

In Quebec, as in Britain and a number of other countries, a limit has been placed on the term of duration.¹⁰ Most of the American states that have adopted community service do not specify such a limit. The latter arrangement is said to permit flexibility to relate the severity of the order to the seriousness or extent of harmfulness of the offence to the community.

iii. Disparity

The Kingston chapter of the John Howard Society submitted a brief to the Committee in which it identified the great disparity in the number of hours of community service required of different offenders. Judges have full discretion to impose any number of hours they wish. They receive no guidelines in this regard. The result, therefore, is a wide disparity of orders from judge to judge and even great inconsistency by the same judge. Research tends to suggest that the number of hours ordered is unrelated to age, socio-economic status, etc. The only variable found by Dr. Ken Pease, a British researcher who appeared before the Committee, that did have some effect on the length of community service orders issued was employment: unemployed offenders tended to receive longer orders than employed offenders.

There may also be regional or other disparities in how frequently community service orders are used and in their enforcement.

iv. Assessing/Excluding Some Offenders

The CSO Coordinators' Association of Ontario indicated to the Committee that some sexual offenders have received community service orders, although it is a rare occurrence for *serious* sexual offenders to be so referred. Nevertheless, the community is not receptive to receiving such offenders to perform community service, even though the offender may be suitable in terms of attitude and other criteria.

The CSO Association fears that inappropriate referrals to community service placements will affect the credibility of the whole program. It suggests that offenders found guilty of sexual assault, or other sexual or violent offences, should be assessed by CSO programs for their suitability *prior* to sentencing. (In fact, it would prefer that *all* possible CSO candidates be assessed prior to sentencing.)