the perceptions of 68 clients undertaking parole or community based orders. The offenders reported that they were generally happy with the supervision that they received, felt supported by (88 per cent) and received encouragement from (91 per cent) their supervisors.

Tomaino and Kapardis examined attitudes to Intensive Correction Orders. These orders were introduced into Victoria in 1992 and required offenders to attend community corrections centres for 12 hours per week. Some orders also prescribed special programmes for particular kinds of offenders. The researchers sampled 100 people who attended centres. The sample (predominantly men) was broadly representative of the group who received Intensive Correction Orders. Fifty-eight per cent thought that the orders were better than prison though 60 per cent disliked them because they were too demanding and time consuming. Most offenders did not see the orders as a soft option (88 per cent) and felt positively about the orders because the community work helped them get off alcohol and drugs (57 and 62 per cent), avoid the wrong people (66 per cent), improve relationships with people (69 per cent) and avoid reoffending (75 per cent). While offenders did not believe that the work helped their employment prospects (85 per cent), only 16 per cent believed that the work served no purpose.

Little has been written about the credibility of community corrections programmes among Aboriginal offenders. In Western Australia, Wilkie (1991) found that while indigenous people were over-represented among people sentenced to community-based programmes, the level of over-representation was lower than that for imprisonment. Wilkie was particularly disappointed to find that more use was not being made of Work and Development Orders for Aboriginal fine-defaulters. Although she speculated that there might be a wide range of reasons for the failure to use the order, the Manager of the Department of Corrective Services' Development and Advisory Services suggested that indigenous offenders preferred to get their punishment 'over and done with' by electing to go to prison or do their time in a police lock-up. We know little about the views of participants in programmes in other states. In South Australia, Denise Kirk (nd) reported that Indigenous offenders involved in community service programmes in the late 1980s at Yalata, a remote community in the west of the state, were 'reasonably enthusiastic about the concept, taking pride in some of their achievements'. In short, contrary to the suggestion made in Western Australia, offenders saw the building of playgrounds, brush shelters and an airstrip as better than going to prison.

Even less is known about the attitudes of female offenders. In Victoria, Christine Alder and Anne Edwards (1992) interviewed and surveyed women who were being supervised by the

Community Corrections Division of Victoria's Office of Corrections. Women made up only 20 per cent of the Division's clients. In general, the 23 women who were interviewed and the 49 who were surveyed approved of community-based orders, believing that such orders offered them the opportunity to learn new skills, rebuild their self-esteem and gain friendship with and support from other people who were in similar positions. However, some women had found unpaid community work to be boring and felt that they were being discriminated against and exploited by their workplace supervisors. Most women had performed gender-traditional work such as sewing, cleaning or child-minding and, while some women preferred this, others wanted to work outside, take educational courses or learn what were traditionally male skills.

The women in the sample thought that community-based orders were better than the alternatives. For example, 86 per cent of the sample agreed that the orders were better than jail. Often, this view was based on the fact that community-based orders meant that mothers would not be separated from their children. Sometimes, offenders preferred the orders to jail because community-based orders did not carry the stigma of a prison sentence or impose the difficulties associated with reintegration after release from prison. Again, many of the women who were surveyed preferred community-based orders to fines, often because they were unable to pay fines.

However, almost 60 per cent had found orders to be a 'hassle', in part because there were too many appointments to meet. Women with drug addictions, child-care responsibilities and those without their own transport experienced particular difficulties. As a result, respondents made several suggestions to improve community corrections. These included: the provision of a wider variety of work; establishment of child care facilities at or close to community corrections offices; siting offices close to public transport; fewer changes of supervisors; and the improvement of skills possessed by community correctional officers.

#### *Sentencer Confidence*

Very little research has been undertaken in Australia on sentencer confidence in community-based programmes. One of the few studies to investigate the views of Australian judges and magistrates was conducted by Rohan Bray and Janet Chan (1991) for the Judicial Commission of New South Wales. Bray and Chan interviewed 18 District Court judges and 22 magistrates in 1989 to obtain their views on the use of community service orders and periodic detention. The magistrates were chosen by random selection but the judges were selected by the Chief Judge of the District Court. The researchers found that 75 per cent of sentencers in the admittedly small sample viewed community service as an alternative to imprisonment that made a positive contribution to the rehabilitation or education of offenders. However, it also seemed that some sentencers saw community service as lower down on the tariff than imprisonment, viewing it

as an alternative to other non-custodial options such as fines. This might explain why increased use of Community Service Orders has not necessarily meant a reduction in imprisonment rates (Bray, 1990).

Magistrates were less likely to exclude offenders from community service on account of the offence committed while judges were more likely to view the option as inappropriate for serious drug offences, serious sexual assault or armed robbery. The perception of community service as a harsh or soft option depended on the kind of case load that the sentencer handled. Judges dealt with more serious offences and therefore saw community service as a 'softer' option for cases where there were special mitigating circumstances that would allow the offender to avoid imprisonment. On the other hand, magistrates dealt with less serious offences and perceived community service more positively. Seventy-five per cent of sentencers had a generally favourable attitude towards community service orders. None of the judges and only two of the magistrates expressed unfavourable views arguing that the order had definitely not achieved its objectives. Most sentencers had no preference for the kind of work they wanted to see done as part of community service, though 35 per cent wanted the work to benefit the community. Despite the overall satisfaction with the use of community service orders, 31 per cent of the sample confessed that they had no idea what offenders sentenced to community service actually did. None of the city magistrates in the sample indicated that they had substantial knowledge of the kind of work done. Again, about one-third of the sentencers had no knowledge of the completion rates for community service orders.

The review of community corrections in Victoria by Arthur Andersen (2000b) consulted five County Court judges, one justice of the Supreme Court (who was also a member of the Adult Parole Board), and four members of the Magistrates' Court. In addition, the study solicited feedback from groups of magistrates at eight different locations. The report reveals little of these discussions. Magistrates reported that they saw community corrections as under-resourced, and lacking experienced staff. They also believed that the service had a limited ability to manage high risk offenders. Some sentencers were concerned about the rigidity of some sentences (Intensive Corrections Orders, and Combined Custody and Treatment Orders) while others believed that there were gaps in current options (seeking short-term containment for offenders who posed a risk to themselves or the community due to drug or alcohol abuse). Like the New South Wales sentencers interviewed by Bray and Chan, the Victorian judiciary also had little knowledge of any successes claimed by community corrections.

Neither Bray and Chan nor the recent Victorian report (Arthur Andersen, 2000b) discovered whether sentencers' use of community-based programmes changed according to the gender of the offender. This is disappointing given that United Kingdom-based researchers have

suggested that male magistrates felt ambivalent about giving community service orders to women (Worrall, 1995).

### *Victim Satisfaction*

The rights and needs of victims do not play a key part of the work of correctional services in Australia. However, victims do have several reasons to be interested in the work of correctional services – some want protection through the incapacitation, or rehabilitation of offenders, others want restitution, and a further group may want retribution.

Several Australian groups that have acted as advocates for victims have claimed that their constituencies are in favour of tougher penalties for offenders (Harding, 1994). Nevertheless, it is not entirely clear from various North American and European studies that victims are any more punitive than other members of the public (Elias, 1993). Unfortunately, this type of research has not been undertaken in Australia.

### *Community Organisation Satisfaction*

Voluntary organisations might derive significant benefit from acting as placement agencies for offenders undertaking community service. Community service might offer a way of getting work done for free – though the principle of user pays operating in some states means that most placement agencies meet the cost of supervisors and materials. The programme might also enhance the status of the organisation in the community. In principle, ‘assisting in the struggle of resocializing deviant individuals into acceptable citizens can help to justify their existence.’ (Vass and Menzies, 1989:265).

In Western and South Australia, correctional agencies have established Community Service Supervision Agreements with several indigenous communities. Under these contracts, the state government pays participating Aboriginal communities to manage the supervision orders of locally resident offenders. The schemes were devised to offer indigenous communities a greater role in the decision-making processes that affected offender management. Communities could decide whether to accept a particular offender, who would supervise that offender and, to some extent, how supervision would be undertaken. In doing so, communities would be helped to develop management, negotiation and relationship skills and attain a better understanding of the criminal justice system. In Western Australia, by 1996, agreements had been signed with about 40 remote communities scattered through the Kimberley, Pilbara and Eastern Goldfields/Central Desert regions (Daley, 1996). Community agreements were not developed in metropolitan areas where an Aboriginal family supervision programme using paid mentors was preferred (Ozanne, 1996; Senior and Wooller, 1998). By 1998, community agreements had

been reached in South Australia with Dunjiba (Oodnadatta), and Amata, Ernabella, Mimili, Indlkana and Fregon in the Anangu Pitjantjatjara Lands (Kerrish and Kingham, 1998).

There has been no formal evaluation of the success or otherwise of the agreements. Clearly, local indigenous organisations must see these programmes as credible if these agreements are to succeed and staff at the Ministry of Justice in Western Australia believed that the rate at which new communities had joined the programme suggested that they did see some value in having a primary role in the management of offenders (Daley, 1996).

## **Conclusion**

Community-based programmes for offenders have faced a significant credibility problem in North America, the United Kingdom and Australasia. It has taken over two decades for confidence in such programmes in North America to recover from Martinson's attack. Many academic researchers are now far more optimistic that some programmes may work for some offenders under some conditions. While there may have been renewed interest among academics, including those based in Australia, the view that 'nothing works' has entered beliefs held within the wider community about what should be done about offenders. Although all Australian jurisdictions have established community corrections programmes, the apparently negative response in Victoria to the development of even a punitive sanction such as home detention is not uncommon.

The media has not played a part in encouraging members of the public to view community programmes with favour. At best, journalists have ignored these programmes. At worst, they have fanned fears of crime and fed law and order responses by encouraging people to believe that community-based programmes are 'soft' on offenders. Yet, it appears that the majority of the Australian public might support alternatives to prison if provided with information about the circumstances of the offence or the consequences of increasing levels of imprisonment.

Despite the limited nature of Australian-specific research on the effectiveness and credibility of community corrections, there are also signs that the growing confidence among researchers has parallels elsewhere. It seems that probation officers may view changes in their practice quite positively if they feel that they are in charge of the changes. Again, it is possible that measures that increase the stake that community organisations and remote communities consider that they have in community-based programmes might improve the credibility of the programmes. Governments interested in developing their community corrections programs as an alternative to custody might take heart from this.

## **References**

Alder, Christine and Anne Edwards (1992) *'Better than Jail': Women's Perceptions of Community Based Orders*. Melbourne: Office of Corrections.

Andrews, Don A., Ivan Zinger, Robert D. Hoge, James Bonta, Paul Gendreau, and Francis T. Cullen (1990) 'Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis', *Criminology* 28:369-404.

Arthur Andersen (2000a) *Community Correctional Services Review: Issues Paper*, 8 September 2000. Melbourne: Arthur Andersen.

Arthur Andersen (2000b) *Review of Community Correctional Services in Victoria: Final Report to the Office of the Correctional Services Commissioner, Department of Justice*. Melbourne: Arthur Andersen.

Ashworth, Andrew and Michael Hough (1996) 'Sentencing and the Climate of Opinion', *Criminal Law Review* 776-787.

Audience Development Australia (1995) *Survey of Public Attitudes Towards Crime and Punishment*. Commissioned by national television programme *A Current Affair*.

Aungles, Ann (1994) 'The Prison and the Home', *Institute of Criminology Monograph Series* 5. Sydney: Institute of Criminology.

Borowski, Allan (1986) 'Programmes for Violent Juvenile Offenders: What Works?', *Australian and New Zealand Journal of Criminology* 19:155-162.

Bray, Rohan (1990) 'The Use of Custodial Sentences and Alternatives to Custody by NSW Magistrates', *Monograph Series* 1. Sydney: Judicial Commission of New South Wales.

Bray, Rohan and Janet Chan (1991) 'Community Service Orders and Periodic Detention as Sentencing Options', *Monograph Series* 3. Sydney: Judicial Commission of New South Wales.

Broadhurst, R.G. and Maller, R.A. (1990) 'The Recidivism of Prisoners Released for the First Time: Reconsidering the Effectiveness Question', *Australian and New Zealand Journal of Criminology* 23:88-104.

Brown, David (1987) 'Preconditions for Sentencing and Penal Reform in New South Wales: some Suggestions towards a Strategy for Contesting an Emerging Law and Order Culture', in *Sentencing in Australia*, Australian Institute of Criminology and Australian Law Reform Commission Proceedings 13. Canberra: Australian Institute of Criminology.

Brown, David (1988) 'Post Election Blues: Law and Order in NSW Inc.', *Legal Service Bulletin* 13:99-104.

Chan, Janet B.L. (1992) 'Doing Less Time: Penal Reform in Crisis', *Institute of Criminology Monograph Series* 2. Sydney: Institute of Criminology.

Chan, Janet and George Zdenkowski (1986a) 'Just Alternatives - Part I', *Australian and New Zealand Journal of Criminology* 19, pp.67-90.

Chan, Janet and George Zdenkowski (1986b) 'Just Alternatives - Part II', *Australian and New Zealand Journal of Criminology* 19, pp.131-154.

Chappell, Trevor (2000) 'Home Detention Needed to Ease Overcrowding - Minister', *AAP General News (Australia)*, 13 November 2000.

Daley, David (1996) *Aboriginal Community Supervision Agreements in Western Australia*. Paper presented to the Aboriginal Offender Management Initiatives Joint Workshop, Alice Springs, 21-22 August 1996.

Daley, David (1998) *Address to the Inaugural General Meeting of the Probation and Community Corrections Officers Association*. Sydney, 12 March 1998.

DeJong, William and Stan Franzeen (1993) 'On the Role of Intermediate Sanctions in Corrections Reform: the Views of Criminal Justice Professionals', *Journal of Crime and Justice* 16:47-73.

Dinitz, Simon (1981) 'Are Safe and Humane Prisons Possible', *Australian and New Zealand Journal of Criminology* 14:3-19.

Elias, Robert (1993) *Victims Still*. Newbury Park, CA: Sage.

Ferguson, John and Felicity Dargan (2000) 'Wives to get jail Veto', *Herald Sun* 14 November 2000, p.8.

Galaway, Burt (1984) 'A Survey of Public Acceptance of Restitution as an Alternative to Imprisonment for Property Offenders', *Australian and New Zealand Journal of Criminology* 17:108-117.

Garton, Stephen (1988) 'The State, Labour Markets and Incarceration: as Critique', in M. Findlay and R. Hogg (eds.) *Understanding Crime and Criminal Justice*, pp.309-335. Sydney: Law Book Company.

Gendreau, Paul and Robert R. Ross (1987) 'Revivication of Rehabilitation: Evidence from the 1980s', *Justice Quarterly* 4:349-407.

Genevie, Louis, Eva Margolies, and Gregory L. Muhlin (1986) 'How Effective is Correctional Intervention?', *Social Policy* 16:52-7.

George, Amanda (1999) 'Too Many Risks in Home Detention', *The Age*, 30 January 1999, p.10.

Grabosky, Peter and Paul Wilson (1989) *Journalism and Justice: How Crime is Reported*. Sydney: Pluto.

Graycar, Adam (2000) *Contemporary Challenges in Community Corrections*. Paper presented at the Northern Region Community Corrections Regional Conference, Cairns, Queensland, 8 June 2000.

Hannah-Moffatt, Kelly and Margaret Shaw (2000) 'Thinking about Cognitive Skills? Think Again!', *Criminal; Justice Matters* 39, pp.8-9.

Hannan, Ewin and Clare Kermond (1999) 'Premier Scorns Tags for Convicts: Kennett says tracking devices would be better used on Labor MPs', *The Age*, 20 January 1999, p.8.

Harding, Richard (1994) 'Victimisation, Moral Panics, and the Distortion of Criminal Justice Policy', *Current Issues in Criminal Justice* 6:27-42.

Heggie, Kyleigh (1999) *Review of the NSW Home Detention Scheme*. Sydney: New South Wales Department of Corrective Services.

Hills, N.F. (1976) 'Community Service Orders: a Pseudo Alternative to Imprisonment', *Alternative Criminology Journal* 1(3):46-49.

- Hogg, Russell and David Brown (1998) *Rethinking Law and Order*. Sydney: Pluto.
- Hollin, Clive R. (1995) 'The Meaning and Implications of Programme Integrity', in J. McGuire (ed.) *What Works: Reducing Offending*, pp.195-208. Chichester: John Wiley.
- Indermaur, David (1990) *Perceptions of Crime Seriousness and Sentencing: a Comparison of Court Practice and the Perceptions of a Sample of the Public and Judges*. Canberra: Criminology Research Council.
- Israel, Mark (1999) 'Community-Based Offender Programs - Literature Review', in Jenny Pearson and Associates (eds.) *Review of Community-Based Offender Programs: Final Report*. Prepared for the South Australian Minister for Justice. Adelaide: Attorney-General's Department.
- Israel, Mark (2000) "'What Works" with South Australian Newspapers?', *Current Issues in Criminal Justice* (Australia) 12(2):227-232.
- Kerrish, Paul and Paul Kingham (1998) *Community Supervision Agreements, Remote Aboriginal Communities, Pitjantjatjara Lands, January-June 1998*. South Australian Department for Correctional Services Northern Country Region. Unpublished Report.
- Kirk, Denise (nd) *The Establishment of Community Service Programs in the Anangu Pitjantjatjara Lands*. Unpublished Report for Department of Correctional Services, Port Augusta.
- Lipsey, Mark W. (1992) 'Juvenile Delinquency Treatment: a Meta-Analytic Inquiry into the Variability of Effects', in T.D. Cook, H. Cooper and D.S. Cordray (eds) *Meta-Analysis for Explanation: a Casebook*, pp.83-127. New York: Russell Sage Foundation.
- Lipton, Douglas, Robert Martinson and Judith Wilks (1975) *Effectiveness of Correctional Treatment: a Survey of Treatment Evaluation Studies*. Springfield, Mass.: Praeger.
- Mair, George (1995) 'Evaluating the Impact of Community Penalties', *University of Chicago Law School Roundtable* 2:455-74.
- Mair, George (1997a) 'Community Penalties and the Probation Service', in M. Maguire, R. Morgan, and R. Reiner (eds.) *The Oxford Handbook of Criminology* (2nd ed.), pp.1195-1232. Oxford: Clarendon.
- Mair, George (1997b) 'Introduction', in G. Mair (ed.) *Evaluating the Effectiveness of Community Penalties*, pp.xviii-xxiv. Aldershot: Avebury.
- Martinson, Robert (1974) 'What Works? Questions and Answers about Prison Reform', *Public Interest* 35:22-54.
- McGuire, James and Philip Priestley (1995) 'Reviewing 'What Works: Past, Present and Future'', in J. McGuire (1995) (ed.) *What Works: Reducing Offending*, pp.3-34. Chichester: John Wiley.
- McIvor, Gill (1990) *Sanctions for Serious or Persistent Offenders: a Review of the Literature*. Social Work Research Centre: University of Stirling.
- McIvor, Gill (1997) 'Evaluative Research in Probation: Progress and Prospects', in G. Mair (ed.) *Evaluating the Effectiveness of Community Penalties*, pp.1-18. Aldershot: Avebury.
- Office of the Correctional Services Commissioner, Victoria (1999) *Issues Paper on 'Effective Rehabilitation' arising from the Offender Program Review Forum held on 19 October 1999*. Melbourne: Office of the Correctional Services Commissioner.

Ozanne, Ian P. (1996) *Aboriginal Family Supervision Program*. Paper presented to the Aboriginal Offender Management Initiatives Joint Workshop, Alice Springs, 21-22 August 1996.

Palmer, Ted (1978) *Correctional Intervention and Research: Current Issues and New Directions for Research*. Albany, NY: SUNY.

Palmer, Ted (1992) *The Re-emergence of Correctional Intervention*. London: Sage.

Pawson, Ray (1997) Evaluation Methodology: Back to Basics', in G. Mair (ed.) *Evaluating the Effectiveness of Community Penalties*, pp.151-173. Aldershot: Avebury.

Pearson and Associates (1999) *Review of Community-Based Offender Programs: Final Report*. Prepared for the South Australian Minister for Justice. Adelaide: Attorney-General's Department.

Petersilia, Joan (1990) 'Conditions that Permit Intensive Supervision Programs to Survive', *Crime and Delinquency* 36:126-45.

Petersilia, Joan (1995) 'A Crime Control Rationale for Reinvesting in Community Corrections', *The Prison Journal* 75:479-496.

Pitts, John (1992) 'The End of an Era', *Howard Journal of Criminal Justice* 31:133-49.

Planning Advisory Services and Chris Larkin (1995) *Barriers to Alternatives to Custody*. Report to South Australian Department of State Aboriginal Affairs.

Raynor, Peter and Maurice Vanstone (1994) 'Probation Practice, Effectiveness and the Non-Treatment Paradigm', *British Journal of Social Work* 24:387-404.

Ross, Robert R. and Elizabeth A. Fabiano (1985) *Time to Think: a Cognitive Model of Delinquency Prevention and Rehabilitation*. Johnson City: Academy of Arts and Sciences.

Ross, Robert R., Elizabeth A. Fabiano and C.D. Ewles (1988) 'Reasoning and Rehabilitation', *International Journal of Offender Therapy and Comparative Criminology* 32:29-35.

Sallmann, Peter (1981) 'The Police and the Criminal Justice System', *Australian and New Zealand Journal of Criminology* 14:23-39.

Sarre, Rick (2001) 'Beyond "What Works?" A 25-year Jubilee Retrospective of Robert Martinson's Famous Article', *Australian and New Zealand Journal of Criminology* 34:38-46.

Senior, Sue and Brian Wooller (1998) *Aboriginal Family Supervision Programme*. Perth: Ministry of Justice.

Shaw, Meaghan (2000) 'Home Detention Raises Social Justice Fears', *The Age*, 14 November 2000.

Social Systems and Evaluation (1998) *An Evaluation of the Warminda Intensive Evaluation Centre: Report of an Evaluation conducted for the Ministry of Justice*. Perth: Social Systems and Evaluation.

South Australian Department for Correctional Services (1988) *Annual Report 1987-88*. Adelaide: Department for Correctional Services.

South Australian Department for Correctional Services (1996) *Cognitive Skills Development – Introducing the Reasoning and Rehabilitation Program, an Offenders Development Program*. Prepared by Strategic Services Division. Adelaide: Department for Correctional Services.

Tomaino, John and Andreas Kapardis (1996) 'A Criminological Study of the Use of Intensive Correction Orders in Victoria, Australia', *International Journal of Offender Therapy and Comparative Criminology* 40:63-73.

Tomaino, John (1998) *Revising Conventional Wisdom: the Impact of Informed Decision Making on Ranking Offence Seriousness and Penalty Severity in Victoria*. PhD Thesis, La Trobe University.

Tomasic, Roman and Dobinson, Ian (1979) *The Failure of Imprisonment: an Australian Perspective*. Sydney: Law Foundation of New South Wales and George Allen and Unwin.

Trotter, Christopher (1992) 'Client Perceptions of Community Based Corrections', *Criminology Australia* 3:18-20.

Trotter, Christopher (1995) *The Supervision of Offenders – What Works? A Study Undertaken in Community Based Corrections, Victoria. First and Second Reports to the Australian Criminology Research Council*. Melbourne: Monash University, Social Work Department.

van Groningen, John (1979) 'The "Other Side" of Prison Reform', *Australian and New Zealand Journal of Criminology* 12:241-246.

Vass, Antony A. and Ken Menzie, (1989) 'The Community Service Order as a Public and Private Enterprise', *British Journal of Criminology* 29:255-272.

Vennard, Julie, Darren Sugg, and Carol Hedderman (1997) *Changing Offenders' Attitudes and Behaviour: What Works?* Home Office Research Study No 171. London: Home Office.

Victorian Community Council Against Violence (1997) *Community Knowledge and Perceptions of Sentencing in Victoria: a Report of the Findings of the Consultations*. Melbourne: Victorian Community Council Against Violence.

von Hirsch, Andrew and Lisa Maher (1992). 'Can Penal Rehabilitationism be Revived?', *Criminal Justice Ethics*, 11:25-30.

Whitehead, John T. and Steven P. Lab (1989) 'A Meta-Analysis of Juvenile Correctional Treatment', *Journal of Research in Crime and Delinquency* 26:276-95.

Wilkie, Meredith (1991) 'Aboriginal Justice Programs in Western Australia', *Research Report 5*. Perth: Crime Research Centre, University of Western Australia.

Wilson, Paul R. (1985) 'Community-based Programmes for Juvenile Offenders', in A. Borowski, and J.M. Murray, (eds.) *Juvenile Delinquency in Australia*, pp.316-327. Sydney: Methuen.

Wilson, Paul R. (1988) 'How Reporters Cover Corrections', in D. Biles, (ed.) *Current Australian Trends in Corrections*, pp.199-203. Sydney: Federation Press.

Worrall, Anne (1995) *Offending Women: Female Lawbreakers and the Criminal Justice System*. London: Routledge.