

## ABSTRACT

*A relatively new type of community service, court-ordered community service, has an impact on volunteer administration in nonprofit organizations. The purpose of this article is to explore community service by court order, its impact on the nonprofit organization, and to bring forth guidelines to assist the manager of volunteers in determining whether or not to utilize the court-referred "volunteer."*

# Court-Ordered Community Service and the Nonprofit Organization

Karen L. Hart

Court-ordered community service is an important issue facing the field of volunteer administration. An understanding of community service by court order is important to the managers of volunteers in nonprofit organizations as their organizations are often the "sponsors" providing unpaid work opportunities for the court-referred "volunteer." The purpose of this article is to explore community service by court order, its impact on the nonprofit organization, and to bring forth guidelines to assist the manager of volunteers in determining whether or not to utilize court-referred "volunteers" in their particular organizations.

To explore community service by court order, one must first have a basic understanding about its place in the criminal justice system. As defined by Noyes (1985), "a community service program places offenders in unpaid positions with nonprofit or tax-supported (governmental) agencies to perform a specified number of hours of work or service within a given time limit" (p.2). A definition of community service by order necessitates inclusion of a philosophical perspective. Simply put, should a criminal offender be punished or should the offender make restitution for the offense? Community service orders as restitution involve the offender in providing unpaid service for the good of the community. From the perspective of adult educators, Hanson and Stone (1985) stated, "Restitution is often ordered by agents of the criminal justice system, whereby the offender is

asked to take responsibility for his or her actions and, in doing so, to make amends to those injured by the offense" (p. 11). Put into historical perspective, the community service order emerged in the United States in the early 1970s as an alternative sentence for the criminal offender. Often, community service programs are instituted only on a local level and upon the discretion of a local criminal justice program.

Community service "volunteer" placements with a "sponsor" organization are often handled in the following manner:

*Information is gathered from both the social inquiry report and within the interview so that the work-providing agency may be adequately informed about the offender and his circumstances. If the agency shows interest in an offender, the offender meets his potential supervisor prior to his formal acceptance by the agency. The placement proceeds only if both the offender and the supervisor feel reasonably confident with each other.* Community Service by Order, 1979, p. 66.

Community service orders impact the nonprofit organization in varied ways. Leibrich, *et al.* (1986) stated, "Community service sentencing provides both opportunity and challenge for human service agencies. Opportunities exist for a steady flow of 'volunteers' to perform needed work and services for the agency and for the agency to assist in the community's response to offenders. But challenges exist in relating to criminal justice staff and offenders and integrating offenders into the volunteer pro-

---

Karen L. Hart is Affiliate Services Manager with the Volunteer Center of Greater Milwaukee. She also is currently serving as Board President of the Women's Crisis Line. She has a master's degree in Administrative Leadership with an emphasis on Adult and Continuing Education from the University of Wisconsin-Milwaukee and a bachelor's degree in Social Psychology from Purdue University.

grams of the agency" (p. 12). These challenges fall along philosophical and pragmatic lines and depend upon effective communication between all players (the manager of volunteers, the criminal justice referral agent, and the offender).

#### PRELIMINARY QUESTIONS AND DISCUSSION

To assure, from the perspective of a manager of volunteers, that the decision to accept court-ordered "volunteers" is sound and that communication between all parties is effective, certain questions and considerations may be posed to assess the impact on his or her nonprofit organization. Ultimately, the questions then serve as guidelines for consideration of the utilization of court-ordered "volunteers." Following each question is some discussion of the impact on the organization. As a manager of volunteers,

*. . . What is my definition or concept of "volunteer"?*

One must be aware of one's own definition or concept of "volunteer." Consider these definitions and concepts. David (1970) stated, "Being a volunteer only requires a frame of mind—the desire to do something, with no financial reward, for someone else who could not receive that service unless you do it with him or for him" (p. 15). "Volunteers . . . are idealistically motivated persons who want to devote some portion of their lives to serving their fellow man. They come not for pay, though some may receive a token amount," stated Cull and Hardy (1974, p. 5). Ellis and Noyes (1978) stated, "To volunteer is to choose to act in recognition of a need, with an attitude of social responsibility and without concern for monetary profit, going beyond what is necessary to one's physical well-being" (p. 10). And Scheier (1980) noted, "Volunteering, then, is considered to be any relatively uncoerced work, intended to help, done without primary or immediate thought of financial gain" (p. 12). The definitions and concepts are presented here with the first being more restrictive and the last being more open and subject to individual interpretation. Each one attempts to deal with two main components: motive (voluntary

participation) and lack of financial reward or immediate thought of financial gain. Components of each can be useful in conceptualizing and possibly defining "volunteer."

*. . . What is my philosophy about the criminal justice system and the treatment of the (an) offender? What are the benefits to the offender? What are the benefits to society?*

These questions encourage the manager of volunteers to examine his/her own philosophy. Should a criminal offender be given a punitive sentence or be given the opportunity to make restitution through community service? Potential benefits for the offender, as noted by Noyes (1985-86) are: ". . . avoiding the hardships of incarceration or fines; relief from guilt about an offense and an opportunity to make amends; increased awareness of the needs of other people; new skills and work experience; and, avoiding stigmatizing and demeaning treatment often associated with other parts of the criminal justice system" (p. 2).

Potential benefits for society, as noted by Noyes (1985-86) include ". . . additional useful community service; the introduction of new persons to the volunteer network, one who might otherwise never be inclined to involve themselves freely; reduced criminal justice costs; a decrease in public stereotypes about offenders; increased public involvement in and awareness of the criminal justice system" (p. 2).

*. . . Why would my organization accept a court-referred volunteer? What are the benefits to our organization?*

This question encourages the manager of volunteers to examine organizational philosophy and purpose. Is the organizational acceptance of court-ordered "volunteers" considered an opportunity for the offender and for society, or just an opportunity for needed work to be done? Potential benefits for the organization include: providing opportunity for volunteer development and personal growth of the offender (Hanson & Henderson, 1983-84); utilizing an offender's skills which may not otherwise be available to the nonprofit organization for financial reasons; and tapping into a source for short term volunteers.

... *What is the philosophy of the referral agent?*

A report in *Community Service by Order* (1979) detailed reasons given by probation officers in England when recommending community service work. These were: "A) to benefit the offender, B) as an alternative to custody, C) to benefit the community and D) mixed reasons, a combination of some or all of (A), (B), or (C)" (p. 50). As the authors of *Community Service by Order* reveal, "In Example B the possibility of the court taking a punitive view is immediately acknowledged and community service is offered as a straight alternative 'depriving (the defendant) of his time' " (p. 50). In Example C, "the benefit to the offender is inverted and the stress is upon the help to the community which the making of a community service order would provide" (p. 50). As an example of the ideal (D):

*The ethos chosen for Devon community service was that the offender should be placed where he was, and felt, needed. It was thought that little was to be gained, other than easy completion of orders, merely by placing the majority of community service offenders with work typical of their normal daily employment. If feelings of self-worth and real achievement were to be engendered, these seemed far more likely to be found in new experiences which valued the offender for what he was able to give and to receive in an exchange relationship.* Community Service by Order, 1979, p. 66.

After careful consideration of the preliminary questions and arrival at the conclusion that court-ordered community service may have a place in one's organization, the manager of volunteers may proceed to the next levels—the utilization of the court-referred volunteer and assessing the impact on the organization.

#### UTILIZATION OF THE COURT-REFERRED VOLUNTEER

*What are the costs to the organization for volunteer management? Can the organization utilize the short-term volunteer and at what cost?*

As Cull and Hardy (1974) noted: *Volunteers are not a free source of help, either professional or paraprofessional. The costs in terms of recruitment, training, and supervision is substantial. The volunteers are in many respects equivalent to employees of the organization in that they require job descriptions, in-ser-*

*vice training programs, and supervision* (p.6).

An organization may wish to place limits, as Ellis (1986) noted, "on the minimum amount of hours in the sentence [for example, it may not be cost-effective for you to orient and place someone who has less than 20 hours of community service work to do, unless you have a number of short-term projects waiting to be tackled]" (p. 98).

*Who are the clientele served by the organization? What might the impact on clientele or patrons of the organization be?*

Confidentiality of clients may be an issue for some organizations. Many people served are in a vulnerable position. The manager of volunteers needs to look out for the interests of the clientele served by the organization. Other organizations may prefer not to accept placements of persons who committed offenses such as sexual offenses. The clientele or family of the clientele may object to a sexual offender placed in a day-care setting.

*What is the impact on other volunteers in the organization? What hesitations might other staff have with working with the court-ordered volunteer?*

Ellis (1986) posed this consideration: will court-referred workers "be assigned to the same jobs as other volunteers?" (p. 98). In the case study of a library's experience with court-ordered community service volunteers, Taylor (1985) noted, a "... volunteer reported that some of her fellow civic group members did not want to volunteer at the library because so many court placements worked there that they feared people would perceive them to be offenders also" (p. 19). Volunteers and staff may want or need to know that the volunteer is an offender.

*Does my organization already have short-term projects or would they be created?*

If short-term projects are available and waiting to be done, the costs are less than if jobs are created specifically for the court-ordered volunteer. For example, if a volunteer is interested in doing outside work such as landscaping (which might be desired by the organization), it does not mean that the resources and materials are available to do so. As with any volunteer job, a written job description leads to the consideration of resources (human and

financial) before "hiring" for the position.

After consideration of the utilization of the court-referred volunteer and the impact on the organization, the manager of volunteers may proceed to the next level—placement procedures and their impact on the nonprofit organization. The following questions, unless otherwise noted, were posed by Taylor (1985).

#### PLACEMENT PROCEDURES AND IMPACT

*"Does the referral source have firm written guidelines governing eligibility for participation and written regulations for the defendants?"* (Taylor, 1985, p. 20).

Written guidelines, which spell out how the suitability of an offender is determined, are essential. The most frequently used criteria are 1) employed and of a settled address and 2) the nature of the offense. The guidelines can give the manager of volunteers an idea of the "type" of offender who might be given the community service order. However, keeping in mind the clientele served, the manager of volunteers may also set more restrictive guidelines for accepting placements of offenders. Written regulations for the offenders provide information to the manager of volunteers about the expectations of the criminal justice system for the offender.

*How is screening done? As manager of volunteers, how am I involved in the screening and placement of the volunteer?*

It may be necessary to know the background of an offender. Ask the criminal justice referral agents to tell you what information they can provide and their reasoning behind it. They may have policies about what information will and can be provided to the sponsoring organization.

*"Does the referral source have a written agreement with recipient agencies, outlining responsibilities and rights of all parties?"* (Taylor, 1985, p. 20).

The written agreement spells out the responsibilities of all the players: the manager of volunteers, the offender, and the criminal justice referral agent—who is accountable for whom, to whom, and for what. These responsibilities may include: 1) necessary paperwork, 2) procedures for noncompliance by the offender, 3) whether

the client must perform at a certain standard in order to receive credit for hours served, 4) whether the placement can be terminated by an agency and on what grounds, 5) whether the referral source is responsible to assist the agency with problems, and 6) if the participating offender must abide by the rules of the sponsoring organization (Taylor, 1985, p. 20). Without an agreement, the community-service sentence would be fraught with misunderstandings and problems.

#### CONCLUSION

The success of a court-ordered community service program depends upon effective communication between all players (the manager of volunteers, the criminal justice referral agent, and the offender). Not all offenders are appropriate for court-ordered community service, nor are all offenders chosen for community service appropriate for all organizations. A survey done by Hanson and Stone (1985) showed "that the administration of community service with offenders is an important issue for volunteer agency staff working with such volunteers" (p. 19). As Noyes (1985-86) stated, "it is up to us to advocate for ourselves and our programs. . . . By opening new channels of communication, seeking new definitions and establishing workable guidelines and policies, we can help to shape the notion of court-ordered community service into a valuable opportunity rather than a frustrating dilemma" (p. 5). The questions presented in this article should serve as a basis and as guidelines for any nonprofit organization considering the utilization of the court-ordered volunteer. The decision to involve the court-ordered volunteer needs to be a well-thought-out and conscious decision. The benefit to the organization, within the scope of its mission, must be known and considered.

---

#### REFERENCES

- Cull, J.G., & Hardy, R.E. *Volunteerism: an Emerging Profession*. Springfield, IL: Charles C. Thomas, 1974.

- David, A. *A Guide to Volunteer Services*. New York, NY: Simon & Schuster, 1970.
- Ellis, S.J. *From the Top Down: The Executive Role in Volunteer Program Success*. Philadelphia: Energize, 1986.
- Ellis, S.J. & Noyes, K.H. *By the People*. Philadelphia: Energize, 1978.
- Hanson, J.M., & Henderson, K.A. The First Offender Volunteer: Adult Education in Action. *The Journal of Volunteer Administration*, Winter 1983-84, II:2, 15-20.
- Hanson, J.M., & Stone, J.R. Community Service Links Corrections to Volunteering. *The Journal of Volunteer Administration*, Summer 1985, III:4, 11-20.
- Jones, J.M. Court-referred Volunteers Increase. *Voluntary Action Leadership*, Fall 1981, 5-6.
- Leibrich, J., Galaway, B., & Underhill, Y. Views and Experiences of New Zealand Community Service Sentence Sponsors. *Voluntary Action Leadership*, Fall 1986, 12-15.
- Noyes, K.H. A Proactive Response to Court-ordered Community Service. *The Journal of Volunteer Administration*, Winter 1985-86, IV:2, 1-5.
- Pease, K., & McWilliams, W. (Eds). *Community Service by Order*. Edinburgh: Scottish Academic Press, 1979.
- Scheier, I.H. *Exploring Volunteer Space: the Recruiting of a Nation*. Washington, DC: VOLUNTEER: The National Center for Citizen Involvement, 1980.
- Taylor, K. Court-referred Community Work Volunteers: a Library Case Study. *The Journal of Volunteer Administration*, Summer 1985, IV:1, 14-27.