

Community sanctions: Offenders' perceptions about their appropriateness

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Abstract

This study analyzed offenders' perceptions about distinct sanctions and their adequacy for different crimes, checking if these ideas apply to their crime. We covered a total of 163 adult offenders who were sanctioned with a non-custodial order. The results show that participants tended to express a punitive attitude toward crime, apart from their offenses. Participants who committed driving or drug trafficking offenses were those that revealed congruence regarding the adequacy of the sentence and the usefulness of the sanction imposed. Regarding sentences' purposes, we noticed most participants considered punishment and general deterrence as the primary purposes. The main contribution of this study lies in its educational value about the cognitive particularities and specific needs of each type of offender. Not attending to offenders' perceptions regarding sanctions may function as an obstacle for an efficient implementation of the Justice, in terms of their adherence to the sanctions, and consequently their rehabilitation.

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Introduction

Development of Community Sanctions

The practice of sanctioning should be guided through a set of fundamental principles that promote the sentences' effectiveness while ensuring the rights of both victims and offenders. Over time, several attempts have been made to understand which type of sentence could fit better the purpose of rehabilitation (Andrews and Bonta, 2010; Bottoms, 2017). Theorists have been underlined the advantage of non-custodial orders since they consider that these measures guarantee social and educational support and induce the recognition of the harm caused (*Centre d'Estudis Jurídics i Formació Especialitzada*, 2016). Additionally, these orders may also have the benefit of being adjusted to the individuals' needs, promoting the accomplishment of the injunctions that are imposed (*Centre d'Estudis Jurídics i Formació Especialitzada*, 2016). Moreover, non-custodial orders, as measures that seek to supervise the execution of a mandatory order in the community, focus primarily on the protection of the community and the offenders' reintegration (*Centre d'Estudis Jurídics i Formació Especialitzada*, 2016).

Prison vs. Community Orders

Despite the efforts to scrutinize the effectiveness of the sentences (see Villettaz et al., 2006), little is known about offenders' perceptions about penal sanctions, and explicitly respecting the impact of non-custodial sanctions. Most literature about these issues focuses on the comparison between prison and non-custodial sanctions. Comparing both sanctions, it seems clear that community-based penalties are often more advantageous since they facilitate social integration (Aebi et al., 2015; Killias et al., 2000; May et al., 2005; Sandu and Ignătescu, 2017). Community sentences tend to facilitate access to professional activity and health services, as well as, they usually promote the continuity of social and familiar support/ties. Additionally, non-custodial orders tend to be more useful for the restitution of the victim, for example, through restorative justice programs (Focquaert and Raine, 2012). Official data shows that prison sanctions are rising all over the world (Andrews and Bonta, 2010). However, there is some evidence that reveals that this growth, until now, is not associated with a significant increase in public safety (Focquaert and Raine, 2012). Many offenders do not quit criminal careers even if they have suffered heavy prison sentences (United Nations Of Drug and Crime, 2007, 2012). Magistrates should be more judicious in the application of penalties. They should privilege prison for offenders who represent a danger to the public, *i.e.*, individuals who are expected to represent a danger for others' integrity (Cid, 2009; Cullen et al., 2017; Eley et al., 2005; Focquaert and Raine, 2012; Ginneken and Hayes, 2016). Sentences should provide opportunities for the offenders to repair their behavior and reinforce their linkages with the community, more than sanctioning criminal conduct. All that while developing skills that make them more conscious about how they should act in the future. Research has demonstrated that prison sentences do not have a better effect on the reduction of recidivism and re-offending when comparing with non-custodial sentences (Cullen et al., 2011; Focquaert and Raine, 2012; Hayes, 2015; Tait, 2001). Besides, a systematic review conducted by Killias and Villettaz (2008) pointed to the possibility that recidivism rates might be significantly higher

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in custodial rather than non-custodial sanctions.

Community orders are a form of direct control that aims the promotion of individuals' re-education by enhancing their pro-social adjustment (Steiner et al., 2015). These approaches have the advantage of considering that offenders have the choice to misconduct or accomplish the rules imposed by the court (Smit et al., 2014). In fact, despite their coercive connotation, these measures could encourage self-governance, since they imply to resist to some external pressure to criminalize (Focquaert and Raine, 2012). There is some evidence that shows the positive effect of allowing offenders to have an active role in their behavior's change process (Focquaert and Raine, 2012). This feeling of being active in their process facilitates desistance from crime, improving their agency and ability to exercise control over their behavior (Barry et al., 2016). Also, community sentences usually include more appropriate treatment programs that enhance offenders' mental health (Focquaert and Raine, 2012).

Offenders' Perceptions About Sentences

Since offenders can have a transformative role on criminal justice services, and can offer a significant contribution to address some strengths and limitations of the legal system (Armstrong and Weaver, 2013; Haynes and Cares, 2015; Weaver and Armstrong, 2011), it is essential to access their perceptions about their experience serving the sentence. The way offenders adhere and give meaning to their sanctions may have implications on their future behavior and their probability to re-offend. Thus, it is essential to comprehensively assess offenders' attitudes, values, and behaviors (Andrews and Bonta, 2010; Gendreau et al., 1999), turning sentencing into a more personalized/tailored practice (*Centre d'Estudis Jurídics i Formació Especialitzada*, 2016). Most offenders consider that community sentences reinforce their resilience and help to develop problem-solving and coping skills (Moura, 2009; Weaver and Armstrong, 2011). Indeed, alternatives to incarceration could have a more positive impact on individuals' mental functioning. On the other hand, the prison could have an opposite effect since it could increase the susceptibility to mental health issues (see Penal Reform International, 2018), which are a risk factor for recidivism (Focquaert and Raine, 2012). In line with this, non-custodial sanctions might be used to diminish such mental health problems and consequently prevent recidivism.

Community orders are considered a better alternative, according to offenders. These orders not only provide support to change future behavior but also help individuals to recognize the harmfulness of their past delinquent behavior (Hayes, 2015). Considering this, what previous work has been shown is that almost everyone would elect a sentence in the community over the prison, if given that choice (Armstrong and Weaver, 2013). Despite this, some studies found that individuals do not necessarily perceive community sanctions as less punitive (Gainey et al., 2005; Wodahl et al., 2013). Even if people have some freedom, there is a coercive element that considerably restricts their behavior (Ginneken and Hayes, 2016).

Different community sentences might have different effects (Villettaz et al., 2014) depending on individuals' characteristics (Kolber, 2009). Thus, accessing offenders' discernments about their sentences is a laborious process since it implies the consideration of social realities that could be abiding by the law (Indermaur, 1994). Therefore, there are many variables – such as gender, age,

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marital status, and the penal situation - that could contribute to the discrepancy of offenders' perceptions about sentences (Hayes, 2015). For example, previous research has underlined that women tend to have a higher propensity to expect a punishment compared with men (Blackwell, 2000). Hence differences could exist when both men and women are condemned since their expectations usually are not equal. Also, according to Sampson and Laub (1995), perceptions and engagement in crime tend to change with age due to the informal mechanisms of crime, i.e., offenders are likely to perceive their sanctions differently depending on their age and familiar situation. Perceptions about punitiveness are influenced by different aspects, such as the prison staff behavior, the prevalence of recidivism rates among individuals who serve a community order, and the offenders' subjective perceptions about prison (i.e., each individual could give a different meaning to the experience of imprisonment) compared to alternative sanctions (Barry et al., 2016; Rowe et al., 2018). The adherence to a given sanction influences the perceptions about the orders too (i.e., the extent to which each offender is engaging efforts to change his/her behavior affects the insights about his/her condemnation) (see Hayes, 2015). Also, McGinnis and Carlson (1982) argued that the way criminals perceive their orders is controlled by the expectations they had before being judged. Previous work showed that offenders who have already experienced imprisonment appear to be less dreadful about prison (Williams et al., 2008). That could be explained because of their higher ability to adapt to those circumstances (Kolber, 2009) and to a normalization of the imprisonment experience.

Community orders in Portugal

In Portugal, the probation is integrated within the prison department and both prison and probation work under the General Directorate of Reintegration and Prison Services [Direção-Geral de Reinserção e Serviços Prisionais] (GDRPS). According to the law, alternatives to prison should be applied under a supervision model. The scope of community sentences, according to the Portuguese GDRPS (2006), includes: (a) conditional release, which refers to the release after serving a part of the prison sentence; (b) suspended prison sentence, which means that the judge had decided for a prison sentence but suspended its execution; (c) community service, which implies the replacement of the detention by a sanction that forces a person to do volunteer work in the community; (d) electronic monitoring, related with the supervision through radio frequency technology; and, (e) provisional process suspension, which consists in a pre-sentencing procedure that seeks to avoid the prosecution of the process until the trial stage. The Portuguese legal system allows for prison penalties not higher than five years to be suspended in their execution, that is, being served in the community under probation. They usually include a set of additional injunctions, such as mandatory periodic presentation, the prohibition of specific activities (considered to be crime-related), and the imposition of participation in treatment programs. In Portugal, it is common that an offender, even though sentenced to an order in the community, continues to offend ending up receiving multiple community sentences. By not being able to self-regulate and desist from crime while in the community, the offender is set to serve a prison sentence. This pattern demonstrates that non-custodial order might not fit the offenders' criminogenic needs that continue committing crimes while on probation.

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Study purpose

The way offenders perceive both their crimes and their sentences have an impact on their future behavior. Therefore, it is crucial the study of individuals' perceptions and how that could affect sanctions' outcomes. The present aims work describes the socio-demographic and criminal characteristics of a sample of individuals serving community orders in Portugal. As mentioned before, we are assisting to a proliferation of such alternatives. Because of that, the importance and pertinency of understanding how and to whom such measures have been applied seems to be undoubted. We also sought to analyze offenders' perceptions about the adequacy of different orders for different crimes and understand if they conceive its appropriateness in their case. We analyze the perceptions about the purpose attributed to different sentences, which is also believed to have an influence on future behavior and in the likelihood to re-offend (or not). Finally, we presented a comparison between offenders' insights about society.

Despite the growth in the studies focused on alternatives to prison targeting the narratives of offenders who serve non-custodial measures has, not has been much explored (either abroad or in Portugal). Our exploratory study intends to identify the commonalities of offenders who were allowed to serve an order in the community. Portuguese official statistics give us information about the prevalence of each order in the country. Still we cannot precisely understand who are the people that are serving them, since official data does not cross socio-demographic and previous criminal information about these criminals.

Method

Participants

The present study examines the perceptions of 163 adult offenders who were considered responsible for their acts and who were sanctioned with a non-custodial order. Our sample comprised individuals who have committed different crimes (drug trafficking, driving-related, property/economic and sexual crimes, offenses to physical integrity, attempted murder, and domestic violence) and who were serving different non-custodial sentences (suspended prison sentence, community service, and provisional process suspension). The data collection encompassed offenders supervised in five teams distributed in the north region of the country. Data collection comprised a total of 212 participants. However, those who were in conditional release were excluded because having been condemned and served a prison sanction might bias our conclusions. Moreover, our study did not include criminals under electronic monitoring since they were monitored by a specialized team of GDRPS, which was not included in the study.

Procedures

First, we contacted the GDRPS to inform about the purpose of our study and get permission to investigate Regional Probation Delegations. After the authorization, professionals from the Regional Probation Delegations were contacted in order to inform them about study purposes and to invite offenders during their periodic presentations to participating in our study. Those who agreed to collaborate were requested to sign an informed consent form. It was explained that their contribution

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was volunteer, and all information confidential. At any moment, participants could quit the data collection process. Once they agreed, participants answered a questionnaire. The study was approved by the University of Minho Ethics Commission (CEUM) .

Measures

Data were collected using the “*Questionnaire of Experiences and Perceived Effectiveness of Penal Sanctions*” (Castro-Rodrigues and Gonçalves, 2016). It is a self-report questionnaire designed to assess offenders' perceptions of the different sanctions and about crime. Most items are scored in a 4-point Likert scale (ranging from 0 = *strongly disagree/nothing/not probable* to 4 = *strongly agree/a lot/very probable*). Other items are scored on a 3-point Likert scale (ranging from 0 = *not helpful* to 2 = *helpful*) and on a 5-point Likert scale (a semantic differential scale where participants have to rate within the frames of multi-point rating options). There is also one item where the respondents were asked to order different options according to their level of effectiveness (e.g., “*Order the following sentence from 1 to 6, considering the number 1 the best one and number 6 the worst*”). Finally, the questionnaire includes socio-demographic and criminal records variables.

Data analysis

Data were analyzed with the software IBM® SPSS (*Statistical Package for the Social Sciences*) (version 23.0). First, we characterized our sample through descriptive statistics. Then, we performed groups' comparison analysis on the perceptions about the sanctions and the crimes. Analysis of variance (ANOVA) was used to determine if there were differences between the groups of offenders.

Results

Our sample comprised 163 individuals – 149 men (91.4%) – with ages ranging between 18 and 83 years old – who were given an order in the community. Most of the participants were serving a suspended prison sentence (78.5%), and most of them due to drug trafficking (32.9%). Also, the majority was serving the first order (65%) and has committed a non-violent crime (61.3%), without the presence of a victim (55.8%) (*i.e.*, attempted murder, sexual crime, serious bodily harm, domestic violence, and burglary). Data show that most participants had children despite the type of crime. Finally, all participants were Caucasian. Criminal and socio-demographic data are described in Table 1. Results by gender are presented in Table 2.

Type of crimes and sentences. Community service was mainly applied to driving offenses (61.1%). In comparison, the suspended prison sentence was predominantly applied to drug trafficking (40.2%), and provisional process suspension to domestic violence offenses (60%).

Penal situation. Most participants, despite age, sanction, and crime, were serving their first order at the time of data collection (65.4%). This tendency was only different for those who committed driving offenses (68.8% re-offenders), and those who committed attempted murder – half of the participants who were condemned for this type of crime have already committed a crime before. Most

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of the drug trafficking, property/economic, domestic violence, and sexual offenders were serving their first order (62.8%, 69.5%, 76.3%, and 85.7%).

The severity of the crime. Recidivists who were serving order in community presented higher rates of non-violent crimes than non-recidivists (75% vs. 54.4%) and without the presence of a victim (65.4% vs. 46.6%). The severity of crimes also varied between younger and older offenders, increasing with age. Furthermore, most participants from the non-violent crimes group committed drug trafficking (57.6%).

Age. In our sample, the higher rates of crimes with violence and with a victim present were committed by older offenders - 71% of participants whose ages ranged between 57 and 69 years old, and 100% of those who had more than 69. Except for sexual offenses – whose perpetrators presented a mean age similar to those who committed crimes without violence ($M = 38.86$, $SD = 11.44$) – the higher rates of non-violent crimes were mainly committed by younger participants. Participants aged between 18 and 30, and 31 and 43, had mainly committed crimes without violence (66.7% and 75%, respectively) and the presence of a victim at the moment of the offense (51.3% and 68.8%, respectively). Community service ($M = 40.17$, $SD = 12.05$) and suspended prison sentence ($M = 40.04$, $SD = 13.48$) were the orders with lower mean age. At the same time, the provisional process suspension ($M = 48.87$, $SD = 9.36$) appeared to be the order with the highest mean age.

Gender. Both men and women were mainly first offenders serving a suspended prison sentence, due to non-violent crime. Moreover, the mean age did not differ between them ($M = 41.01$, $SD = 13.18$; and $M = 39.54$, $SD = 13.73$, respectively). The number of crimes without victims was higher in the female (91.7%) than in the male sample (49.7%). Some disparities regarding the marital situation were found; only 35.6% of men were married, while in the female sample, the percentage increase for 57.1%. Moreover, men present higher rates of single status (40.9%), compared with women (28.6%).

Perceptions of each sentence for different types of crimes

We evaluated what offenders think about the adequacy of distinct orders for the crime they have been convicted. Additionally, we examined which sentence participants considered more appropriate in their cases. We wanted to assess the consistency between what they consider to be more appropriate for the crime they committed and the penalty they considered more helpful for their situation. We analyzed this section regarding the type of crime committed, without running group differences comparisons because each category (*i.e.*, each crime) is not mutually exclusive. So the same individual may have committed different types of crimes. Instead, we analyze the results based on the descriptives. Drug trafficking and driving-related offenders exhibited congruence between the order they considered to be fairest for those crimes ($M = 1.96$, $SD = .97$, and $M = 2.06$, $SD = 1.06$, respectively) and the order that could be more helpful in their specific case ($M = 1.12$, $SD = .89$, and $M = .94$, $SD = .85$, correspondingly), namely suspended prison sentence in the former and community service in the latter case. Contrarily, participants condemned for another type of crimes did not show such an agreement. There was a tendency to perceive prison as the most suitable order for the crime committed, although not considering prison as the most helpful for themselves (except for participants

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who committed offenses to physical integrity and sexual crimes). Specifically, people who committed property/economic crimes ($M = 1.92$, $SD = 1.18$), domestic violence ($M = 2.03$, $SD = .89$), and attempted murder ($M = 3.00$, $SD = .00$) consider that prison would be the most appropriate order. However, they consider that suspended prison sentence would be the most helpful sanction for them (property/economic – $M = 1.19$, $SD = .92$; domestic violence – $M = .68$, $SD = .88$; attempted murder – $M = .75$, $SD = .96$). Regarding sexual offenders, they also affirmed that prison was the most adequate sanction to such offenders ($M = 2.57$, $SD = .54$), but considered prison to be less helpful in their case ($M = .67$, $SD = 1.00$), electing community service as the most beneficial ($M = 1.14$, $SD = .90$). Finally, participants who perpetrated offenses to physical integrity believed that electronic monitoring was the most suitable sentence. However, they mentioned that fines ($M = .82$, $SD = .87$) or community service ($M = .82$, $SD = .87$) would be the sentences that would help the most. Considering these positions, we analyzed if participants who believed that prison would be the most appropriate order had already been incarcerated. We found that most respondents, irrespective of the crime, had never been imprisoned before.

Perceptions about the purposes of the sentence across different type of orders

The present study also examined in what degree participants considered sentence purposes as being deterrent (special and general), retributive, or rehabilitative. We analyzed if there were differences in these perceptions among different types of offenders. The results (Table 3) were analyzed based on the Bonferroni correction test to prevent Type I error. Despite the order, most participants consider that the primary purpose of the sentences was general deterrence. Although some participants considered rehabilitation as the purpose of the sanctions, this was the less considered purpose, except for offenders who were in provisional process prosecution. A one-way ANOVA was conducted to compare the perceptions across different groups. Regarding special deterrence, we found significative differences at the $p < .05$ level between individuals in provisional process suspension and those in community service, $F(2) = 4.06$, $p = .02$. Post hoc comparisons using the Bonferroni test indicated that the mean score for individuals in community service ($M = 2.25$, $SD = .64$) was significantly different from those in provisional process suspension ($M = 1.43$, $SD = .94$). These results suggest that people in community service considered that the sentences pursue more the purpose of special deterrence. Differences were not found on their considerations about community sanctions aiming to reach general deterrence purposes, $F(2) = .83$, $p = .44$. Also, participants did not differ on the perception that orders had retribution as purpose, $F(2) = 2.43$, $p = .09$, as well as on the perception that the orders seek the offenders' rehabilitation, $F(2) = .85$, $p = .43$.

Perceptions about sentences' purposes across different types of crimes

Results from our descriptive analysis show a tendency for drug traffickers and attempted murder offenders to consider retribution as the (primary) purpose of the orders. Moreover, our findings demonstrated that for other kinds of criminals, general deterrence was the primary purpose considered. Except for participants who committed offenses to physical integrity and sexual crimes, rehabilitation was the least considered purpose. The results obtained are presented in Table 4.

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Perceptions about society across different types of orders

We also analyzed participants' perceptions about society. Specifically, we examined if they felt more revolted, critical, or understanding in the result of the order, or if such positions have not changed after conviction. We conducted a one-way ANOVA to compare different groups of offenders (each group was serving a different community order). Once again, Bonferroni corrections were conducted. No differences were found among offenders at the level of $p < .05$. Specifically, people serving different orders in the community did not differ on the degree they feel more revolted, $F(2) = .49$, $p = .62$, critical, $F(2) = .60$, $p = .55$, or understanding, $F(2) = 1.14$, $p = .32$, about society or on their perceptions of society that did not change, $F(2) = 1.76$, $p = .18$, after conviction.

Discussion and Conclusion

The main goals of the sentences are to enhance and support offenders' rehabilitation, and to promote their reintegration in the community. The present study intended to explore the characteristics and the narrative of those individuals serving alternatives to prison. The first purpose of this study was to explore who are the offenders that are 'allowed' to serve an order in the community. Our study shows a substantial difference between the number of men and women serving a sentence in the community, which is similar to national numbers. Although previous work emphasized that women are more likely to receive community orders compared to men (Doerner and Demuth, 2014; Leiber et al., 2017), we also know that men have higher crime rates (Bennett et al., 2005; Li and MacKenzie, 2003) and, thus, they are more likely to be serving an order, either in prison or in the community (Moreira and Martins, 2018). Moreover, we noticed that our sample's characteristics – regarding their age, type of crime committed, and type of order served - are in line with the indicators of official statistical data (Moreira and Martins, 2018). Thus, we can assume that our sample is similar to the general Portuguese reality.

We found that for most participants were first time offenders and their crimes did not involve violence. Since community orders tend to facilitate reintegration (Aebi et al., 2015; Killias et al., 2000; Milani and Moghadam, 2015; Sandu and Ignătescu, 2017) judges may choose to give those criminals an opportunity to repair their behavior without losing their community and social ties. Indeed, as previous works have noticed, and as we see in the Portuguese penal system, it seems to exist a tendency to sanction the first offenders more leniently and with a probation sentence (Hester et al., 2018). Notwithstanding, driving offenders were mainly recidivists. It is curious to note that despite they be recidivist, magistrates opt to give them community orders. As mentioned by Glitsch and Knuth (2015), to prevent recidivism for this type of crime, people should be submitted to an educative intervention. It could be suggested that it exists an effort to educate these people about the law, to promote their association to it, and then to foster their behavior in accordance. In Portugal, a program called STOP has been implemented by GDRSP to some driving offenders that are serving a community sentence in order to promote behavioral changes on this type of delinquent (Silva and Fé, 2009). Participants are educated about the importance and the reason why they should obey the law. Given the importance of such interventions, we believe they should be implemented with all offenders with the

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intent to decrease the probability for them to recidivate. In our sample, offenders were serving a non-custodial sentence due to a violent crime were the oldest participants. This could also be explained by the leniency that is given to older offenders – who are often perceived as more defenseless – to keep them out of harsh conditions of jail (Blowers et al., 2015; Steffensmeier and Motivans, 2000), even if they have committed violent offenses. Besides, parental and marital situations also seem to have a significant effect on the decision. We found that except for people who committed drug trafficking crimes, in all other categories of offenders, most participants of our study had children. These results could be explained by the propensity to give offenders who have children an opportunity to maintain familiar proximity (Chatsverykova, 2016; Freiburger, 2010). Despite this, it is curious to note that this tendency seemed not to be applied to drug trafficking offenders, which might indicate a possible difference in the way these offenders are judged. Although parenthood could be perceived as a factor that promotes desistance from crime, drug trafficking could be seen as an aggravator, since offenders are not only violating the law but also neglecting their responsibilities as parents (Chatsverykova, 2016).

Regarding the marital status, results demonstrated that most men were single while most women were married. Our results are similar to those reported in the literature suggesting a possible tendency for magistrates to be more lenient to women who occupy traditional female roles (Castro-Rodrigues and Sacau, 2012; Herzog and Oreg, 2008). Given the prevalence of the idea that women have other informal mechanisms of control than men (Matos and Machado, 2012), it could exist a tendency for judges to minimize the need to apply formal ways of control (such as confinement), allowing them an opportunity to serve an order in the community.

Aside from this, we analyzed if there was any linkage between types of crime committed and specific community orders. Driving offenders were mainly condemned to community service. Since drive related offenses do not usually involve a direct victim, it could be that judges tend to opt for a sentence that provides public restitution. Domestic violence was mainly associated with provisional process suspension. Indeed, many domestic violence offenders who were serving orders in the community were not condemned. The influence of some stereotypes on judges' decisions has already been reported (Easteal et al., 2019). Thus, it could be possible that some magistrates tended to devalue some of these crimes. Regarding domestic violence sentences, we consider it essential to clarify that they depend upon the victim agreement, as well as upon the specific characteristics of the crime. In Portugal, offenders who committed domestic violence crimes and who are serving a community order are required to participate in an intervention program (PAVD – Program for Offenders of Domestic Violence) as an injunction. Finally, we noticed that drug trafficking offenders who were condemned with a community order were mainly serving a suspended prison sentence. The legal framework in Portugal has decriminalized drug consumption; however, several drug trafficking crimes could be enhanced by offenders' addiction. Many of these offenders probably have addiction problems. Since this order is usually accompanied by the imposition of some injunctions, such as the obligation to participate in treatment programs (UNODC, 2012), these measures could be considered more efficient to address and provide effective intervention (The Centre for Social Justice, 2004).

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The second purpose of the present study was to analyze offenders' perceptions about the appropriateness of different orders for different crimes and their understanding of the order appropriateness. We concluded that overall, participants tended to express a very punitive attitude towards crime, apart from their offenses. Our study shows that only those who were serving a community order due to driving or drug trafficking crime demonstrated congruence between the sentence they considered adequate for that type of crime and the sanction that they thought could help them more to desist from crime. All other offenders in the community did not show this correspondence. Most violent and non-violent offenders considered that prison would be the adequate sanction for the type of crime each of them has committed. However, they did not believe that this sentence would be the most helpful. Even if these individuals may recognize the seriousness of their crimes – and thus believe that prison should be suitable – they might perceive their offenses as less significant than others' same crimes. These results are interesting to be analyzed considering our aim of understanding the perceptions about the purposes that participants believed sanctions have. Rehabilitation was the less considered purpose for almost all types of offenses. Despite that, we noticed a tendency to consider general deterrence as the primary goal of sanctions. Offenders in community service valued more general deterrence as the purpose for sanctions comparing with those in provisional process suspension. It is expected that people in community service have to provide their services to some institution, which could enhance the development of work habits that are associated with desistance from crime (Uggen and Staff, 2001). On the other hand, individuals in provisional process suspension know that if they accomplish the injunctions without committing crimes, their criminal record could be cleaned, and this could give them the sense that did not have pejorative consequences at the long term. Offenders demonstrated a tendency to be punitive, even though considering that such punitiveness would not be helpful for their reintegration. This evidence raises essential information about the need to develop rehabilitation initiatives in terms of improving individuals' awareness about the social reprehensibility of their act.

Finally, we analyzed if participants' perceptions about society changed (or not) as a result of the crime. In fact, despite the order, most participants considered that they became more understanding with society as a result of the sentence. For example, most participants considered that they became more understanding with society as a result of the sentence (*i.e.*, they become more sensitive about the harm caused to others as a result of their crime). These results could indicate that, overall, community orders could end by enhancing offenders' awareness about the dreadfulness of their misbehavior, decreasing then their propensity to re-offend.

The present study presents some limitations. Indeed, it included a fewer number of women comparing with men, and overall, our results could be biased in this sense. Also, our results are only based on a sample of offenders who were serving order in the community, and for some of our conclusions, it could be interesting to cross these findings with the perception of those who were serving a prison sentence to consolidate our findings.

Despite this, our results provide relevant information. Many variables were analyzed in the present study, and particularities found should be addressed to improve the rehabilitative purpose of the penal system. We observed that different individuals exhibited different insights, which are related to

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their criminogenic needs, and such discrepancies should be emphasized during the sentencing, as well as during the rehabilitative process. These considerations stress the importance of analyzing if these decisions are evidence-based or if they are based on judges' considerations – such as the seriousness of crimes, and individuals' dangerousness and rehabilitation potential (Stouwe et al., 2016; Castro-Rodrigues et al., 2018). This exploratory study provides information about who are the people who are allowed to serve an order in the community. Until now, no previous work has focused on the individual characteristics of these offenders, and thus, our findings might contribute to understanding the way sentences are applied. Also, this study provides data about the way non-custodial offenders perceive community orders. Thus it could give us some critical orientations to improve the effectiveness of the legal system through the offenders' education about the purpose of the orders that they have been condemned. However, more research is needed to consolidate our findings. There are discrepancies on the classifications of crimes (i.e., other authors may use different categories of crimes). Therefore, we propose that other studies could analyze if there is a matching between offenders' perceptions and reality. In future researches, we suggest that our results could be complemented with a longitudinal study that would assess the evolution of these criminals during and after the sentence. Also, we recommend including other types of relations between variables because it could exist other factors that influence the offenders' perceptions.

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Declaration of Conflicting Interest

The Author(s) declare(s) that there is no conflict of interest'.

Table 1.

Criminal and sociodemographic information

	<i>n</i>	%
Gender		
Male	149	91.40%
Female	14	8.60%
Marital situation		
Single	65	39.90%
Married	61	37.40%
Parental situation: With children	113	69.30%
Type of order		
Community service	20	12.30%
Suspended prison sentence	128	78.50%
Provisional Process Suspension	15	9.20%
Penal situation		
1 st order	106	65%
Recidivists	56	34.60%
Crimes' violence: Without violence	95	61.30%
Presence of victim: No	82	52.90%
Type of crime(s) committed		
Drug trafficking	51	32.90%
Property/Economic	36	26.10%
Domestic Violence	38	24.50%
Physical offenses	1	7.10%
Sexual	7	4.50%
Driving Offenses	16	10.30%

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Attempted murder	4	2.60%
	Min-Max	<i>M (SD)</i>
Age	18-83	41.70 (13.04)
Order length (months)	1-60	30.81 (17.72)

Table 2.

Demographic and criminal characteristics between genders

	Male	Female
	<i>M (SD)</i>	<i>M (SD)</i>
Age	41.01 (13.18)	39.54 (13.73)
	<i>n (%)</i>	<i>n (%)</i>
Marital situation		
Single	61 (40.90%)	4 (28.60%)
Married	53 (35.60%)	8 (57.10%)
Divorced	32 (21.50%)	2 (14.30%)
Widower	3 (20%)	0 (0%)
Parental situation: With children	101 (32.20%)	15 (85.70%)
Type of order		
Community Service	17 (11.40%)	3 (21.40%)
Suspended prison sentence	117 (78.50%)	11 (78.50%)
Provisional Process Suspension	15 (10.10%)	11 (78.60%)
Penal situation		
1 st order	98 (66.20%)	8 (57.10%)
Recidivists	50 (15.50%)	6 (22.90%)
Crimes' violence level: Without violence	83 (58%)	11 (91.70%)
Presence of victim: No	71 (49.70%)	11 (91.70%)
Type of crime(s) committed		
Drug trafficking	45 (30.20%)	6 (50%)
Property/Economic	39 (21%)	0 (0%)
Domestic Violence	38 (26.60%)	0 (0%)
Offenses to Physical Integrity	11 (7.70%)	0 (0%)
Sexual	7 (4.90%)	0 (0%)
Driving Offenses	16 (11.20%)	0 (0%)
Attempted Murder	4 (2.80%)	0 (0%)

Table 3.

Differences on perceptions about the orders' purpose between offenders serving different orders

Community Service (<i>n</i> = 20)	Suspended Sentence (<i>n</i> = 127)	Prison	Provisional Prosecution (<i>n</i> = 14)	Process
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	<i>M (SD)</i>	<i>M (SD)</i>	<i>M (SD)</i>
Special prevention	2.25 (.64)	2.01 (.86)	1.43 (.94)
General prevention	2.40 (.60)	2.30 (.80)	2.07(.80)
Special prevention	2.25 (.64)	2.01 (.86)	1.43 (.94)
Punishment	2.25 (.91)	2.26 (.85)	1.71 (1.40)
Rehabilitation	1.70 (2.20)	1.90 (1.01)	1.64 (1.22)

Table 4.

Differences on perceptions about the orders' purpose between offenders with different types of crime committed

	1 <i>n</i> = 50	2 <i>n</i> = 35	3 <i>n</i> = 16	4 <i>n</i> = 38	5 <i>n</i> = 10	6 <i>n</i> = 3	7 <i>n</i> = 7
	<i>M (SD)</i>	<i>M (SD)</i>	<i>M (SD)</i>	<i>M (SD)</i>	<i>M (SD)</i>	<i>M (SD)</i>	<i>M (SD)</i>
General prevention	2.20 (.87)	2.57 (.56)	2.44 (.63)	2.22 (.82)	2.40 (.52)	2.33 (.58)	1.86 (.69)
Special prevention	1.65 (.93)	2.23 (.73)	2.06 (.77)	2.03 (.90)	1.60 (.52)	2.50 (.71)	2.57 (.54)
Punishment	2.28 (.88)	2.40 (.81)	2.06 (.93)	2.05 (.99)	2.00 (.94)	3.00 (.00)	2.29 (.76)
Rehabilitation	1.64 (1.01)	2.20 (.90)	1.94 (1.12)	1.84 (1.08)	2.00 (.67)	2.00 (1.41)	2.00 (1.16)

Note: 1. Drug trafficking; 2. Property/Economic crimes; 3. Driving-related crimes; 4. Domestic violence; 5. Offenses to physical integrity; 6. Attempted murder; 7. Sexual crimes

Table 5.

Differences of perceptions about society between offenders serving different orders

	Community (<i>n</i> = 20)	Service Sentence (<i>n</i> = 127)	Prison Provisional Prosecution (<i>n</i> = 14)
	<i>M (SD)</i>	<i>M (SD)</i>	<i>M (SD)</i>
"I felt more revolted"	.80 (1.10)	.93 (1.13)	.64 (1.01)
"I felt more critical"	.95 (1.19)	1.19 (1.18)	.93 (1.07)
"I did not change"	1.55 (1.40)	1.10 (1.27)	1.00 (1.36)
"I felt more understanding"	1.70 (2.2)	2.12 (1.10)	1.73 (1.22)