



# Work, Pay, or Go to Jail

## Court-Ordered Community Service in Los Angeles

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**UCLA** Labor Center



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## Introduction

Each year in Los Angeles County, about 100,000 people are forced to work for free. We refer here not to wage theft or labor trafficking but to a formal government practice that uses the power of the criminal legal system to require people to work without pay.<sup>1</sup> This practice is called “community service,” a euphemism for a fundamentally coercive system situated at the intersection of mass incarceration and economic inequality, with the most profound effects on communities of color. This report provides the first in-depth, empirical study of a large-scale system of court-ordered community service in the contemporary United States (Tonry, 1997).

Court-ordered community service is typically understood as a progressive alternative to incarceration for people who would otherwise face jail time and/or court debt they cannot afford to pay. However, it also functions as a distinct system of labor that operates outside the rules and beneath the standards designed to protect workers from mistreatment and exploitation.

This report relies on a roster of about 5,000 individuals required by the Los Angeles Superior Court to perform

community service in one part of the county during a one-year period from 2013 to 2014. We acquired more detailed information on about 600 of the underlying legal cases by identifying and coding court files from a representative sample of the roster. We complemented this data with documentation obtained through public records requests and by conducting 39 interviews with workers, public defenders, program administrators, work site supervisors, and others involved in the Los Angeles system. We also surveyed existing state laws and recent legislation in all 50 states.

Our focus on this form of labor complements the increasing public attention on court debt, which has attracted criticism for two broad reasons.<sup>2</sup> First, it leads to further criminalization of people who cannot afford to pay; “poverty penalties” can lead to incarceration in what have been called the new debtors’ prisons, which violate constitutional protections (American Civil Liberties Union, 2010; Colgan, 2018; Harris, 2016). This criminalization of poverty predictably compounds racial and economic inequalities already exacerbated by a criminal legal system that disproportionately targets people of color in economically disadvantaged



communities (Alexander, 2012; Forman, 2012; Gustafson, 2009). Second, court debt has come to resemble a shadow state and local tax that feeds back into the criminal legal system.

Our data show that community service often replicates or exacerbates the problems of court debt, rather than providing a humane alternative. Many individuals face barriers to completing the assigned work, frequently resulting in arrest, incarceration, and deepening debt. When people are able to comply with mandatory community service, the result is the extraction of millions of hours of unpaid, unprotected labor from those most subject to unemployment and work instability. When the criminal legal system supplies a captive labor force to employers, work that would be otherwise decently compensated and often unionized, is replaced by a degraded form of labor, undermining the security of all workers and exacerbating the shortage of jobs that contributes to criminalization and unaffordable debt.

The following is a summary of our key findings:

**1. Los Angeles County operates a large-scale system of court-ordered, unpaid, and unprotected labor outside of its jails that involves about 100,000 people and millions of hours of work each year. Court-ordered community service workers labor alongside paid employees who perform identical tasks. As “volunteers,” they receive neither wages nor labor protections from safety hazards, workplace injuries, discrimination, or harassment, let alone social security, child care assistance, or other supports for blue-collar workers.**

**2. Court-ordered community service extracts weeks and sometimes months of unpaid work.**

- a. In criminal court, community service orders imposed in lieu of jail required people to work a median 100 hours. In at least 25% of these cases, people were ordered to work 155 hours or more—about four weeks of full-time work.<sup>3</sup>
- b. Community service orders to absolve court debt required people to work a median 96 hours in lieu of an average \$1,778 in fines and fees.

- c. Even for just a traffic ticket, the median work order was a week and a half (51 hours) to work off \$520.

**3. Community service enables government agencies and private entities—nonprofit and for-profit alike—to avoid hiring thousands of workers.**

- a. Extrapolating countywide from our data, mandatory community service required people in Los Angeles County to perform an estimated 8 million hours of unpaid work over the course of a year—the equivalent of 4,900 paid jobs.
- b. Government agencies received an estimated 3 million hours of labor, the equivalent of 1,800 full-time jobs.

**4. People face widespread barriers to completing mandatory community service, with serious consequences.**

- a. About two-thirds (66%) of people from criminal court and two-fifths (38%) from traffic court did not complete their community service by the initial deadline.
- b. The threat of jail is real. In criminal cases, nearly one in five (19%) in our study faced probation violation and revocation or a bench warrant for failure to complete court-ordered community service, and 12% were sent to collections.
- c. Even in traffic court, where jail is rare, court-ordered community service workers feared incarceration for not completing their assignments. Ten percent were eventually sent to collections or otherwise sanctioned for failing to trade their fines and fees for work.
- d. Mandatory community service is not a complete alternative to debt. People must pay a fee to a referral agency simply to obtain a community service placement. Further, not all court fees can be worked off, so even those who complete their hours may still face debt. In criminal court, the majority (86%) still made payments averaging \$323—a significant sum for many. Likewise, in traffic court, 40% of those assigned community service still made some payments.

**5. Community service disproportionately affects marginalized communities.**

- a. Of those sentenced to mandatory community service in criminal court, most (78%) could not hire a lawyer, even though they potentially faced jail time, and either went unrepresented or were represented by a public defender.
- b. A substantial minority (16%) had sufficiently limited English proficiency that the court appointed an interpreter.
- c. In traffic court, 89% of defendants were people of color.

Too often, court-ordered community service does not preclude jail or debt, and it is always a troubling form of economic extraction that seizes labor rather than money. This practice threatens job security and labor standards, as employers can substitute community service workers for paid employees.

Our goal is not to eliminate alternatives to jail and debt but to understand the limitations and risks of court-ordered community service and develop better alternatives. Our findings suggest several distinct but complementary paths that could address the problems inherent in mandatory community service without reverting to more punitive solutions. Most radically, we could reconceptualize community service as a jobs program.

We recommend three approaches:

1. Reduce the threat of jail and court debt that compels people into community service in the first place.
2. Expand sentencing alternatives that do not rely on forced labor.
3. Transform punitive mandatory community service into meaningful economic opportunity through decent, paid jobs.



## An Overview of Court-Ordered Community Service in Los Angeles

Court-ordered community service was developed nearly a half-century ago as an alternative penalty that, instead of incarcerating people, allowed them to live free, keep their employment, and contribute to their families and communities (Austin & Krisberg, 1982; Tonry, 1997). That was the context for LA County’s establishment of its Court-Referred Community Service program in 1975 (MacLaughlin, 2006). More recently, there has been a national explosion in criminal fines and fees, including in California (Bender et al, 2015; Harris, 2016). Fines and fees can lead to incarceration if people do not pay, even though many simply lack the funds to do so (Bingham et al., 2016; Harris, 2016).

Court debt has been a major focus of reform efforts throughout the country. Last year, the American Bar Association (2018) endorsed principles developed by a national task force of state court administrators and chief justices, stating that court debt should not be used as “a revenue-generating arm” that substitutes for government funding of courts. San Francisco and Alameda Counties recently eliminated fees related to

probation debt and absolved \$32 million in unpaid court debt (Alameda County, California, Municipal Ordinance 2018-67, 2018; San Francisco, California, Municipal Ordinance 131-18, 2018). This year, Los Angeles County began a feasibility study to eliminate court fees and fines within its purview (County of Los Angeles Board of Supervisors, 2019). Senate Bill 144, which failed this year in the California legislature, would have repealed administrative fees that fund the criminal legal system and eliminate existing debts (Criminal fees, S. Bill 144).

Many reformers have identified community service as an alternative to work off court debt (American Civil Liberties Union, 2010; Criminal Justice Policy, 2016; Financial Justice Project, 2017). In previous research, we identified this connection between the threat of jail for nonpayment and the alternative of working off debt as an example of a broader pattern of practices we called “get to work or go to jail.” (Zatz et al, 2016). This report widens that lens to bring into focus the county’s criminal and traffic courts, where community service is imposed as both a way to work off court debt and a separate component of a criminal sentence.



LA County operates the largest jail system in the world (Lytle Hernández, 2017), booking over 100,000 people into the system each year and incarcerating about 17,000 people each night (McDonnell, 2016). Yet surprisingly little is known about the effects or effectiveness of court-ordered community service programs in Los Angeles or nationally. Available research has focused on small-scale, tightly managed demonstration projects rather than routine, large-scale implementation throughout a court system (Tonry, 1997; Wood, 2010). Our research found that all 50 states authorize court-ordered community service in at least some criminal cases, and at least 36 states use community service as an alternative to court debt in some circumstances, with many states actively considering bills to expand this use.

Until recently, Los Angeles County did not systematically track or collect any information about how its courts use community service. Only when the county began exploring some changes to its system did it conduct a survey of the network of 10 nonprofit “volunteer centers” that serve as intermediaries between the

Los Angeles Superior Court and the placement sites where people perform community service. Using public records requests, we obtained the results of this survey and other administrative documents, and they provided the starting point for the research underlying this report (see Table 1).

These documents show that over 100,000 people each year register to perform court-ordered community service through the volunteer centers, a 25% increase from a decade earlier. These figures and our data excluded those who were ordered to perform community service but never registered with a volunteer center. In 2006, the court reported that 87% of those performing community service for criminal court did so through a volunteer center. Although the centers were once funded by contracts with the Probation Department, that arrangement was discontinued in 2004 (MacLaughlin, 2006). Since then, people ordered to perform community service must pay a registration fee directly to the volunteer centers. In the 2013–2014 fiscal year, those fees amounted to almost \$5 million.<sup>4</sup>

The court’s survey of volunteer centers provided limited information about the total number of people referred and amount of fees paid. La Mirada Volunteer Center, however, provided the court with a roster listing each of the roughly 5,000 individuals, or about 5% of the countywide total, who registered during the one-year period from July 1, 2013, through June 30, 2014. This roster enabled us to conduct a much deeper, more individualized analysis of hours assigned by the court, work sites assigned by the center, and, most importantly, underlying legal case numbers that we used to retrieve and analyze a representative sample of 600 individual court case files. This analysis gave us detailed information about why mandatory community service was imposed, what else was going on in each case, how much people eventually worked or paid in fines and fees, and whether people faced punishment for not completing community service. Unless otherwise specified, figures in this report refer to the population identified by this one volunteer center roster. The analysis does not capture people who were referred to the center but never registered. More generally, the center’s population may differ from those referred to other centers because of regional variations within the county; for instance, not all court-houses hear both criminal and traffic cases.

**Table 1: Total Community Service Workers by Volunteer Center, 2013–2014**

Referral agency	Registered workers
Assistance League of Los Angeles	37,019
Volunteer Center South Bay-Harbor-Long Beach	27,492
Volunteer Center of San Gabriel Valley	12,089
Special Services for Groups	7,561
La Mirada Volunteer Center	5,196
Community Service Agency	4,832
HandsOn Santa Clarita <sup>a</sup>	3,988
Inland Valley Resource Center	1,856
El Monte Police Department	433
Alternative Sentencing Program	301
<b>Total</b>	<b>100,767</b>

Note. <sup>a</sup> HandsOn Santa Clarita did not provide an annual survey during this reporting year; the registration figure here is an estimate based on documents reporting the total number of hours assigned through the agency combined with hours-per-person data from other centers

We supplemented this quantitative data and documentation with interviews: 20 with community service workers with active referrals to La Mirada Volunteer Center during 2018 and another 19 of placement site supervisors, public defenders and traffic court advocates, a judge, and three court-ordered community service administrators, two of whom work at one or more LA County volunteer centers and another with a county-wide role (County of Los Angeles Board of Supervisors, 2017). Additional methodological details are provided in the Appendix.

We begin with an overview of community service workers and their cases. We then explore how these court sentences produce a system of uncompensated labor extraction in LA County. And we share challenges to completing these sentences that can lead people to face incarceration or other consequences.

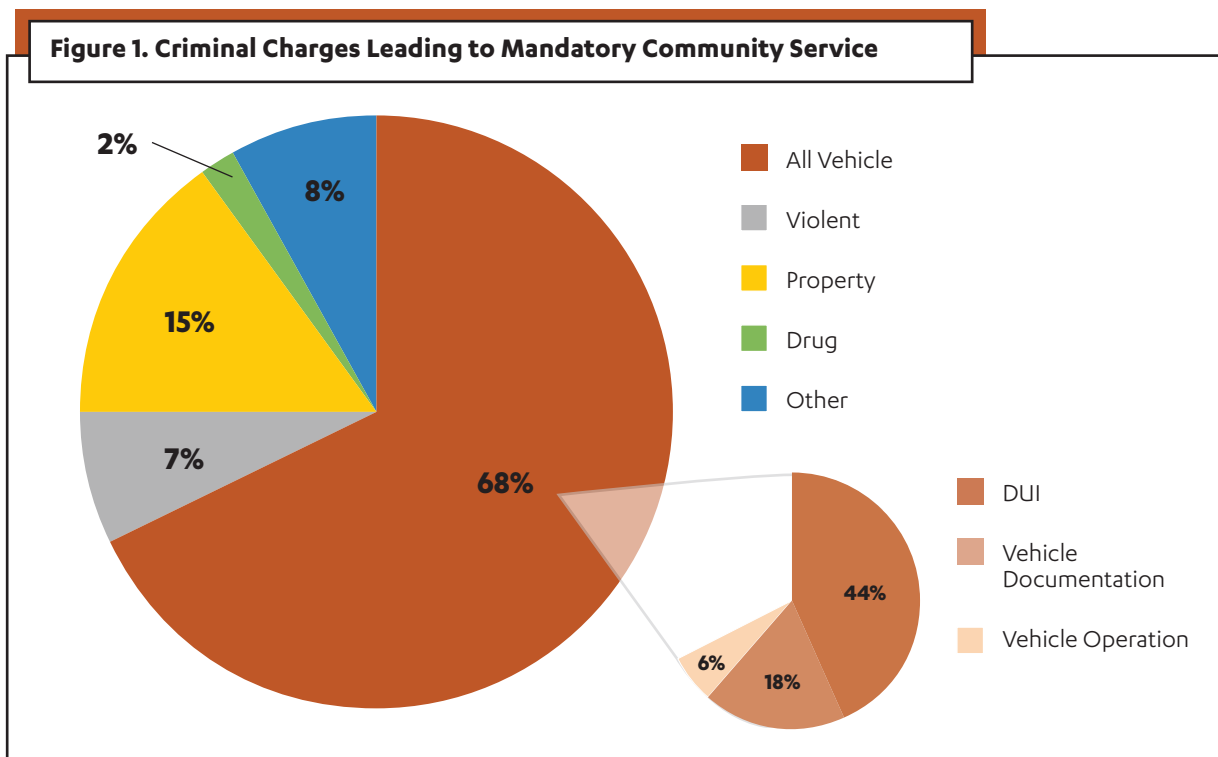
## What Kinds of Charges Lead to Mandatory Community Service?

Mandating community service is a common practice for two different parts of LA Superior Court: criminal court

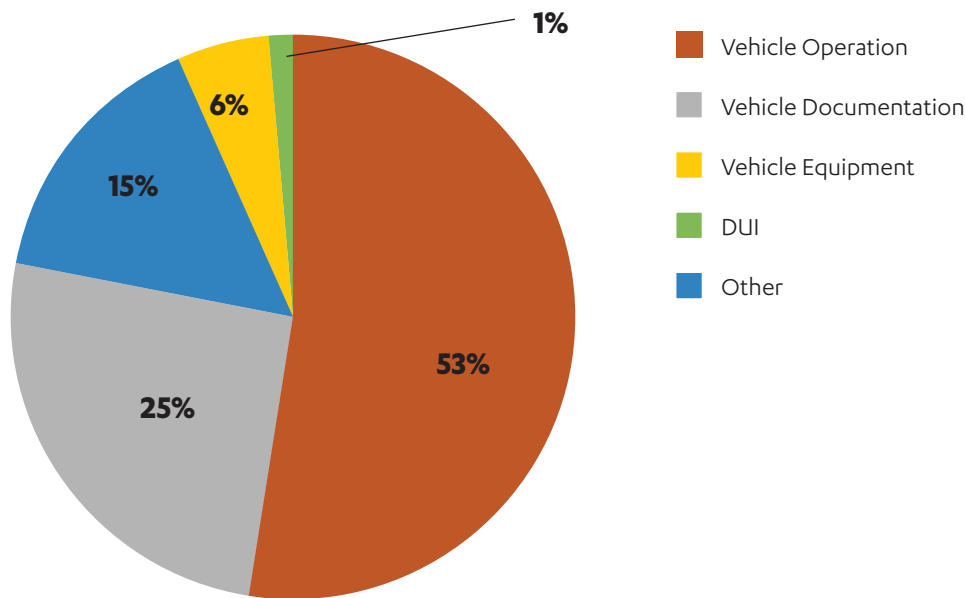
and traffic court. In our sample, 54% of community service orders came from criminal court, where felonies and misdemeanors are heard, while 46% came from traffic court, where infractions such as speeding tickets are heard. Unless otherwise noted, we aggregate orders to perform community service that are issued at sentencing with those that are issued postsentencing, typically in response to a failure to pay or some other probation violation, as well as a few that are issued presentencing, as a form of diversion to drop charges, vacate convictions, or shorten sentences. The sentencing phase, however, is by far the primary source of community service orders; only 6% of cases had community service newly assigned postsentencing.

In criminal and traffic courts combined, community service orders result overwhelmingly (78%) from vehicle-related offenses. The prominence of vehicle offenses is especially striking because of the likelihood of racial profiling in police decisions to make initial stops, to ticket, and to choose neighborhoods for DUI (driving under the influence) checkpoints and other tactics (Bingham at al., 2016; Carpio, 2019).

In criminal court, 68% of community service orders derive from vehicle-related charges; proportions for



**Figure 2. Traffic Charges Leading to Mandatory Community Service**



violent crimes, property crimes, and drug crimes were low (see Figure 1).<sup>5</sup> Drunk driving led,<sup>6</sup> followed by vehicle documentation (such as driving without a license or registration) and improper operation (e.g., illegal U-turns or failure to signal). Almost all cases involve only misdemeanor, not felony, convictions.

In traffic court, vehicle operation, especially speeding, dominates charges (53% of total) leading to mandatory community service (see Figure 2).<sup>7</sup> The handful of “other” charges involve public order offenses, like public intoxication or public transit fare evasion (see Figure 2).

### **Minor violations carry significant risk.**

▲ On February 17, 2013, Mr. Rodriguez, a 33-year-old Latino, was cited for littering trash and beer cans on the sidewalk at the corner of 39th and Main Streets in South Los Angeles. Six months later, through an interpreter and without a lawyer, he pleaded no contest and received a base fine of \$100 plus eight hours of community labor. With additional court fees, Mr. Rodriguez owed \$520. Three years later, Mr. Rodriguez’s case was sent to collections, where it remains, having ballooned to \$1,340.

▲ On July 15, 2013, Ms. DeLeon, a 60-year-old Latina, ran a red light at the intersection of Montebello and Paramount Boulevards. She pleaded guilty at her first court appearance on November 21, and received an order to complete 68 hours of community service, attend traffic school, and pay \$64 by December 23—just over one month later. She completed all 68 hours at the Goodwill Downey by December 17, paid \$64, and enrolled in traffic school the next day. Ms. DeLeon didn’t complete traffic school until the end of January, 2014.

▲ Mr. Islas, a 67-year-old Latino, was pulled over on Cesar Chavez Avenue in East Los Angeles on July 19, 2013, for driving while talking on a cell phone without a hands-free device and was also ticketed for driving without proof of insurance. On December 12, he was given three months to perform 85 hours of community service or to pay \$681. Mr. Islas managed to complete 81.5 of his hours by September 23, 2014.

▲ Mr. Gonzalez, a 26-year-old Latino, made an illegal U-turn in a business district in Huntington Park on January 19, 2014. He was ticketed for that and for driving without proof of insurance. He paid a correction fee for failing to have proof of insur-



ance and was given four months to complete 91 hours of community service or pay \$757. On September 2, 2014, he accrued \$300 in additional penalties for failing to pay. He was sent to collections six months later for \$1,107, where his case remains as of the date of publication.

▲ Ms. Angulo, a 33-year-old Latina, was pulled over for speeding on the I-605 freeway on February 4, 2013, and cited additionally for expired registration. Ms. Angulo paid a correction fee for her expired tags but did not appear in court on April 11 as required. In July, the court suspended her license. The following summer, Ms. Angulo appeared in court and was given four months to complete 39 hours of community service and pay \$340. Ten days later, she managed to pay \$10. Two years after her speeding ticket, on December 28, 2015, Ms. Angulo received amnesty that resulted in an 80% reduction in her fine and reinstatement of her driver's license, but she remains in collections for \$665.

▲ On March 26, 2013, Mr. Cardoza, a 20-year-old Latino, was driving 60 mph on the Imperial Highway when he was pulled over and ticketed for violating California's Basic Speed Law, which prohibits driving on a highway at a speed greater than is "reasonable or prudent" given weather, visibility, traffic, and surface width of the highway. He was given six months to complete 46 hours of community service in lieu of a \$431 fine. Mr. Cardoza's case was sent to collections, where it remains, with a balance of \$697.

▲ Ms. Bullock, a 26-year-old Black woman, was pulled over for driving while talking on her cell phone in Bellflower on February 22, 2012. In May, her license was suspended for failure to appear. In July, she was sentenced to perform 34 hours of community service and pay \$75, in lieu of paying her full debt of \$344, by October. Ms. Bullock did half her community service, at 17.5 hours, and the remainder was converted to a \$207 balance. This balance was sent to collections in March 2014, where it remains.

▲ On March 29, 2012, Mr. Monsivaiz, a 19-year-old Latino, was pulled over in Downey and cited for expired tags and lack of proof of insurance. He missed his first court appearance and in October, received an additional charge for failure to appear, a bench warrant for his arrest, and a hold on his

driver's license. He appeared before a judge in November 2013 and was sentenced to pay \$535 or perform 63 hours of community service and pay a \$25 fine, due in three months. Mr. Monsivaiz never completed his community service. He was sent to collections for his full balance and received amnesty that reduced his amount owed and reinstated his driver's license the following year.

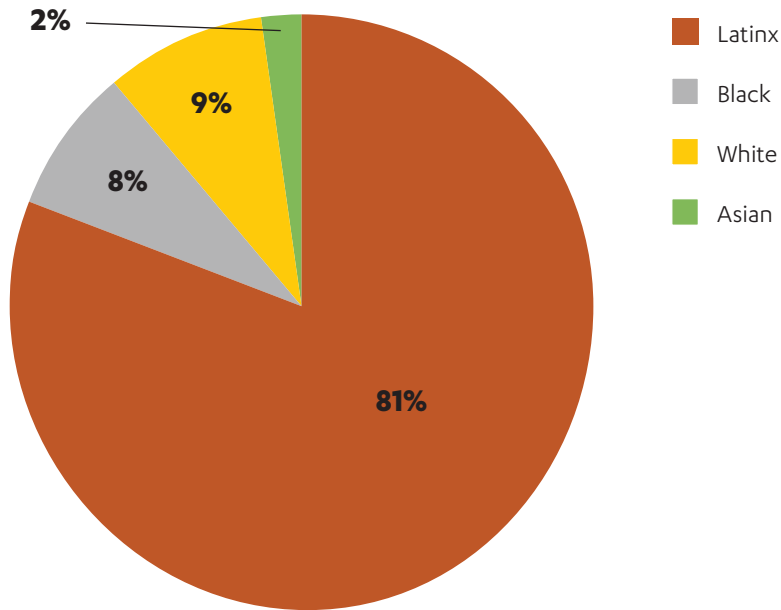
▲ On August 10, 2013, Ms. Garcia, a 28-year-old Latina, was pulled over and ticketed for driving without a license or proof of insurance; it's unclear what gave the officer probable cause for the stop. She pleaded guilty at her arraignment in October and was sentenced to pay \$340 or perform 39 hours of community service within three months. Ms. Garcia performed her community service at a local church by Christmas Eve and submitted her hours to the court on New Year's Eve.

▲ Mr. Tschingi, a 27-year-old White man, was pulled over on the 14 freeway on December 26, 2013, for crossing a double yellow line denoting a high occupancy vehicle lane. He was cited for this as well as failing to provide proof of insurance, expired registration, and a cracked windshield. When he appeared in court the following May, he presented evidence of having fixed his expired registration, insurance, and cracked windshield. The judge sentenced him to pay \$595 or perform 65 hours of community service plus pay a \$139 fine within one month. Mr. Tschingi completed his community service three days before his deadline.

▲ On May 3, 2013, Ms. Reyna, a 48-year-old Latina, was pulled over and cited for speeding and failing to provide current insurance. At her arraignment in September, she pleaded guilty and was sentenced to pay \$422 or perform 49 hours of community service within four months. Ms. Reyna took just two months to complete her community service at her family church.

▲ On August 9, 2013, Mr. Nevare, a 24-year-old Latino, was pulled over on the I-10 freeway and received a ticket for speeding and failure to provide evidence of insurance. He pleaded guilty and was sentenced to pay \$545 or perform 65 hours of community service and pay a \$25 fee within three months. He completed his community service with a week to spare.

**Figure 3. Racial Composition of Community Service Workers from Traffic Court**  
 We derived race data from the ticketing officers' indications on the original tickets or citations.



### Who Are Mandatory Community Service Workers?

People sentenced to mandatory community service appear to be overwhelmingly low-income people of color, who comprise a staggering 89% of those from traffic court (see Figure 3). People ordered into community service by traffic court were more likely to be older and women (see Figure 4) than those coming to the volunteer center from criminal court. Nearly eight in 10 (78%) of those in criminal court were men (see Figure 5).

Data indicating race/ethnicity was not available for criminal cases in our dataset, but countywide, people of color constitute about 80% of those arrested on misdemeanor charges, including the nonviolent, nondrug, and nonproperty charges that dominate our sample (Public Policy Institute of California, 2016). Among the criminal cases in our sample, a substantial minority (16%) had sufficiently limited English proficiency that the court appointed an interpreter, usually for Spanish speakers (93%).

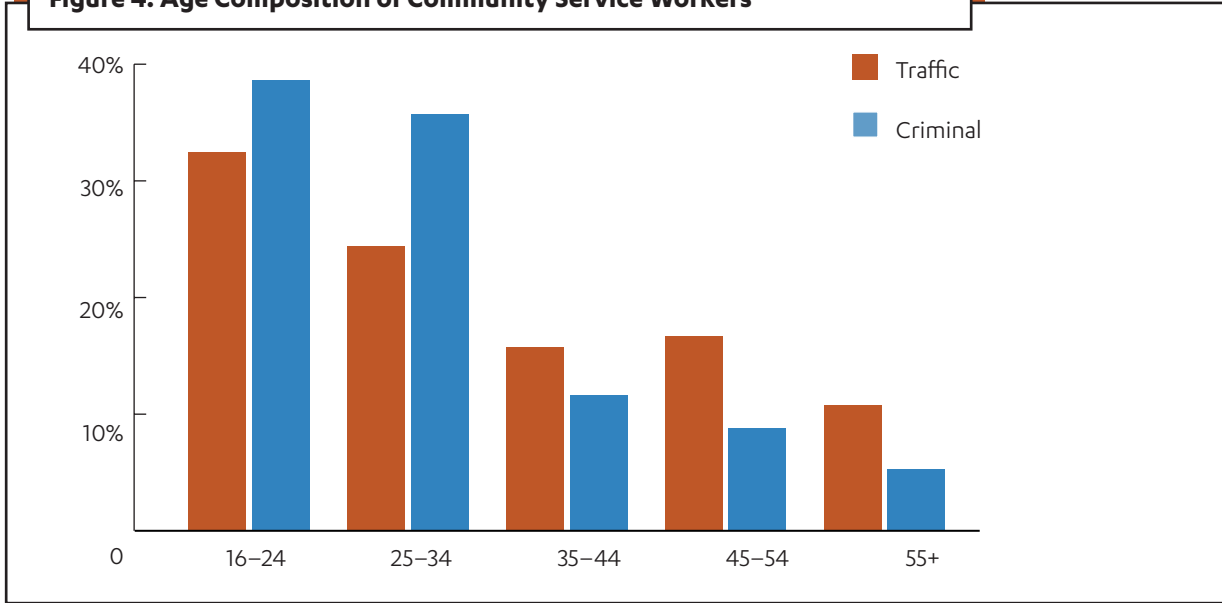
One indicator of poverty is the lack of private legal representation when facing criminal charges. In criminal

court, fewer than one-quarter (22%) ever hired private counsel. Public defenders represented 54% who proved they could not afford to hire an attorney, and the remaining 25% went entirely unrepresented. In traffic court, legal representation is rare, so we cannot infer economic status from it—but we do know that everyone with mandatory community service from traffic court was deemed too poor to pay their fees and fines.

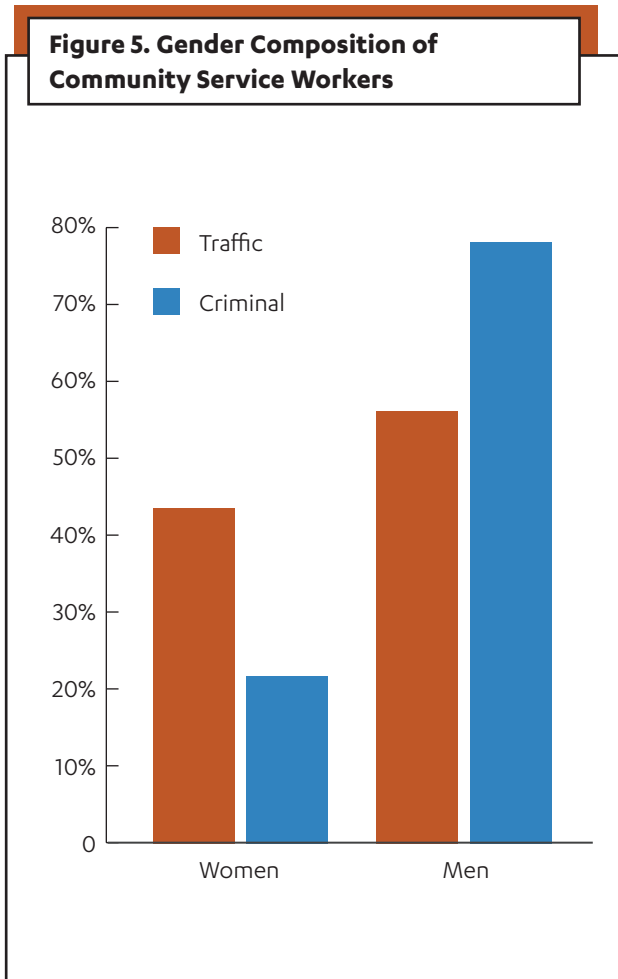
### Community Service to Work Off Court Debt

Court debt starts with the statutory base fine for a specific offense, but then it grows substantially due to surcharges and penalty assessments earmarked for state and local funds, like the Court Construction Fund. California boasts some of the highest traffic fines and fees in the country as well as approximately \$12.3 billion in uncollected court-ordered debt for traffic and criminal offenses combined (Financial Justice Project San Francisco, 2016). Judges in our study imposed assessments for a State Penalty Fund, court security, court operations, alcohol abuse and prevention, and criminal convictions, as well as fees to fund night court, administrative screening, domestic violence services,

**Figure 4. Age Composition of Community Service Workers**



**Figure 5. Gender Composition of Community Service Workers**



laboratory services, installment payments and accounts receivable, emergency medical air transportation, and citation processing. Courts impose an additional statutory fee of \$300 for failing to pay the initial fine, making it even harder to comply (Cal. Penal Code § 1214.1).<sup>8</sup>

In criminal court, base fines in our study consistently accounted for just one-fifth of the total due—meaning that 80% of our sample’s debt came entirely from additional fees (see Figure 6). Those in our study working off criminal court debt owed a median total of \$1,778, while the maximum was over \$8,000. We found a similar pattern in traffic court, where base fines consistently comprised less than 20% of total court debt. People in our study were working off traffic court debt owed a median total of \$520, with 25% owing more than \$866. Fees more than quadrupled people’s court debt.

In light of escalating court debt, it comes as no surprise that the majority (84%) of people in our study performed mandatory community service in lieu of payment (see Figure 7). That figure includes everyone from traffic court and 71% of people from criminal court. As one attorney we interviewed explained, “You can have a base fine of \$400 or \$500....That quickly becomes...\$3000 all of a sudden. So people opt to do community labor or community service to offset the fines.”



### Figure 6. Sources of Criminal Court Debt

This case file excerpt from our sample shows the inflation from the initial base fine of \$160, which comprised just 15% of this person's court debt. The \$1,026 total due arose from additional fees imposed by the court. Across our sample, base fines amounted for just 20% of the total due, with only 3% standard deviation from this average.

SENTENCING  
AS TO COUNT (02):  
DEFENDANT HAVING BEEN DULY ARRAIGNED FOR JUDGMENT AND THERE BEING NO LEGAL CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED AGAINST HIM, THE COURT ORDERS THE FOLLOWING JUDGMENT:  
IMPOSITION OF SENTENCE SUSPENDED  
DEFENDANT PLACED ON SUMMARY PROBATION  
FOR A PERIOD OF 036 MONTHS UNDER THE FOLLOWING TERMS AND CONDITIONS:  
SERVE 001 DAYS IN LOS ANGELES COUNTY JAIL  
LESS CREDIT FOR 1 DAYS

PAY A FINE OF \$160.00 ← **Base Fine**  
PLUS A STATE PENALTY FUND ASSESSMENT OF \$464.00  
PLUS \$30.00 CRIMINAL FINE SURCHARGE (PURSUANT TO 1465.7 P.C.)  
\$40.00 COURT OPERATIONS ASSESSMENT (PURSUANT TO 1465.8(A)(1) P.C.)  
\$132.00 987.8 P.C. - ATTORNEY FEES ← **Other fees**  
\$30.00 INSTALLMENT & ACCOUNTS RECEIVABLE FEE (PURSUANT TO 1205(D)PC)  
\$30.00 CRIMINAL CONVICTION ASSESSMENT (PURSUANT TO 70373 G.C.)  
DEFENDANT TO PAY FINE TO THE COURT CLERK  
IN LIEU OF FINE, DEFENDANT MAY:  
PERFORM 5 DAYS OF COMMUNITY LABOR  
DEFENDANT SHALL PAY A RESTITUTION FINE IN THE AMOUNT OF \$140.00 TO THE COURT  
TOTAL DUE: \$1,026.00 ← **Total Due**

### Inflated court debt turns a low-level offense into a high-level problem.

▲ Mr. Solander was cited on March 4, 2011, for expired tags and failing to provide proof of insurance. He pleaded guilty and was sentenced to pay a \$50 base fine for expired registration, another \$200 base fine for failing to provide proof of insurance, plus an additional, unenumerated \$939—for a total due of \$1,189 in court debt. It is unclear whether Mr. Solander requested and was denied community service in lieu of his debt, but he appeared before a judge at least six times over a period of three years and was never able to pay more than \$100.

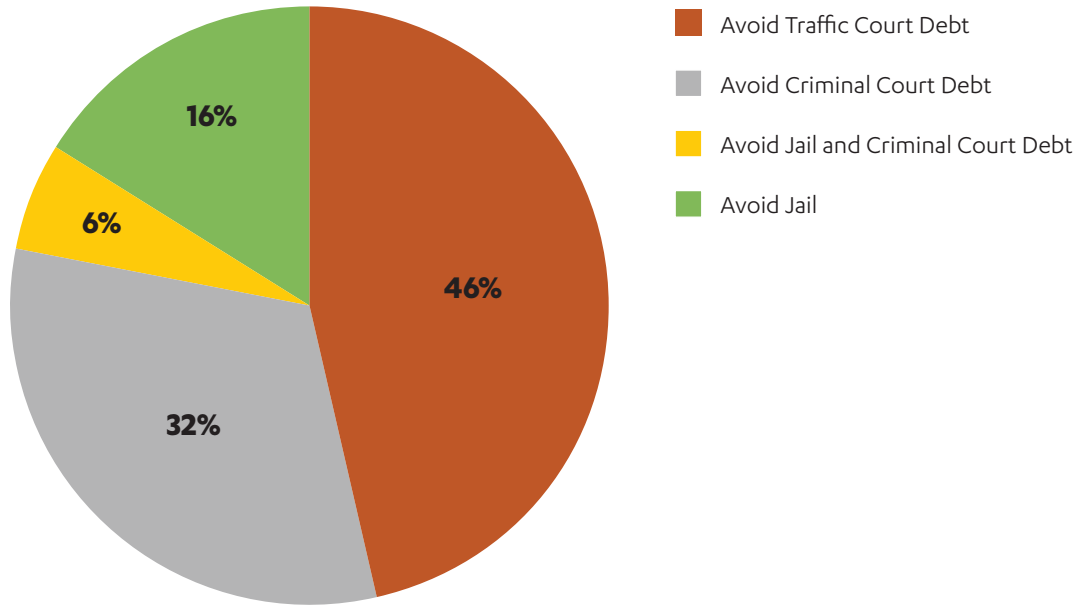
He paid that \$100 two years after his citation, and a judge dismissed both his counts and reduced his fine to \$835, due in 90 days. When Mr. Solander still could not pay, a judge converted his fines to 101 mandatory community service

hours in lieu of the remainder, due again in 90 days. Six months later—three years after his initial offense—Mr. Solander had not completed his hours, and a judge reinstated the full remainder of \$1,089. A year later, the court added \$300 in late penalties and sent his case to collections. It remains there with a balance of \$1,389.

▲ Ms. Tiansay was arrested on September 9, 2009, for driving with a suspended license and prosecuted in criminal court. The five-year saga that followed resulted in two arrests, 10 court appearances, and a draconian choice between 271 hours of mandatory community service or payment of \$2,309 in court debt. Ms. Tiansay failed to appear for her first arraignment on December 17, 2009, and a bench warrant was issued for her arrest.

On May 12, 2010, Ms. Tiansay was arrested and released but ordered to appear for arraignment on July 15. She appeared and, with representation

**Figure 7. Reason for Mandatory Community Service**



by a public defender, pleaded not guilty. She appeared again for pretrial hearings on July 29, again on August 8, and again on September 1, where, with the help of her public defender, she accepted a plea deal and was convicted. Ms. Tiansay attended her first sentencing hearing on December 1 and her second on March 30, 2011, where her sentence was suspended on condition that she complete summary probation for three years, spend five days in county jail, and pay \$264, including a \$1 night court fee, \$40 court security assessment, \$30 criminal conviction assessment, \$10 citation processing fee, \$4 Emergency Medical Air Transportation Act fund fee, \$79 attorney fee, and a restitution fine of \$100. The court offered Ms. Tiansay 16 days in jail in lieu of paying her fine, for a total of 21 days in jail, but she would still owe a mandatory court fee due one year later. Ms. Tiansay was ordered to surrender herself to jail on April 7, 2011. On that date, she appeared with private counsel, who secured a stay of her surrender until May 9. When Ms. Tiansay appeared to surrender herself, she was

unrepresented. She changed her mind about serving 16 days in lieu of her fine and accepted a \$500 fine plus \$1,300 in penalty assessments, a \$100 additional criminal fine surcharge, and a court cost of \$30, for a total of \$1,930. The court offered 16 days of mandatory community labor in lieu of payment due by April 2, 2012. On April 10, 2012, Ms. Tiansay had served her 5 days in jail but submitted no proof of payment or completion of her hours. The court revoked her probation, issued another bench warrant for her arrest, and a year later Ms. Tiansay was *again* arrested and ordered to appear. At her appearance on January 24, 2014, without counsel, the court gave Ms. Tiansay one year to perform 271 hours of mandatory community service in lieu of \$2,180 in court debt. Deciding she had had enough, Ms. Tiansay scraped together the money within just five months and, on May 6, 2014, appeared in court to pay \$2,309 total for her fine and a mandatory attorney fee. Ms. Tiansay's case was finally terminated.

Judges exercise broad discretion with respect to substituting mandatory community service for court debt. In traffic court, the law directs judges to permit community service in lieu of court debt that “would pose a hardship.” (Cal. Penal Code § 1209.5(a)). This applies to all monies due to the court, regardless of whether they are labelled “fines,” “assessments,” or “penalties” (Cal. Penal Code § 1209.5(b), Advisory Committee note to Cal. Rules of Court 4.106(e)(1)). Court rules provide for assessments of a defendant’s ability to pay but provide no standards to make that determination and can be complex (Colgan, 2017). Therefore, the court may exercise its discretion after a financial hardship determination process to permit or deny community service, allow payment in installments, or waive all or part of it (Cal. Rules of Court § 4.335(4)). The result is that people in traffic court face wildly unpredictable and disparate outcomes that could reflect an individual judge’s biases, preferences, or mood.

In criminal court, there are no legal criteria for when judges should order community service in lieu of payment. Unlike traffic court, only a few criminal fines or fees (probation costs, some supplemental theft-related fines, and public defender fees) require an ability-to-pay assessment (Cal. Penal Code § 1203.1b; Cal. Penal Code § 1202.5; Cal. Penal Code § 987.8). Judges may impose jail in lieu of criminal court debt or of community service that is itself in lieu of court debt, giving a defendant who cannot pay the limited choice to accept incarceration in a plea deal to avoid paying (Cal. Penal Code § 1205(a); Cal. Penal Code § 2900.5(a); *People v. Carranza*, 2016)). But notably, jail time can only count toward the base fine and penalties.<sup>9</sup> Restitution to victims is not eligible nor are administrative fees that raise revenue for specific budgetary purposes. Courts have noted that no statute lets judges waive or suspend these fees (*People v. Woods*, 2010). What remains for those who cannot pay is mandatory community service, which the law explicitly allows to substitute for restitution fines (unlike restitution to victims), toward which jail credit is unavailable (Cal. Penal Code § 1205(f); Cal. Penal Code 1205.3). Although no explicit law allows administrative fees to be converted to mandatory community service, criminal court files in our study routinely lumped together multiple forms of court debt to be worked off. Moreover, a groundbreaking appellate decision recently found administrative fees to be

unconstitutional when imposed without considering defendants’ ability to pay (*People v. Dueñas*, 2019; see also Colgan, 2018). This decision suggests that people in criminal court may soon be afforded ability-to-pay hearings and/or the right to substitute community service for all components of their court debt (*City of Wichita v. Lucero*, 1994).

Even when ability-to-pay determinations are made, there is tremendous judicial discretion over what counts as an inability to pay. One judge explained the process this way:

For people who work full time and raise the kids, you ask them whether community service was going to be able to be something that they could do, because I didn’t want them to come back to court later saying they couldn’t do it.... Other judges...impose stricter criteria on who they are going to accept for community service. There is one in particular who mandates that defendants show their welfare cards and doesn’t even accept MediCal. You really have to demonstrate poverty.

A lawyer who practiced in traffic court affirmed that common questions included, Are you working?, Are you going to school?, and Are you a full-time student? (T. Zhen, personal communication, 2016).

Similarly, judges exercise broad discretion to decrease fees or even waive them entirely, which advocates generally prefer over mandatory community service. One judge explained, “You see the ability to pay in front of you; you can exercise discretion in that way. All fees can be waived. Judges do what they think is appropriate. Sometimes I would waive, sometimes I would reduce significantly.” Advocates, however, consistently stated that judges rarely waived all fees, attributing their reticence to fear of criticism for failing to impose fees that fund the court system. One advocate stated, “I ask in every case for them to waive that because my clients are by definition indigent, and most of them are very, very poor. Most judges . . . will waive . . . \$150 and [say], ‘But I can’t waive the . . . court security fee and court construction fee.’ But I think the judges get in trouble because they’re constantly being reviewed for their stats. It’s a very stat-driven thing with the judges. So they get in trouble if they waive them a lot.” A traffic representative gave similar examples: “I had a client recently I had to ask for an ability-to-pay determina-



tion, and the judge didn't consider any of the information or evidence I put forth regarding the ability to pay. And he reduced the fine by like \$300 and claimed, 'Oh, look how fair I was.' And it was still \$1000."

## Community Service in Lieu of Jail

When community service is imposed as an alternative to paying court debt, defendants generally retain the right to pay if and what they can. In contrast, defendants ordered to perform community service in lieu of jail, including as a condition of probation, must complete their work hours in order to serve their sentences. Orders to perform community service in lieu of jail occur primarily in criminal court for misdemeanors.<sup>10</sup> These orders were imposed in 41% of criminal cases in our study, accounting for just over one-fifth (22%) of our total population.

In the criminal cases we reviewed, the court typically imposed mandatory community service as a condition of probation. Although it does not contain an explicit, general authorization of community service, the basic probation statute repeatedly refers to community service as one possible condition and specifies various possible forms, including graffiti removal and "the performance of house repairs or yard services for senior citizens and the performance of repairs to senior centers" (Cal. Penal Code § 1203.1(g); Cal. Penal Code

§ 1203.1(h)). In addition, a variety of specific misdemeanor offenses—domestic violence, looting during an emergency (up to 240 hours), vandalism (up to 400 hours), graffiti on public buildings (up to 600 hours), graffiti on a freeway (up to 480 hours), and drug possession—explicitly authorize community service as a probation condition (Cal. Penal Code §§ 1203.097, 463, 594.6, 640.5, 640.8, 1210.1). In a few graffiti statutes, judges are required to mandate community service either as a standalone component of the sentence or as a condition of probation (e.g., Cal. Penal Code §§ 594, 640.5(b)).

One drunk driving statute, prominent among our cases, also explicitly allows community service as a substitute for what would otherwise be a mandatory minimum jail sentence (Cal. Vehicle Code § 23580). Although this provision makes community service an explicit alternative to incarceration in these cases, that trade-off is implicit in many plea bargains in which prosecutors agree not to seek jail time in exchange for community service as a court-ordered probation condition. As one public defender explains, "Most of my clients are doing labor in lieu of having to do a jail sentence, not because of a fine. So it's a way to stay out of jail. So they're ordered to do around 20 to 30 days." As with community service in lieu of court debt, community service imposed in lieu of jail is highly discretionary. Another public defender states, "You can get anything for anything. . . . I've gotten community service on a serious felony."

**Figure 8. The Community Service Process**

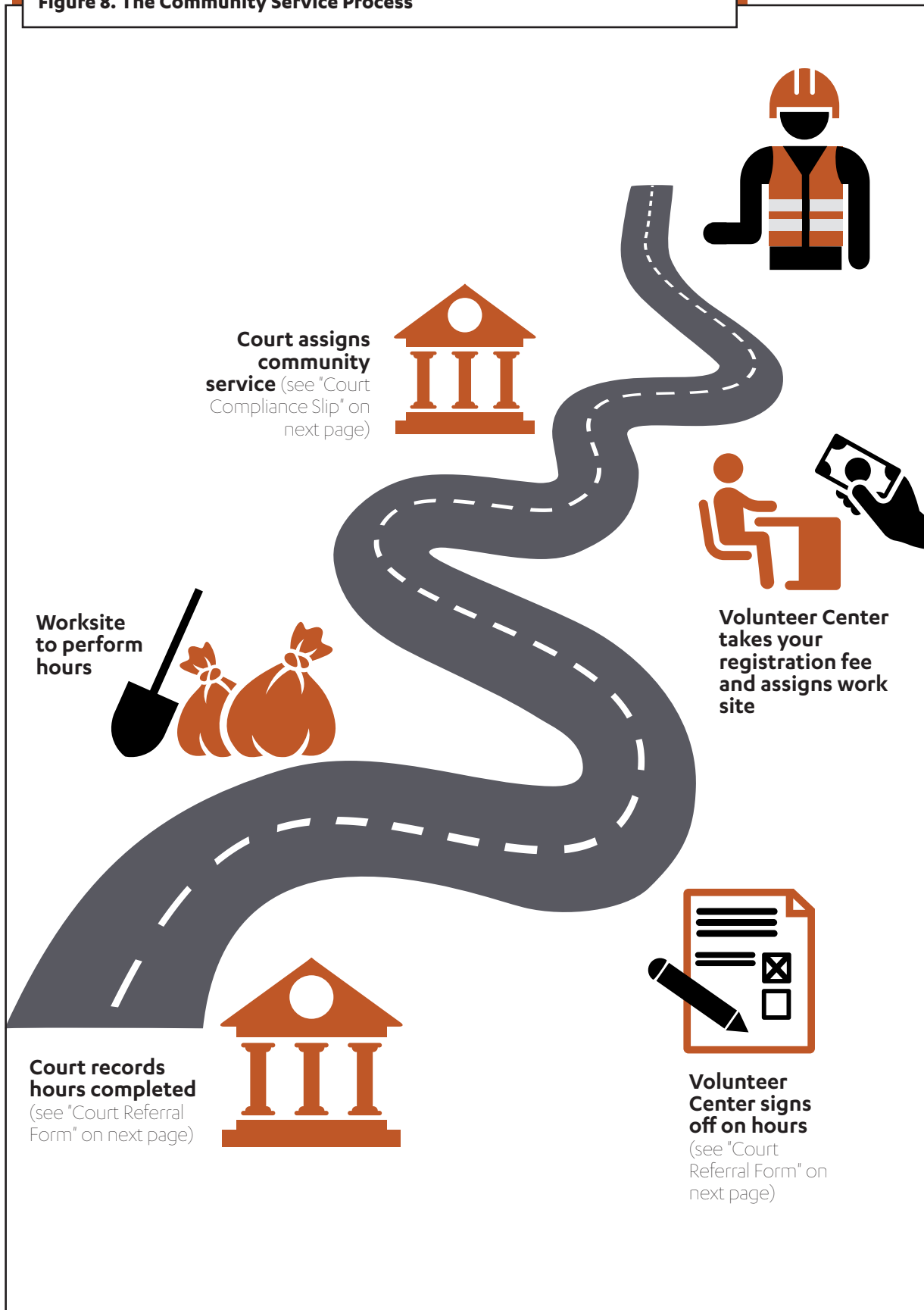




Figure 8, continued



**DOWNEY COURT REFERRAL  
COMMUNITY SERVICE PROGRAM**

7500 East Imperial Hwy. • Room 106 • Downey, CA 90242  
PH: (562) 803-6927

DATE REFERRED: 9-20-2013

CLIENT NAME: [REDACTED]

AGE: 34

REFERRED BY: Downey

ADDRESS: [REDACTED]

CITY/STATE/ZIP: Los Angeles, Ca. 90002

CASE #: 65553QT

PHONE: [REDACTED]

OFFENSE: Traffic

HOURS/DAYS: 61 HOURS CS COURT DATE: 12-19-2013

APPOINTMENT DATE	KEPT	NOT KEPT	
9-20-2013	XXX		

REFERRAL'S PLACEMENT	ACPT'D	NOT ACPT'D	
Goodwill La Mirada	XXX		

**FILED**  
Superior Court of California  
County of Los Angeles

JAN 03 2014

John A. Clarke, Executive Officer/Clerk

By: COMMENTS Deputy

COURT COMPLIANCE SLIP

05/21/2014

LOS ANGELES SUPERIOR COURT  
LASC - METROPOLITAN  
1945 S. HILL ST.  
LOS ANGELES CA 90007

Customer's Name: [REDACTED]

Citation Number: B829252 1942 +\$125

CASE CONTINUED UNTIL: 08/19/2014

FINE AMOUNT: \$560.00

[ ] OR Proof of 54 hours of Community Service

VIOLATION(S): 40508AXX 24252AX

Your case has been continued from today until the above date.  
Please return to the Clerk's Office between 8:00 - 4:30 at  
1945 S. HILL ST.  
LOS ANGELES CA 90007  
or mail your payment with your check or money order payable  
to L.A.S.C. with this notice. Payments through the mail must  
be received by the above date.  
If you do not turn in proof of community service hours by the  
above date you will not receive credit for any community  
service hours completed.  
FAILURE TO MAKE FULL AND TIMELY PAYMENTS MAY RESULT IN EITHER  
A WARRANT FOR YOUR ARREST OR ADDITIONAL FINANCIAL PENALTIES  
AND LICENSE SUSPENSION.

510933

YOU MAY PAY YOUR FINE WITH VISA/MASTERCARD BY PHONE ON WEEKDAYS 5:30 A.M. TO 10:30 P.M.  
AND ON WEEKENDS 8:00 A.M. TO 6:30 P.M. BY CALLING (213) 742-1884. PARTIAL PAYMENTS ARE NOT  
ACCEPTED THROUGH AUTOMATED SYSTEM. WHEN RETURNING TO COURT TO PAY YOUR FINE OR  
SUBMIT PROOF, PLEASE REPORT TO THE FIRST FLOOR, WINDOWS # 01 - 20. TO SIGN UP FOR  
COMMUNITY SERVICE REPORT TO THE SECOND FLOOR, WINDOW #9. NO EXTENSIONS.

## Between Court and Work: Volunteer Centers

Individuals ordered to perform community service are directed by the court to a list of referral agencies, called volunteer centers, often with an office inside the courthouse.

The volunteer centers maintain lists of potential work sites that have agreements with the center. The volunteer centers' responsibilities include monitoring how many hours of work have been completed based on paperwork from the work sites. When community service workers report back to court, they bring the clerk a standardized form produced by the volunteer center documenting the work completed. Thus, the court avoids directly assigning people to specific sites or monitoring their work.

The volunteer centers operate with substantial discretion and limited oversight. For instance, they control selection of the work sites. Volunteer center staff described a pairing process that considers the community service worker's interests, abilities, and schedule, and community service workers we interviewed appreciated this flexibility. Staff also emphasized their authority: "We could send them to beach cleanup, park cleanup, CalTrans, graffiti removal—as long as it's actual labor. We have the authority to say, 'You're going to do this.'" As a result, there can be substantial variation in how this discretionary authority is exercised. A public defender noted, "There's a couple [of staff] that really have good hearts and are trying to do good in the world, and then there's a couple that take it upon themselves to be the arbiters of judgment of our client."

The individuals in our quantitative study were assigned to community service during a period when the volunteer centers operated without any formal oversight, after the 2004 termination of their contracts with the LA County Probation Department and before a change implemented by the County of Los Angeles Board of Supervisors in 2017. During this period, the centers largely continued their previously established practices, with the notable exception that their funding source shifted from Probation Department contracts to fees for service (Frick, 2014a). Volunteer centers now set and collect registration fees from people

mandated to perform community service. These fees amounted to almost \$5 million annually in the 2013–2014 period.

The 2017 change was modest in scope and came after a long-term effort by the LA Superior Court to increase oversight of volunteer centers, despite its own position that it could not fund them directly. The Supervisors tasked the County Community Development Commission with standardizing and monitoring the designation of authorized work sites, with an emphasis on ensuring proper business licenses and insurance and that hours are recorded accurately (Board of Supervisors, 2017; Bennett, 2014). The public rationale emphasized concerns about potential fraud in reporting of hours or charging fees to workers and that increased confidence in the integrity of the system would encourage judges to more liberally assign mandatory community service as an alternative to jail or court debt. Internal court documents, however, reveal an additional motivation: to more effectively shield the court from liability for injury to or by community service workers (Board of Supervisors, 2017; Cenicerros, 2012; Wesley, 2014).





## Court-Ordered Community Service as a Coercive Labor System

Most discussions of mandatory community service focus on what it is not; it is not incarceration. This section highlights what it *is*: a system of ordering people to perform valuable labor without pay and under threat of severe sanctions. Moreover, community service workers possess none of the labor protections of their paid counterparts, including minimum wage and break requirements, safety and health laws, and freedom from workplace harassment or discrimination. Community service workers are disproportionately people of color, which raises questions not only about criminal justice policy but also about economic and racial justice (Zatz, in press-a).

Viewing court-ordered community service through a labor lens raises at least three serious concerns. First, the supply of free labor enables work sites to avoid hiring paid employees to perform this work, displacing potential paid jobs while extracting valuable work from a vulnerable population. Second, coerced labor places workers at the mercy of work sites without even the basic right to quit. Third, this power imbalance stems from a particularly extreme version of employee misclassification, as "volunteers" are excluded from basic workers' rights. At the same time, community service

workers we spoke with were acutely aware that without mandatory community service, they would be subject to incarceration and unmanageable debt. In that context, they were grateful to have access to what they deemed the lesser of two evils.

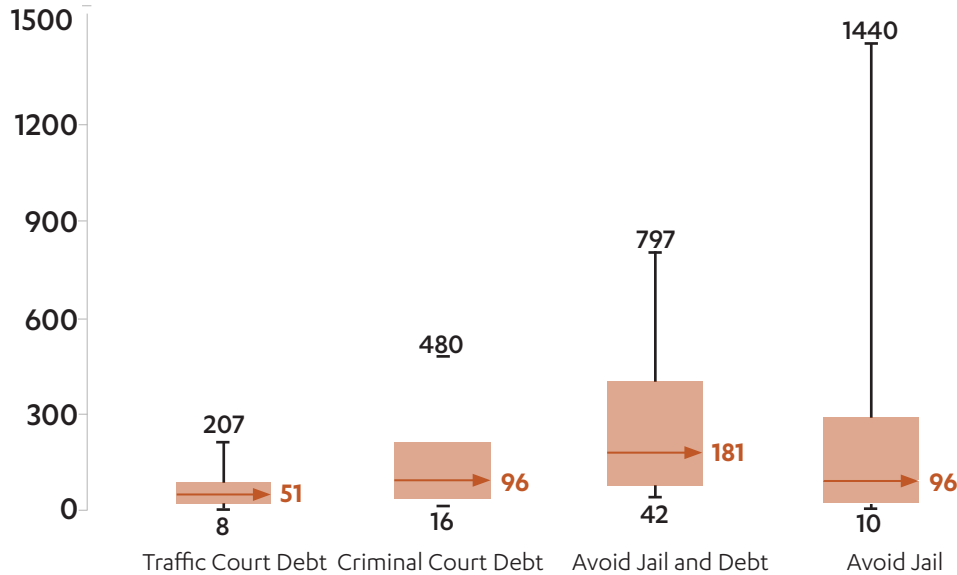
### How Much Do Individuals Work?

While intended as an alternative sentence for low-level offenses, we find that mandatory community service rarely entails low-level obligations (see Figure 9).

In criminal court, people received orders to perform a median 100 hours—almost three weeks of full-time work. However, a substantial minority were required to do much more: the quarter of people with the most hours were ordered to perform at least 155 hours, or about 4 weeks of full-time work. These more extensive work orders were concentrated among those assigned community service in lieu of jail as opposed to those for whom community service was strictly in lieu of court debt (Figure 9). Those with a combination of assignments imposed in lieu of jail and court debt bore the heaviest burden, with a median 181 hours.<sup>11</sup>

**Figure 9. Hours of Work Assigned Across Reasons for Mandatory Community Service**

This figure shows the minimum to the maximum number of hours assigned. Shaded boxes reflect the hours assigned between the 10th and 90th percentiles. The median average hours in each category is illustrated as a line running through each box.



In traffic court, people received orders to perform a median 51 hours, about a week and a half of full-time work. Over 10% of defendants, however, were assigned to more than 91 hours of work. While many can pay off a parking ticket without significant hardship, for those too poor to pay in cash, the price can be weeks of their lives.

Not everyone ordered to perform community service completes the assignment, but most do. In criminal cases, 69% submit at least some hours of work, a median of 88 hours. One unlucky soul completed the most hours in our study, at 750. In traffic cases, court records were not always complete or internally consistent, but we could confirm submission of hours in 74% of them; the true rate could be somewhat higher. We can compare our results to the two volunteer centers that reported completion rates in response to the LA Superior Court's survey. The Community Service Agency reported a 91% completion rate out of approximately 5,000 referrals (Guerrero-Owens, 2014), and Assistance League of Los Angeles, by far the largest volunteer center, reported 71% completion among its 37,000 referrals (Brown, 2014). In our study, those who complete from traffic court worked a median 51 hours. One in 10 completed more than 90 hours, with the max-

imum of 207. The Community Service Agency reported 50 hours on average for mandatory community service workers, but we have no documentation on the mix of traffic and criminal cases.

## What Types of Work Do People Perform?

We gleaned information about people's community service assignments from interviews, roster data (including names of the placement sites), and criminal court records that distinguish between subtypes of community service, including community labor and graffiti removal, referred to collectively as community service.

"Community *labor*" connotes outdoor manual labor. Court records sometimes used the term interchangeably with assignment to CalTrans, referring to road crew assignments with the state transportation department. Although judges sometimes assigned people specifically to graffiti removal, per statute or otherwise, it was generally treated as community labor. Community labor is not a separate legal category in any of the relevant statutes. For instance, the drunk driving statute includes the term "community service" for the 10 days



of work that can substitute for a minimum two-day jail sentence (Cal. Vehicle Code § 23580), but those assignments are typically characterized as community labor in court records. By well-established convention, however, community labor involves more physically demanding labor that often garners greater sentencing credit. The difference was described by one worker who had performed both: “Community labor, you have to do eight-hour days, and it’s more tough because you have to be out in the sun, or you have to do graffiti removal. Community service is not bad. Labor, it is [bad].” Judges typically assign community labor and graffiti removal in units of days but community service in units of hours.<sup>12</sup>

Sometimes courts will substitute less arduous community service for community labor but at the price of having to work more hours. For instance, when one individual’s medical condition interfered with a 60-day community labor assignment that required long periods of standing, the court tripled the length of the work assignment to 180 days of light community service (*People v. Cresham*, 2017; see also *People v. Cantrell*, 2018). This practice raises concerns about equity and potential disability discrimination.

We observed significant inconsistency in the community service and labor categories even within individual cases. It was not uncommon for a person sentenced to community labor to submit, and for the court to accept, documentation referencing community service, and vice versa. Similarly, a significant number of individuals assigned to community service were ultimately placed by the volunteer center at work sites more typical of community labor, such as CalTrans or LA Metro’s Graffiti Removal Program. One reason for these swaps is that many work sites refuse to accept community service workers with certain past convictions. One placement site supervisor said, “We don’t take anything to do with theft.” And as one volunteer center employee explained, “There’s been instances where the courts order them to do community service but if it’s a drug offense, it lowers the community service pool. Because even the parks for community labor only take traffic and DUI.” This selectivity can lead to placement into

***“You’re working with others that are getting paid, so you’re doing the same job.”***

***“Community labor, you have to do eight-hour days, and it’s more tough because you have to be out in the sun, or you have to do graffiti removal. Community service is not bad. Labor, it is [bad].”***

more physically demanding community labor jobs if no community service work site will accept the worker, similar to the way the paid labor market channels people with past convictions into manual labor jobs like day labor or warehousing (Bumiller, 2015; Peck & Theodore, 2008; Zatz, in press-b).

Community service workers we interviewed consistently described performing the same work as the paid employees who worked alongside them. This raises the concern that they displace paid workers. One observed, “Basically, I did the janitor work. . . . It’s hard work.” Another worker stated, “You’re working with others that are getting paid, so you’re doing the same job.” Yet another opined, “I just think the biggest difference is that you are not getting paid.” Even one of the placement site supervisors reluctantly acknowledged that the community service workers perform the same work that paid staff do. One worker interviewed felt he worked harder than the paid staff who supervised him and on whom he depended for completion certification: “When you go to work, we do the hard work, and they don’t do nothing. And they get the good pay.”

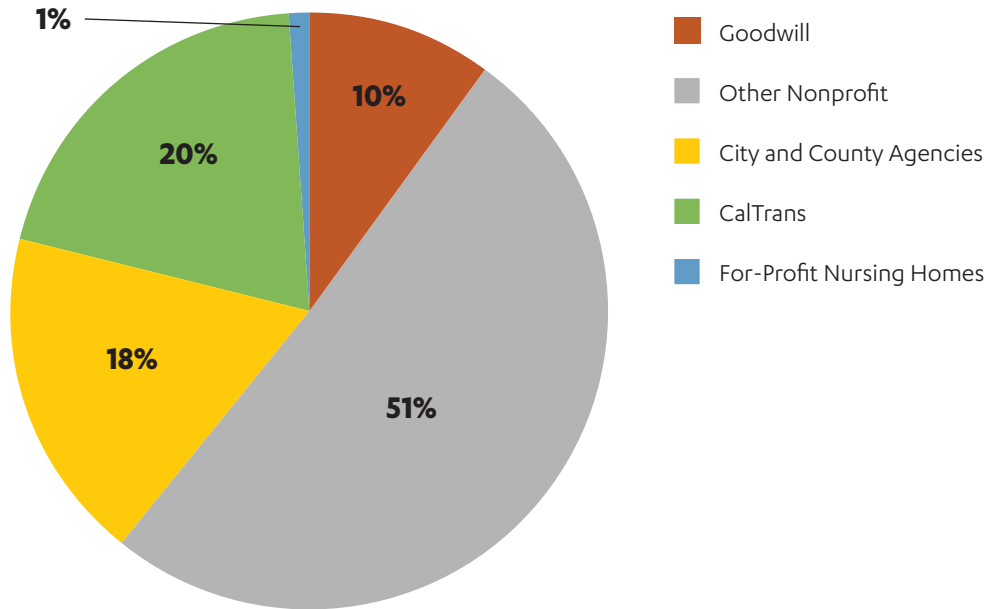
## **Who Benefits From Unpaid Mandatory Community Service Work?**

Community service work sites receive valuable labor similar or identical to what paid employees do, except for free. As a result, employers can accomplish more with less. That’s a benefit to employers, but it takes jobs off the market that could have benefited the community and specifically community service workers who lacked income to pay their court debts in the first place. Court debt has been widely criticized for generating revenue



**Figure 10. Mandatory Community Service Work Sites by Total Hours Assigned**

Community service orders in our sample totaled 382,845 hours, including 232,913 at nonprofits, 39,898 at city agencies, and 29,347 at county agencies. CalTrans received by far the greatest number of assigned hours.



**Table 2: Top 10 Government Work Sites**

Rank by total hours	Work site	Total hours (133,290)	Total assignments	Average hours assigned	Level of government
1	CalTrans	74,914	652	115	State
2	LA County Department of Parks & Recreation	15,993	126	127	County
3	South Gate Park	14,970	145	103	City
4	LA County Department of Public Works	4,751	44	108	County
5	Downey Animal Care Center	4,679	69	68	County
6	El Monte Police	4,434	31	143	City
7	City of Cudahy	3,908	41	95	City
8	City of Pico Rivera	3,427	24	143	City
9	Montebello Police	3,193	40	80	City
10	Metro Clean Community Service Program	3,021	29	104	County

**Table 3: Top 10 Nonprofit Work Sites**

Rank by total hours	Work site	Total hours (144,888)	Total assignments	Average hours assigned
1	Goodwill	39,094	577	68
2	American Legion	24,524	337	73
3	Paradise Memorial Park	22,211	239	93
4	Teen Challenge	14,335	213	67
5	First Southern Baptist Church	11,073	130	85
6	Veterans of Foreign Wars	8,428	114	74
7	Steelworkers Oldtimers Foundation	7,871	88	89
8	Salvation Army	7,031	89	79
9	Church of the Nazarene	5,888	97	61
10	All Peoples Community Center	4,433	62	72

on the backs of low-income communities of color, enabling governments to reduce taxes and offset these losses with court debt revenue (Criminal Justice Policy Program, 2016; Murch, 2016; Page & Soss, 2015; Policing and Profit, 2015; Zhen, 2019). Similarly, court-ordered community service extracts unpaid labor, thereby lowering the amount of cash needed to operate nonprofits and government agencies receiving this labor.

In our study, community service work sites<sup>13</sup> were concentrated mostly in nonprofit organizations (69%) ranging from large entities, like the Salvation Army, to smaller social service providers, cemeteries, thrift stores, and social clubs. Government agencies comprised about one-third (29%) of our work sites, followed by a smattering of for-profit businesses (2%) consisting almost entirely of nursing homes. Roadside cleanup for CalTrans was the single most common assignment (14%), closely followed by Goodwill Industries (13%) and the American Legion (7%). Churches collectively comprised 18% of assignments. City and county agencies made up 9% and 6% respectively. Figure 10 depicts work sites by hours assigned, not frequency of assignment. Tables 2 and 3 present the 10 government and nonprofit organizations that received the greatest number of hours and assignments of community service labor.

In the single fiscal year between 2013 and 2014, these assignments totaled 382,000 hours of work, or the equivalent of 219 full-time jobs. Taken countywide, people were ordered to perform an estimated 8 million

hours of free labor during this period, the equivalent of 4,900 full-time jobs (see Table 4). Figure 10 and Tables 2 and 3 illustrate that hours of work were distributed disproportionately among work sites, as longer hours are associated with sentences in lieu of jail to perform community labor at government agencies. Consequently, CalTrans alone accounted for 20% of all hours but 14% of all assignments. Collectively, government agencies in our study benefited from about 145,000 hours of work, or the equivalent of 82 full-time, year-round workers. Countywide, people were ordered to perform work equivalent to over 1,800 full-time public sector jobs. Valuing this work conservatively at the compensation level of the lowest-paid county equivalents, our data suggests mandated community service transferred nearly \$87.9 million in labor from criminal defendants to government agencies in Los Angeles County in one year.

In addition, we identified only two volunteer centers with antidisplacement agreements that prevent work sites from replacing paid workers with community service workers (R. Alexander, 2014; Frick, 2014b). These provisions, however, were short, vague references that did not define displacement or establish any procedures for identifying or remedying it. For instance, even if a work site cannot fire paid workers and replace them with community service workers, the question remains as to whether they can use community service workers to fill vacancies or to expand operations without hiring conventional employees (Dietrich, Maurice, & Kithan Yau, 1996).

**Table 4: Estimated Economic Value of Mandatory Community Service**

	Government work sites	All work sites
Countywide hours	3.25 million	8.5 million
Countywide full-time job equivalents	1,850	4,900
Countywide expenditures avoided	\$87.9 million*	\$171 million**

Note. \*Based on 2014 payroll data for total compensation for county jobs equivalents, Grounds Maintenance Worker I and Animal Care Attendant I, which averaged \$47,404 per employee (County of Los Angeles, 2014).

Note \*\*Based on remaining 3,050 private sector jobs paid at \$15 an hour plus \$87.9 million in public sector job savings.

## Power Over Community Service Workers at the Work Site

Work sites have tremendous power over community service workers, a fact they make explicit. As one work site supervisor explained, “I let them know that it is a privilege to do your hours here.” Work sites maintain the official record of hours worked and are required to sign off on workers’ time sheets for them to prove completion. Work sites also can terminate assignments at any time. A volunteer center staffer stated, “If they’re having difficulties with a client, then they can send them back to us basically.” These facts are not lost on community service workers; among our interviewees, more than half believed that they would go to jail if they did not complete their hours. As one explained, “If you don’t . . . finish them, then you gotta get back in jail.” This was true even for workers assigned to community service through traffic court, where incarceration is extremely unlikely in Los Angeles.

Community service workers face a looming threat of jail and debt collectors. In our quantitative study, four in 10 from criminal court received assignments in lieu of jail, generally as a condition of probation. For these people, failing to complete those assignments violates their probation—which can lead to jail to serve some or all of their sentences (Cal. Penal Code § 1203.1(a)(2), (j)).

***“If you don’t . . . finish them, then you gotta get back in jail.”***

In addition to violating probation, failure to pay criminal court debt or complete community service in lieu of it, is itself punishable by incarceration (Cal. Penal Code § 1205(b)). Worse, jail time only counts toward part of court debt. Remaining administrative fees, which cannot be made conditions of probation, are enforced through civil debt collection—meaning people go to jail for failing to pay or finish their hours in lieu of paying and then still owe when they get out (Brown v. Superior Court, 2002; People v. Kim, 2011).

Community service workers from traffic court also risk incarceration under California law, though in practice this appears extremely rare in Los Angeles. Willfully failing to pay an infraction fine is a criminal misdemeanor (Cal. Vehicle Code § 40508(b)), and willfulness could include failing to complete mandatory community service in lieu of payment (Zatz et al., 2016; Zatz, in press-a). The court form explaining community service in lieu of court debt explicitly states, “Failure to make full and timely payments may result in either a warrant for your arrest or additional financial penalties and license suspension (Figure 8).” In practice, the most common punishment for failing to pay is an additional civil assessment of up to \$300 (Cal. Penal Code § 1214.1(a)). During the period of our study and until a 2017 amendment changed this, the court could also notify the DMV of the failure to pay, automatically triggering driver’s license suspension (Cal. Vehicle Code §§ 40509, 40509.5, 13365, 13365.2.), further limiting people’s ability to work and exposing them to potential arrest and incarceration for driving without a license (Bingham et al., 2016). However, a court can still impound a driver’s license for 30 days for failure to pay (Cal. Vehicle Code. § 40508(d)). A traffic court attorney explained the typical consequences of failing to complete community service: “They’ll get the failure to pay. The deadline will pass. They might have some additional fees tacked on. But usually then the fine is going to be sent over to the collection agency . . . and it’s going to sit over there and just pull on their credit score.”

Adding to the pressure to complete their assignments, community service workers risk losing their nonrefundable volunteer center fees if they fail to complete their hours. Further, because they must pay another fee for a new work site assignment, they are forced to buy their freedom from a bad assignment.

Threats of jail, debt collectors, and driver’s license sus-

pensions pressured community service workers we spoke with to do whatever was necessary to complete their hours. One worker explained, “I’ve always been concerned that if I didn’t jump through all those hoops and didn’t get those compliance documents for finishing, that it would cost me a lot of money—more than it was already costing me. So I made a sincere effort to secure my documents, my completion documents, and return to the court.” This pressure to complete at any cost gives work sites tremendous power, shaping how they treat workers and how disputes are resolved, a fact not lost on community service workers. “Because they’re the controller, they treat people like trash, you know?” explained one community service worker. “I seen that. I don’t know, man. We’re doing this hard work, and you don’t appreciate it. Instead of saying, ‘Hey, thank you,’ you be like, ‘Hey! Move! Get!’” Another recalled abusive experiences with previous community service work: “I’ve done other community service . . . in [police] stations, and usually the sergeants or the cops . . . yell at you or tell you to move.” One public defender recalled “a guy who was running a community labor center and was accused of . . . 90 offenses [of] inappropriately touching the women he was supervising at the community labor center.”

**Lack of Labor Protections**

Compared to regular employees, community service workers face particularly severe power imbalances at work and at the same time, have far fewer legal protections against workplace abuse or exploitation. Most workers’ rights are available only to employees (Zatz, 2008a). Court-ordered community service, however, treats community service workers as volunteers, who have no rights. In fact, volunteer centers require them to sign agreements (see Figure 11) declaring that they have no rights or protections. Some work sites, such

***“Because they’re the controller, they treat people like trash, you know?” explained one community service worker. “I seen that. I don’t know, man. We’re doing this hard work, and you don’t appreciate it. Instead of saying, ‘Hey, thank you,’ you be like, ‘Hey! Move! Get!’”***

as CalTrans, require similar agreements (see Figure 12). CalTrans certifies the hours worked on the same document that waives workers’ rights, making it particularly clear that working without rights is the price of satisfying the court’s order.

But the rights of community service workers may not be so simply ignored, and are subject to litigation. Because employment rights typically cannot be waived, agreements like these may not hold up in court. In fact, in the area of workers’ compensation for workplace injury, the California Supreme Court ruled in *Arriaga v. County of Alameda* (1995) that community service workers *are employees*, at least when they are working off court debt. Likewise, one federal district court ruled in 2015 that a community service worker could be an employee for the purposes of California employment discrimination law (*Farias v. National Railroad Passenger Corporation*, 2015).

**Figure 11. Typical Mandatory Community Service Participation Agreement**

\_\_\_\_ I understand I am a “court-referred volunteer,” and I am not an employee of Community Service Agency, the Court, or Probation Department I was referred from, County or State Government, or the organization I am referred to.

\_\_\_\_ As a “court-referred volunteer” I am not covered by workers compensation, disability, medical, or unemployment insurance by Community Service Agency, the Court or Probation Department I was referred from, County or State Government, or the organization I am referred to, nor will I be provided with any benefits associated with any of them.

By signing below, I certify that I have answered the questions on the “Volunteer Service Registration Application” truthfully and have not withheld any information relative to my application. I have read and understand each guideline, and I am signing this agreement and the application on the front willfully and without duress. I also understand if I fail to comply with any of the guidelines, I may be terminated from the Court Referral Program and the Court or Probation Department will be notified.

\_\_\_\_\_  
SIGNATURE OF PARTICIPANT

\_\_\_\_\_  
DATE

### Arriaga v. County of Alameda (1995)

Linda Arriaga was assigned to CalTrans to work off court debt from a speeding ticket. It was her job “to clean greasy walls of a ventilation duct,” and she “was compelled to wash walls utilizing the solvent without ventilation or special respiratory equipment,” which led her to become dizzy and pass out (p. 1060). The essence of the court’s analysis was that, as with more conventional forms of employment, community service workers are providing valuable labor in exchange for compensation. Ms. Arriaga’s compensation came in the form of a credit against her court debt.<sup>14</sup> Moreover, performing this valuable labor “exposed her to

the same risks of employment that other transportation workers face” (p. 1063). *Arriaga* is quite similar to cases in related areas, such as performing community service as a condition of receiving public assistance benefits, that also have found there to be an employment relationship, notwithstanding its unconventional form of compensation (*United States v. City of New York*, 2004; Zatz, 2008b). Receiving compensation distinguished Arriaga from a true volunteer. Moreover, the court noted, “A person who works in order to comply with a court order to pay a fine or work is not acting free of compulsion” and thus cannot be considered a volunteer (*Arriaga v. County of Alameda*, 1995, p. 1064).

**Figure 12. CalTrans Referral Form**

STATE OF CALIFORNIA  
DEPT. OF TRANSPORTATION  
CAL TRANS COURT REFERRAL  
PROGRAM

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<b>Case #</b>	<b>Interview date:</b> 09/09/14
---------------	------------------------------------

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In order to fulfill my court ordered obligation of DAY(S), I agree to abide with the following conditions.  
The work will consist of landscape and maintenance work as required.

I will bring my own lunch. I understand there will be no stops at commercial establishments. I will wear appropriate clothing: (no tank tops - no shorts), and substantial footwear (no thin-soled shoes - boots required).

I understand that alcoholic beverages, drugs, radios, pagers, headsets, cellular phones, etc. are NOT allowed and I MAY NOT use pay phones.

I will report any injury to CAL TRANS before the end of each day's work shift.

I understand this service will not confer on me the status of an employee of the State of California. I will NOT be compensated for any work I perform.

**Figure 13. Work Site Restrictions on Volunteer Center Referrals**

5. Will you accept- Male referrals: \_\_\_\_\_ Female referrals: \_\_\_\_\_ Both: \_\_\_\_\_

6. Will you accept referrals with disabilities? Yes \_\_\_\_\_ No \_\_\_\_\_

7. Will you accept juvenile referrals? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, the youngest age you will accept is? \_\_\_\_\_

8. Please indicate any violation you will NOT accept:

Traffic \_\_\_\_\_ DUI \_\_\_\_\_ Petty Theft \_\_\_\_\_ Curfew \_\_\_\_\_ Vandalism \_\_\_\_\_

Assault/Battery \_\_\_\_\_ Public Intoxication \_\_\_\_\_ Drug possession \_\_\_\_\_ Molestation \_\_\_\_\_



*Arriaga* applies only to injuries suffered doing mandatory community service at public agencies, however. State law specifically exempts nonprofits, which has led to denial of claims by injured workers (Cal. Labor Code § 3301(b); *Dominguez v. County of Orange*, 2016). Moreover, the paperwork community service workers must sign does not inform them of any rights they may have in case of injury and instead declares that they have no such rights or have given them up. One worker described the participation agreement as “a contract like if I get hurt, I can’t sue them.” Another worker said, “They don’t cover it. If someone gets hurt, they won’t do anything.”

Workers who get hurt at nonprofits, which are exempt from workers compensation liability, must determine their own course of action. One community service worker injured on the job said, “I don’t know . . . how I could complain, [whether] I should or I shouldn’t. . . . I felt a little pain in my back so the next day, I took a belt. I accommodate myself to do the job.” Others were more outspoken and negotiated directly to avoid injury. One said, “If it was something too heavy, I would just either ask one of the managers or my partners who were working with me, ‘Hey, I can’t really do this. I don’t want to hurt myself.’” Another said, “Most of the time when they did tell me to lift heavy furniture, I just told them I prefer not to because if I get hurt, then their insurance wouldn’t cover me. So have their employees do it.”

Still others had some expectation that workplace injuries would be addressed, even if not necessarily through the workers compensation system: “They have some kind of medical insurance. . . . I’ve seen this happen before. They would call or take you to a nearby doctor, and you would receive medical care.” The vol-

unteer centers do carry general liability insurance, which would enable them to pay in the event an injured community service worker sued outside the workers compensation system, something at least some workers seemed aware of: “One of the reasons there’s a fee is because they have their insurance.”

Work site supervisors likewise expressed different understandings of the rules. One claimed, “The community service workers are covered under the volunteer center and not under us. If there is an emergency, they take care of it on their own. There is no workers’ comp from us. I think the volunteer center provides that, which is why they charge a fee. We don’t charge a fee for them to sign up.” One supervisor summed up his responsibilities even more succinctly, “For the service workers, we have no obligations other than breaks and lunches.”

While they have few responsibilities, work sites assert extensive control. For example, a volunteer center staffer explained that work sites can reject any worker at their discretion and that they often do so based on the nature of prior convictions. The volunteer center in our study provides its work sites with a form that allows them to summarily reject workers based on gender, disability, and a variety of specific offense types (see Figure 13). One worker expressed concern about the impact of this prerogative and suggested a solution when asked for correctives: “I’m thinking maybe there are people that . . . [don’t] have the same physical abilities that would be too much, older people or people that have some injury, and maybe accommodate for them.” If community service workers were protected as employees, such accommodations would often be legally required under employment discrimination laws.

**Figure 14. Average Hourly Rate for Work Credited Toward Debt**



Traffic \$9



Criminal \$19

Similarly, the rate at which each hour of work is credited is not subject to minimum wage laws as with regular employees (see Figure 14). In criminal court, the relevant statute appears to give judges complete discretion over the hourly rate at which mandatory community service will be credited toward fines and fees when imposed as a condition of probation (Cal. Penal Code § 1205.3). Incarceration in lieu of payment must be credited at no less than \$125 per day, which would yield a minimum rate of about \$15 per hour if it applies when community service is substituted under these provisions (Cal. Penal Code § 1205(a); Cal. Penal Code § 2900.5(a); *People v. Carranza*, 2016).

By dividing the total amount of court debt by the number of hours the court ordered in lieu of that amount, we calculated the implicit wage for those hours of work. During the 2013–2014 period when our sample registered for community service, California’s minimum wage was \$8 per hour. Most criminal court work orders gave credit at more than this rate, with the median of about \$19. In traffic court, the rates were much lower, below \$9 per hour in most cases. In 2018, however, the legislature mandated that community service to work off infractions—the violations heard in traffic court—must be credited at no less than twice the state minimum wage, for a current rate of no less than \$26.50 an hour (Cal. Penal Code § 1209.5.). No such rule applies in criminal court.

Notably, these rates of community service “compensation” are not actual income, just credit that offsets court debt. In contrast, even when employees’ wages are garnished to pay for child support or other debts, they always are entitled to keep at least a fraction of their earnings for their own subsistence (The Federal Wage Garnishment Law, Consumer Credit Protection Act’s Title 3, 2009; U.S. Department of Labor, 2016). Because credit toward court debt is not treated like ordinary earnings, workers also lose access to many benefits that go along with wages, such as social security coverage or access to the earned income tax credit.

## Is Coerced Labor the Lesser of Two Evils?

Court-ordered community service coerces labor by imposing severe consequences for noncompliance. When applied to administrative fees in addition to fines, and enforced by

***“I would pay any amount of money to keep my freedom and continue with my dietary intake and my exercise and not be locked up because again, I’ve been there before. I didn’t like it then, and I wouldn’t like it now.”***

threats of jail, mandated community service can violate the Thirteenth Amendment’s ban on involuntary servitude (Opinion of the Justices, 1981; *State ex rel. Carriger v. City of Galion*, 1990; see also Zatz, 2016). But desperate times call for desperate measures, and workers we spoke to typically preferred court-ordered community service to worse punishments, including jail or court debt they could not afford. In that context, they frequently expressed gratitude for the option to avoid worse fates, as one worker explained: “The fees add up, and they keep going up. And once you are assigned community service, they give you a set amount of hours you complete, and then you’ll be done.” Another individual sentenced to 400 hours was still thankful for the opportunity: “It’s flexible and that helps me. It’s a blessing; honestly, it is.” Another said, “I would pay any amount of money to keep my freedom and continue with my dietary intake and my exercise and not be locked up because again, I’ve been there before. I didn’t like it then, and I wouldn’t like it now.”

Workers’ assessments described community service as the lesser of two evils. We did not ask them to compare or imagine community service work as regular employment that would allow them to pay their court debt in the first place. Nor did we offer alternatives, like adjusting court debt to people’s ability to pay,<sup>15</sup> participating in activities other than unpaid labor, or fewer prosecutions for nonviolent offenses. Thus, we return to the critical issue of how best to assess mandatory community service not only in contrast to jail or fines but in the context of the broader system of which it is a part.



## Barriers to Completion and Sanctions for Noncompletion

This section explores how well community service delivers its promised benefits, versus sending people (back) to jail and driving them (deeper) into debt.

### How Much Trouble Do People Have Completing Community Service?

We examined how many people complete their community service assignments by the initial deadline imposed by the court, as well as how many ultimately completed their assignments. For explanation of the methodological challenges involved, see the section in the Appendix on determining completion of community service assignments.

In criminal court, people typically received no more than six months to complete their mandatory community service. Nearly seven in 10 (66%) did not complete the assignment by the initial deadline (see Figure 15). Extensions were common, indicating widespread difficulty completing mandated service by the dead-

line. By the time we obtained the court records several years later, 54% had completed their community service. Another 14% had submitted some hours but not enough to complete their assigned work. Notably, of those who submitted any hours, the vast majority completed their assignments.

Some who did not complete all their hours may have paid off their debts instead, in part or in whole. For example, nearly three-quarters (74%) of those assigned to community service in lieu of court debt made at least some payment to the court (see Figure 16). Why did they make those payments? One reason is that judges often refuse to waive or allow people to work off a portion of court debt, requiring cash payments of fees that benefit the court financially, such as for public defenders. Of those making any payments, four in 10 (42%) paid less than 20% of their court debt assessed at sentencing. Among those who completed all the hours assigned to work off court debt, the majority (86%) also made some payments. But another likely reason people paid is that community service proved too hard to complete.

Of those who did not complete their hours assigned in lieu of debt, most (61%) still made some payments. A substantial number appear to have paid off all or most of their court debt; 37% paid off at least 75% of the total due at sentencing. Though these individuals had been found to face sufficient financial hardship to merit assignment of community service and had already paid the additional fee to register for community service, their eventual choice to scrape together these funds to pay instead suggests that community service presented significant challenges.

In traffic court, at least 38% of people in our study did not complete their community service by the original deadline. Of these, at least 54% could not do so within six months after the initial deadline. At least 74%, and as much as 83%, of those ordered to work or pay eventually completed their assigned community service.<sup>16</sup>

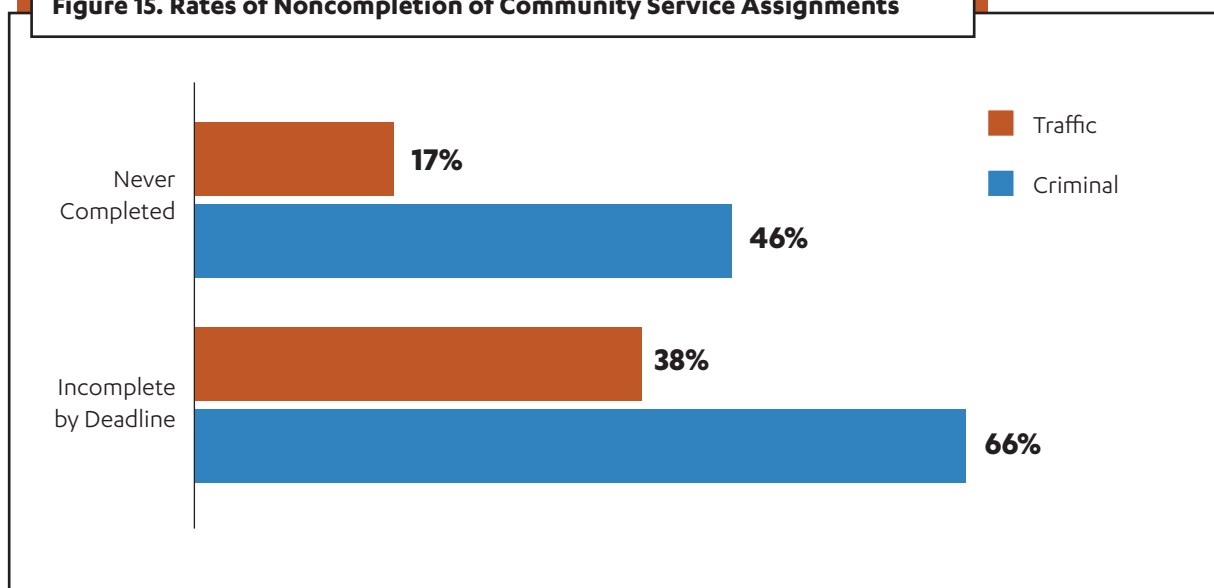
At least four in 10 made some payments to the court. Of these, 42% paid less than 20% of the entire amount due, suggesting that they may have been paying the portion of their fines and fees that could not be worked off with community service. Indeed, over half who paid (52%) had such a mandatory fee. One-third of all people in traffic court had a mandatory fee, which averaged \$64. Among those who did not complete their community service by the initial deadline, 46% made a payment; one in three paid at least 75% of their total court debt, suggesting they were paying off their court debt

despite having initially registered to work it off with community service. Seven individuals benefitted from a traffic amnesty program, which restored 246,300 suspended driver’s licenses statewide and reduced unpaid court debt (Judicial Council, 2017; Cal. Vehicle Code § 42008.8).

Challenges completing mandatory community service undermine its value as an alternative to jail or court debt, something affirmed by public defenders we interviewed. As one explained, many counseled their clients to choose jail instead, particularly when faced with a substantial number of mandatory community service hours: “It’s ridiculous to think that you’d be in a position where you’d be encouraging someone to go behind bars, but it might be a better option.” Another agreed: “Say, for example, if you get an offer that’s like 20 days in the county jail or community labor or CalTrans. It sounds absurd, but it’s actually easier to do 20 days in county jail.” As reported above, many in our sample received orders to perform many more hours than this risk threshold identified by public defenders.

In the scenarios described by these public defenders, those who chose jail over mandatory community service would not all appear in our sample. Nonetheless, our data bear out the public defenders’ claims in two respects. First, of those in criminal court who were initially assigned to community service in lieu of payment, a few (2%) later converted their obligations to

**Figure 15. Rates of Noncompletion of Community Service Assignments**



**Figure 16. Percentage of People Who Paid Some Amount Despite Receiving Community Service to Avoid Court Debt**



Traffic **40%**



Criminal **73%**



jail time (Cal. Penal Code § 1205(a)). Second, 15% from criminal court opted at sentencing to serve time in jail rather than pay court debt or do mandatory community service. These defendants still appear in our sample because they received community service in some other aspect of their sentence or postsentencing.

## What Are the Barriers to Completing Mandatory Community Service?

Our interviews identified a number of barriers to completing mandatory community service that help illustrate the practical realities determining noncompletion. While most community service workers interviewed faced no conflicts with their personal lives, others identified its incompatibility with their family and work responsibilities. One worker described conflicts with childcare obligations, a point echoed by public defenders. Similar conflicts arose from paid employment, job searches, and school. One public defender explained, “Most of the folks I work with are trying to work . . . full-time, or they’re going to school. So it’s really difficult for them to try and find the time to do the hours.” Asked about potential improvements to the system, one community service worker said, “Maybe the timing. But, it really is difficult to work around my schedule.” Another said, “I want to [work], but I still haven’t had the time. I think I’d rather just go look for a job because I really need to start working.” Even when workers are able to manage these challenges, it takes a toll. As one said, “I’m just extremely tired all the time.”

## Disability and work schedules pose barriers to completion.

▲ On March 19, 2013, Mr. Carter, driving at an officer’s estimate of 10 miles per hour, failed to stop at a red light. He pleaded not guilty on June 26 and was set for trial on August 12. Mr. Carter changed his plea at trial to guilty and was ordered to pay \$520 or perform 61 hours of community service by February 13, 2014. Mr. Carter had not completed his hours by August 3, 2015, when he appeared before a judge and submitted two letters—one he had written, and another from his sister (Figure 17)—explaining that despite a leg amputation and period of homelessness, he had still completed 51 of his 61 hours of community service. Mr. Carter requested additional time to complete his remaining hours. His case was dismissed on August 3, 2015.

▲ Ms. Alatorre received a speeding ticket on December 19, 2012. She pleaded not guilty at her first court appearance in June 2013, but changed her plea to guilty at her next appearance on April 18, 2014. Ms. Alatorre was sentenced to 46 hours of community service and traffic school, in lieu of paying \$461, and given three months to complete both. Ms. Alatorre registered for community service on June 9, 2014, five weeks before her deadline. Four days before the deadline, Ms. Alatorre requested more time in a letter that was supported by a memo from the bailiff in the courtroom (Figure 18). As a single mom working for an on-call



Figure 17. Letters to the Court Explaining Inability to Complete Hours Due to a Disability

58718RB

name is [REDACTED] Carter I will make this as quickly as possible. I received a ticket while on my way to [REDACTED] one morning. I went to court on the ticket and was granted community service which I did not complete. On the date I was to return to court I was in the hospital having my leg amputated. I have [REDACTED] a copy of those records. When I was released I became very depressed and started self-licating, I lost perspective and literally gave up on life feeling sorry for myself. I did not return to [REDACTED] school or take care of any responsibilities. I lost everything I had been working towards for the past 15 [REDACTED] years. By the grace of God I came back to my right mind and started trying to get my life back. I am now [REDACTED] in school at Rio Hondo College and I have a bright outlook on life with disabilities. I now need the [REDACTED] mercy of this honourable court once more, if you please. I completed all but 10 hours of the hours I was [REDACTED] assigned. Your honor can you please allow me to complete those hours, to this day I still return to [REDACTED] volunteer at the center that I was given the community service hours.

There is anything this honorable court can do to help me I [REDACTED] would be so very grateful.

Sincerely [REDACTED] Carter

**To whom this may concern**

I am writing this letter to confirm that [REDACTED] Carter, who is my brother, is at this time homeless and in need of your services. [REDACTED] has no permanent place of residence; he sleeps from place to place and sometimes on the streets. I wish I could help more but the most I can do is make him welcome to come to my house to shower and eat when he needs to. This is not much but it is the most I am able to offer.

I hope this will assist you in helping [REDACTED]

Thank you

[REDACTED]

staffing agency, she explained she had been unable to find time necessary to complete all 46 hours. In addition, she feared her placement site had credited her for fewer than half the hours she had performed. By December 30, Ms. Alatorre had not completed traffic school and was able to submit only 10 hours of community service to the court; she paid the remaining balance of \$307.

▲ Mr. Escamilla was arrested on May 17, 2011, for driving with a suspended license. The court added another count of driving without a license. Through an interpreter and with the assistance of a public

defender, Mr. Escamilla took a plea deal to drop the second count in exchange for three years of summary probation and \$1,547 due within six months. His total due included a \$300 base fine, penalty assessments of \$840, and the following fees: \$1 for night court, \$60 for a criminal fine surcharge, \$40 for a court security assessment, \$30 for a criminal conviction assessment, \$10 for a citation processing fee, \$132 for attorney fees, and \$4 for the Emergency Medical Air Transportation Act fund fee. In lieu of those fees, Mr. Escamilla was given the option to perform 10 days (80 hours) of community service as well as pay a court cost of

Figure 18. Letter and Memo to the Court Requesting an Extension Due to Unpredictability in On-Call Work Scheduling

Case B 654000

FILED  
Superior Court Of California  
County Of Los Angeles

JUL 17 2014  
Sherri R. Oster, Executive Officer/Clerk  
By Margaret Wilson Deputy

To whom it may concern,

The reason I am writing this letter is because I would like to get a little bit more time for this community service. Unfortunately I couldn't finish all my 46 hours due to my working field.

I am a RDA on call, therefore I have to go to work whenever I get called to. I work for a Dental Staffing agency and when I am or was not working I would go do my community service to The Goodwill. Also not to mention I at least provided 20 hours of help for the goodwill and they only gave me 8 1/2 hours.



Figure 18, continued

**FROM CORRESPONDENCE DESK**

To: Judge/Commissioner: Petraburg  
Date: 9-24-14  
Citation #: BUSUOOD Defendant: [Redacted] A. Latourne

Please see attached letter from:  
 Defendant \_\_\_ Attorney \_\_\_ Company \_\_\_ Doctor \_\_\_ Relative \_\_\_  
\_\_\_ Police Agency \_\_\_ DMV \_\_\_ AR/CT set for \_\_\_ Def./Off. requesting a continuance


Other: open, over 40 hours of community service  
is single mom & works, needs more time to finish  
tasks.

**\*PLEASE ADVISE\***

**(FOR JUDGES USE ONLY)**

Date: 9-26-14  
To: Clerk's Office  
Please send notification that:  
\_\_\_ Court appearance \_\_\_ Sentence suspended \_\_\_ Case Dismissed \_\_\_ Bail Forfeit. Case closed  
 Case is continued to: 90d \_\_\_ Continuance Denied  
 Proof of C/S is required by 90d Plus \_\_\_ Fee.

OTHER:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





\$30 and a restitution amount of \$100. On December 4, 2014, Mr. Escamilla appeared again before the court, this time without counsel, to explain his inability to enroll in community service due to a disability caused by his hip. The court again referred Mr. Escamilla to the community service program, instructing him to notify the volunteer center of his disability, and ordered him to return in 10 days with proof of his enrollment. It took Mr. Escamilla four more appearances and extensions to complete all 80 hours of his community service. However, because Mr. Escamilla failed to pay his mandatory \$130 fine, a notice of delinquency was mailed to him for a balance of \$222, including an \$82 attorney fee,

\$40 court security fee, and \$100 restitution fine. Mr. Escamilla missed his next court appearance and failed to pay his fine. His case was referred to collections.

▲ On July 5, 2012, Mr. Ortiz received a citation for driving while using a cell phone. On November 16, he was ordered to perform 20 hours of community service within three months in lieu of paying \$190. Mr. Ortiz had not completed his hours six months later when he appeared before a judge to explain a letter he had written documenting his inability to take the time off work necessary to complete his hours (Figure 19).

**Figure 19. Letter to the Court Requesting an Extension Due to an Employer's Strict Time Off Policy**

JUDGE MORRIS

Your honor, I have been working alot and I havent had a chance to complete my community service, I barely got this job a little more than a month ago and there really strict about taking days off. I would like to ask for an extension date to complete 20 hours of community service and I will get those 20 hours completed.

These barriers overlapped with those created by work site protocols and procedures, such as inflexible scheduling. Community labor work sites in particular often required working an entire eight-hour day or nothing at all. Even then, many operate like day labor sites, and workers risked showing up for work and being turned away, as one explained: “Once they load up the van, then they bounce and head over to the work site. So if you’re not there on time, you miss out; and if there’s too many people there, you miss out; and if it’s a rainy day, then they may cancel it altogether.” As a community service worker put it, “First come, first served, because the buses do get full.”

One public defender summarizes the challenges this way:

Childcare is a major one. Transportation to the community service site is another one. Work hours. So the community service sites tend to be open only from nine to five, like most nonprofit or agencies. And so, for a lot of people who are looking for full-time work or have full-time work, it’s hard to complete that full-time work in that particular time frame. There’s also issues of people given a lot of hours to complete in a three-month period, and they just can’t complete it. That’s a major hardship. I think another major hardship [is] just the sheer number of hours. . . . It just prevents people from being able to really secure formal employment and stable permanent employment.

Even before these barriers, community service workers face the financial hurdle of paying fees to the volunteer center just to receive a work site placement. Thus, even those a judge decides are too poor to pay anything to the court still have to find the funds to pay the volunteer center—for the privilege of working for free. These referral fees particularly frustrated community service workers, one of whom opined, “You have to pay to do community service, pay to pick up trash.” In addition, workers also pay out of pocket to fulfill community service requirements, such as buying jeans and work boots required by a work site, something for which paid employees would have a right to be reimbursed (Cal. Labor Code § 2802).

The fees vary by agency, but they generally operate on a sliding scale, increasing with the number of hours assigned. In our study, fees set by the La Mirada Volun-

teer Center ran from \$30 for under 30 hours to more than \$100 for over 500 hours. A variety of other fees apply as well, as volunteer center staff explained: “If you transfer from one county to another, there’s a fee for that. If your time sheets are lost, then there’s a fee for that. If you don’t like where you’re doing your hours, you can come back in, and we can send you someplace else, and there’s a fee for that. . . . If you keep charging the money, at some point maybe they’re going to go, ‘I’m gonna get my hours finished, so I don’t have to pay more money.’” Volunteer centers have discretion to waive fees, accept installment payments, or to deny placement until full payment. The roster we obtained records only five fee waivers out of approximately 5,000 entries.

Fees and inflexibility discourage many people from registering for mandatory community service. Public defenders indicate that this is not uncommon: “Often-times people will come and they’ll say, ‘Oh well, I went a day too late, and they wouldn’t take my papers’ or ‘They charged me the reenrollment or the enrollment fee again’ or ‘I couldn’t afford the enrollment fee, so I had to wait until I got paid and then by the time I got paid, my paperwork expired.’”

## **How Common Are Legal Sanctions for Not Completing Mandatory Community Service?**

In criminal court, nearly one in five (19%) people experienced a probation violation, probation revocation, or a bench warrant for their arrest for failure to complete community service. Among those assigned community service to work off court debt, failure to complete led 17% to face probation violation or revocation; 16% likewise received a bench warrant for failing to appear and show proof of completion. (These two groups overlap substantially but are not identical.) Of those assigned community service in lieu of jail, the figures are 12% for a probation proceeding and 11% for a bench warrant. Some people in our sample went to jail for failing to complete their community service, but the complexity of the postsentencing events in these cases prevents us from documenting with certainty how many. Unexpectedly, these serious consequences appear not to be concentrated among those assigned the most hours initially; in fact, assigned hours are slightly fewer



**Figure 20. Consequences for Noncompletion of Court-Ordered Community Service: Collections, or Three Ways to Wind Up in Jail**



among those sanctioned than among the entire population. Some people have their sentence modified to substitute jail for noncompletion of community service. Whether probation revocation, warrant, or jail substitution, the outcome is the same: Do your work or go to jail (Figure 20).

People in criminal court who did not complete their community service face debt collection as well. Among those assigned community service to work off court debt, more than one in 10 (12%) were sent to debt collectors. For 8%, this was their first and only penalty; in other cases, people faced probation revocation, arrest warrants, and jail, as well as debt collectors.

The less thorough documentation of traffic cases provides less information about the frequency of consequences for not completing community service. In 10% of cases, we confirmed some documented penalty, most commonly, sending the case to collections. The handful of arrest warrants issued in traffic court occurred for “failure to appear” at the initial hearing.

Courts exercise broad discretion over penalties for failure to complete mandatory community service, just as they do in formulating the initial orders. When faced with barriers to completion, judges can waive or reduce court debt, grant extensions, or modify conditions, such as changing community labor to less strenuous

community service to accommodate medical conditions, disability, or other obstacles. Public defenders complain that judges do not exercise this discretion with an adequate understanding of the lived experiences of community service workers who have difficulty completing their work orders: “Some judges . . . don’t care and . . . fine, fine, fine, fine. And they don’t really give people the opportunity to explain their circumstances and try to understand what’s going on in their lives.” All but one public defender stated that noncompletion of community service imposed for criminal sentences results in jail time and, depending on the judge, could even result in longer sentences than if jail had been imposed at the outset. One public defender stated,

Anything can happen. From “You get more time and get an extension” to “I’m terminating your probation, and you’re sentenced to the maximum on this case.” Anything in between. They can add more community labor, they could have you come back in a week and show that you’ve done at least one day, they can make you do a certain number of days a week or a certain number of days a month. They can convert it to community service, or convert it to nonprofit, or convert it to a little bit of jail, make you do a piecemeal, anything.

## Work, pay, or go to jail

▲ On July 13, 2013, Mr. Cervantes was arrested for drunk driving and spent six days in jail. At his court appearance, Mr. Cervantes was assigned a public defender and pleaded guilty to one of his two drunk driving charges. The judge sentenced him to spend six days in jail, pay \$2,109, or perform 13 days (104 hours) of community labor and complete a three-month alcohol and drug class. The judge credited the six days Mr. Cervantes had already spent in jail and ordered him to complete the rest of his sentence within six months. Six months later, Mr. Cervantes had enrolled in his alcohol program and performed some of his community labor, and the judge granted an extension for three months. When Mr. Cervantes missed his next court appointment, the judge revoked his probation, converted his remaining hours to a \$558 fine, and issued a warrant for his arrest. Mr. Cervantes appeared in court two months later to get his case back on track. The judge recalled the warrant and gave Mr. Cervantes another six months to complete his hours, and the cycle began anew. When Mr. Cervantes failed to appear, the judge again revoked his probation, and issued another warrant. A year later, on June 26, 2015, Mr. Cervantes still had not completed his hours and was arrested and ordered to appear in court in two months. At that appearance in December 2016, the judge revoked his community service and ordered him to serve an additional 41 days in jail. Mr. Cervantes still owed \$558.

▲ Mr. Orozco was arrested for stealing from a JCPenney store on August 31, 2013. At his first appearance, through a public defender, Mr. Orozco pleaded guilty to petty theft in exchange for dismissal of his burglary charge. He was sentenced to spend one day in jail, which he had already served, and to pay \$1,026 (including a \$160 base fine) or perform five days (40 hours) of community labor. He was given two months to prove that he had enrolled in community labor, a deadline Mr. Orozco missed three times. When Mr. Orozco finally enrolled, the judge gave him four months to complete his 40 hours. But Mr. Orozco

missed his next court date, and the judge revoked his probation and issued a warrant for his arrest. Mr. Orozco was arrested, released, and ordered to appear twice over the following year. After the second arrest, the judge ordered him to serve 10 days in jail for failing to complete his hours and refused to waive \$312 of Mr. Orozco's court debt, including a \$140 restitution fine and \$172 in court fees. Mr. Orozco served 10 days, incurred another \$300 assessment for failing to pay, and was sent to collections on February 24, 2016, for the remaining balance of \$612.

▲ On January 22, 2013, Mr. Castillo drove drunk, caused an accident, and spent a night in jail. Charged with two misdemeanors, a DUI, and a hit and run, he hired a private attorney and pleaded guilty to the DUI to dismiss the hit and run. Six months later, a judge sentenced Mr. Castillo to pay \$1,897 (including a \$390 base fine) or perform 13 days (104 hours) of community service, plus pay a \$40 court fee. He received one day, or eight hours, of credit for the jail time he had already served. He was also sentenced to complete a three-month alcohol and drug class and pay restitution to the person he hit in the accident. Mr. Castillo enrolled in the alcohol treatment program but at his next court hearing three months later, the judge ordered him to pay an additional \$1,320 in restitution to the person he hit. Three months later, the judge admonished Mr. Castillo for not having performed his community service nor having paid the person he hit and instructed Mr. Castillo to do so by the following May. He had not paid or completed his hours by the following October, and the judge revoked his probation and issued a warrant for his arrest. More than a year and a half later, Mr. Castillo walked into court to resolve his bench warrant. The judge refused to reinstate his probation but instead of incarcerating him, ordered him to perform his 96 hours of community service within two months. Two months later, Mr. Castillo still had not completed his hours. The judge converted Mr. Castillo's community service to 12 days in jail and incarcerated him immediately. There is no evidence that Mr. Castillo ever paid the restitution to the person he hit.



## Conclusions and Recommendations

Both community service and court debt have long been considered humane alternatives to jail or prison. Recently, though, court debt has incurred heavy criticism. When people cannot pay, they may be incarcerated in what amount to modern debtors' prisons. And when people *do* pay, often with assistance from family members, the result is a shadow government tax on the backs of already-dispossessed communities. Our data show that community service often replicates or exacerbates these problems of court debt, rather than providing a humane alternative that avoids these pitfalls.

Assignment to community service can result in the payment it was intended to avoid or in debt collection, and it can become its own pathway to incarceration when people face obstacles to completing their hours. In many cases, these are the same barriers that make employment difficult to secure, which is why people have trouble paying in the first place. These barriers include disability, family obligations, prior convictions, and lack of transportation. Community service sentences then create an additional challenge of trying to juggle the court's demands for unpaid work with the need to seek or maintain paid employment. And when

community service proves sufficiently difficult that workers find a way to simply pay off their court debt instead, all the original concerns about court debt return.

When community service workers *do* complete their assignments, the result is simply a different form of economic extraction, one that seizes labor rather than cash. This takes a toll, too, in lost time that could otherwise be used for work, school, or family, along with the health impact of being "extremely tired all the time." Like court debt, this labor extraction uses the criminal legal system to shift costs away from wealthier, Whiter taxpayers and onto the backs of low-income communities of color, as government agencies and nonprofits get the benefit of coerced, free labor. Moreover, this system of labor has potentially large spillover effects on jobs and labor standards more generally, as employers can substitute community service workers for paid employees, or threaten to do so. Relying on court-ordered community service may take away jobs that could otherwise have helped people pay court debt or potentially avoid the infractions in the first place.

Conceptualizing court-ordered community service



as a system of labor extraction allows us to place it in the larger context of the United States' history of exerting government power through racially biased institutions that coerce labor from people of color—from slavery to convict leasing, debt peonage, guest worker programs, exploitation of undocumented status, and welfare work programs (Blackmon, 2008; De Genova, 2005; Glenn, 2002; Goldberg, 2007; Ngai, 2004). In particular, this racialized labor coercion exemplifies the phenomenon we call “get to work or go to jail” (Zatz et al., 2016), which includes not only unpaid community service but also employment mandates that arise through other aspects of court debt, child support enforcement, and conditions of probation, parole, and diversion programs. Mandates for both paid and unpaid work also are being imposed as components of court-ordered drug treatment programs (Harris & Walter, 2017; *Vaughn v. Phoenix House Foundation*, 2019).

Identifying these problems with community service does not take away from the fact that many advocating for it are well-intentioned and understandably focused on finding ways to reduce the terrible toll of incarceration. And given the system as is, most community service workers prefer the work to incarceration or debt. But looking at the bigger picture of court-ordered community service suggests

we could set our sights higher than choosing the lesser evil of incarceration or forced, unpaid labor.

Our focus in this report is more on identifying problems than evaluating solutions in any detail. However, the findings and analysis presented above suggest several different, but complementary, paths that could address the problems with mandatory community service without reverting to more punitive solutions. We build on the growing body of research and policy analysis recommending reforms to court debt and the criminal legal system generally but which have given little sustained attention to court-ordered community service specifically (American Bar Association, 2018; Criminal Justice Policy Program, 2016; Colgan, 2017; Financial Justice Project, 2017). We recommend the following:

- 1. Diminish the threat of jail and court debt that compel people into community service in the first place.**
- 2. Expand sentencing alternatives that do not rely on forced labor.**
- 3. Transform punitive mandatory community service into meaningful economic opportunity through decent, paid jobs.**





## Diminish the Threats of Jail and Debt Collection

People are forced into community service to avoid jail and court debt. Removing those threats provides the most fundamental solution to the problems of community service. A variety of potential reforms could move in this direction:

- Eliminate the imposition of revenue-generating fees that inflate court debt, pushing those unable to pay into community service and extending the length of that service. California Senate Bill 144 and Alameda, Los Angeles, and San Francisco Counties have taken steps toward this.
- Cap court debt at the amount people are able to pay, by, for instance, building on existing determinations, such as federal poverty thresholds or eligibility for a public defender or for income-based public benefits.
- Reduce reliance on policing and prosecution, especially to address nonviolent, nonserious offenses that produce almost all court-ordered community service.

- Fight racial profiling and overpolicing of people of color and low-income communities, often driven by traffic stops and “quality of life” policing activities like congregating or drinking in public spaces, and minor offenses like panhandling, littering, and unlicensed street vending in public spaces, which collectively yield most court-ordered community service.

## Create Alternatives That Do Not Involve Forced Labor

Develop alternatives to jail and debt that are productive for society and for participants and do not rely on extracting labor, with all its risks of abuse. Many people in our sample already were required to participate in such activities but were ordered to perform community service as an additional penalty. Current examples include traffic school, a variety of alcohol awareness programs that range from three to 18 months, and the Hospital and Morgue (HAM) Program to which many volunteer centers also refer people when ordered by the court.



The underlying problem with community service in lieu of court debt is economic inequality; people with a decent income or savings can just pay the money, and only the poor have to put in the time. Instead of forcing people into unpaid, unprotected work, one compromise is to allow people to pursue activities that would help them overcome barriers to the kinds of employment that would allow them to pay. For instance, some advocates have recommended, and some jurisdictions have adopted, allowing people to substitute school, training, or rehab (Arizona Statutes § 28-1387; California Senate Committee on Public Safety, S.B. 1233, 2018).

## **Transform Mandatory Community Service Into Economic Opportunity Through Jobs**

At a minimum, court-ordered community service could be upgraded to treat workers with dignity and ensure that the program is not used to undermine labor standards or create a supply of vulnerable, exploitable workers. This approach would also help overcome many of the barriers that interfere with completion of work assignments. Elements of this approach could include the following:

- Eliminate registration fees. Workers should not have to pay to work for free.
- Guarantee community service workers the same accommodations employees are entitled to, so that people are not excluded or disadvantaged because of disability, pregnancy, or caregiving responsibilities.
- Establish fair scheduling. Like workers in retail and other industries fighting for predictable, reasonable schedules, community service workers should be able to plan their lives. No one should risk going to jail because the work site van is full or because their work site only offers hours that conflict with child care, school, or paid job schedules.
- Protect workers against workplace hazards and injuries. Adequate training, protective equipment,

and workers compensation should be provided to the same extent as for regular employees.

- Bring community service in criminal court up to the standard recently set for traffic court, where an hour of community service must be credited toward court debt at no less than twice the minimum wage.
- Promote employment opportunities by preventing displacement of paid workers.

Although each of these reforms would improve court-ordered community service, they would still leave intact the feature that fundamentally separates it from regular employment: the lack of pay. Many community service workers we interviewed were unemployed, yet only a few were hired by their placement site or learned skills that could help them in future employment. Just as rolling back the threat of criminal legal sanctions addresses the root cause of coercion, creating economic opportunity addresses the root cause of inability to pay. To help reduce unemployment, community service could be transformed into a jobs pipeline through the following actions:

- For any court debt that exceeds the ability to pay, create access to wage-paying, transitional jobs, similar to those in reentry employment programs (Western, 2008). The debt would be paid off through generally applicable wage garnishment practices that preserve enough income to meet basic needs. Workers would have full employment rights, including the right to organize.
- Make volunteer centers comprehensive sources of support and services, including mental health and drug addiction evaluation and treatment, employment opportunities, and job skills training.

Diminishing the looming threat of jail and debt collectors, expanding alternatives to unpaid and coerced labor, and transforming community service into economic opportunity could help realize the aspiration to provide humane alternatives to jail and court debt. Analyzing community service as a form of labor highlights how dismantling an unjust criminal legal system goes hand in hand with building a world of economic justice.

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# Appendix: Data and Methods

## Quantitative Data

The dataset is derived from a comprehensive roster of the 5,023 individuals who registered for court-ordered community service at the La Mirada Volunteer Center from July 1, 2013, to June 30, 2014. The roster is broken down into two parts corresponding to one office in the Downey courthouse (3,075 entries) and another neighborhood location (1,948 entries). The roster contains entries for name, gender, age, court case number, volunteer center registration date, hours assigned by the court, and work site assigned by the center. The roster had been provided by the center to LA Superior Court, which then produced it in response to a Public Records Act request. After digitizing the roster, we drew a random sample from each part by assigning each entry a random number generated by Microsoft Excel, sorting each part by the random numbers, and then choosing the first 300 entries from each part (600 total) for follow-up. In addition, because entries with very high hours were of special interest but relatively rare, we selected for follow-up all entries (36) with 400 or more hours assigned. Using the case numbers from the roster, we attempted to retrieve printouts of those records available in electronic format: detailed criminal docket sheets for cases in criminal court and the Electronic Traffic Record System casefile in traffic court. We excluded 19 cases from the neighborhood office that we identified as being from outside LA County and one LA case that was sealed. We successfully retrieved 557 cases that matched the case numbers, names, and time period from the roster, leaving 59 cases for which apparently due to data entry errors in the underlying roster, we could not match a roster entry to a casefile. Where possible, we identified potential typographical errors based on the standard format of case numbers and looked for close variants that produced a match on name and time period, but this did not always succeed. In the analyses presented in this report, we have weighted the results to represent the center's LA Superior Court caseload, after adjusting for oversampling of high-hours cases, the disparity in size between

the two subrosters, and the inclusion of some non-LA cases in one subroster.

To code the court documents, we created two separate instruments using Qualtrics survey software: a criminal case survey with 161 discrete questions and a traffic case survey with 191. In both surveys, some questions were looped to be asked multiple times in a single case (e.g., where there were multiple charges), while others might be skipped because they were conditioned on prior answers. The content of traffic casefiles was inconsistent, with a few document types present in almost all files, often in multiple versions, while other document types, even ones that in principle could have been generated for each case, were available to varying degrees. Coding was performed by undergraduate student workers after a training period during which feedback was given on test results that were then discarded. Data was imported into SPSS for analysis.

### **A Note on Determining Completion of Community Service Assignments**

Because all cases we examined originated with a roster of people who already had registered to perform their mandatory community service, our data lack an unknown number of people assigned mandatory community service and referred to this volunteer center but who did not register. In addition, while one of the functions of the volunteer centers is to certify completion of community service hours to the court in a standardized fashion, the approximately 600 case files we examined were not always clear-cut. For example, people who did not complete their work assignment may have completed their sentence in other ways, such as by substituting jail time or making full or partial payment. Therefore, we focused on completion of assigned hours of community service only. Assessing this presented different challenges in criminal court and traffic court.

The criminal court docket sheets indicated whether defendants performed community service and, if they

did, how much. Most docket sheets included explicit court notations indicating that the documented hours either entirely or partially completed the assignment. When those notations were lacking, we compared a) the number of completed hours and the date they were documented to the court to b) the hours initially assigned and deadline initially established. We also accounted for credit toward completing community service based on credits for time already served in jail between arrest and sentencing.

In traffic court, our most thorough and reliable data was from the early stages of the case, where the case files documented hours assigned in 98% of cases, and we could cross-check this with volunteer center roster data. Tracking completion of hours was more challenging. We relied on two documents, one of which sometimes indicated specific hours but occasionally indicated only full versus partial completion, while the other contained entries only for full completion. Neither document was present in every file, and we could not ascertain whether that absence indicated the incompleteness of the files or the absence of an event. For these reasons, our data on hours completed from traffic court is more limited and less precise. To compensate for incomplete data, we presented lower and upper bounds where feasible.

Completing community service, however, is not always the only way to comply with the court's orders. For example, in some cases, people completed their sentence in other ways, such as making full or partial payment or voluntarily substituting jail time for some or all of the mandated work. Although we could detect such substitutions, the detailed docket sheets did not always provide a clear conclusion regarding compliance versus noncompliance. Our reports of noncompletion focused on court-ordered community service specifically, and that indicator was most relevant to assessing how community service functions.

A final subtlety is that some people received more than one order to perform community service in the same case—for more than one charge, in lieu of both jail and court debt on the same charge or both, at sentencing, and/or as a postsentencing modification. In these cases, we aggregated all hours for purposes of assessing completion. This allowed comparison to aggregate hours reported to the court, which was

**Table A1: Community Service Worker Interview Participant Demographics**

<b>Community Service Worker Interview Participant Demographics (n =20)</b>	<b>Percentage of total</b>
<b>Gender</b>	
Women	35
Men	65
<b>Race</b>	
Latinx	90
White	5
Mixed race	5
<b>Country of origin</b>	
United States	50
Foreign born	50
<b>Age</b>	
20s	35
30s	15
40s	25
50s	10
60s	15
<b>Employment status*</b>	
Employed	50
Employed and working > 40 hours/week	30
Unemployed	45
Actively looking for work	25
Retired	5
<b>Children in the household</b>	
Yes	50
No	50
<b>Annual household income</b>	
Below \$25,000	40
\$26,000–35,000	15
\$36,000–56,000	35
\$57,000–75,000	10
<b>Community service status</b>	
Beginning (with prior experience)	10
Middle	20
End (or completed)	70

\*Note: Employment status totals more than 100%, as there is duplication between the categories of “Employed” and “Employed and working more than 40 hours/week.” Likewise, there is duplication between the categories of “Unemployed” and “Actively looking for work.”



necessary because the records do not indicate how reported hours were allocated across more than one assignment. We did, however, account for work orders on multiple convictions that were to run concurrently.

## Interviews

We also conducted semistructured interviews with 39 individuals. These included 20 community service workers—assigned to work sites through the same volunteer center that generated the roster we used for our quantitative data—and three supervisors at work sites that receive referrals through that volunteer center. In addition, we interviewed nine lawyers who practice in LA criminal court as public defenders

or who provide free representation in LA traffic court as part of a legal service practice, one LA Superior Court judge, and three court-ordered community service administrators, two of whom work at one or more LA County volunteer centers and another with a countywide role. Interview subjects were recruited through convenience and snowball sampling with the purposeful sampling constraints noted above (Axinn & Pearce, 2006; Creswell & Poth, 2018; Onwuegbuzie & Collins, 2007). While not a representative sample, the characteristics of the community service workers interviewed are broadly consistent with those of our quantitative sample where known (see Table A1). Interviews were recorded, transcribed, and coded in Dedoose software.

# Endnotes

- 1 We use “criminal legal system” rather than “criminal justice system” to recognize that the system is not always just while highlighting its legally sanctioned structure (Dolovich & Natapoff, 2017; Mayeux, 2018).
- 2 Also referred to as monetary sanctions, legal financial obligations, criminal justice debt, or fines and fees (Bannon, Nagrecha, & Diller, 2010; Harris, 2016).
- 3 The U.S. Department of Labor, Bureau of Labor Statistics (2018) defines full-time work as 35 hours per week and year-round work as 50 weeks per year.
- 4 Over \$4.6 million in fee revenue was reported by the nine volunteer centers providing documentation; assuming that HandsOn Santa Clarita collected the average fees per person, the total would be over \$4.8 million.
- 5 These figures were calculated as a percentage of all convictions leading to community service. Typically, there was only one such conviction per case but in fewer than 10% of cases, there was more than one.
- 6 Because it does not require unpaid labor, we excluded from further analysis the 13 cases of drunk or reckless driving that did not involve mandatory community service but did result in a Hospital and Morgue Program (HAM) sentence, which also involved a volunteer center referral. HAM is an alternative sentence or probation condition that requires participants to attend alcohol awareness classes, visit hospitals and morgues to witness traffic-related trauma and life-saving intervention, and complete a reflection essay.
- 7 These figures were calculated as a percentage of initial charges in traffic cases leading to community service, excluding later charges for failure to appear. Traffic court documentation did not reliably distinguish between initial charges and charges of conviction nor attribute sentences by charge when there was more than one. About 25% of cases involved multiple charges, most often a moving violation in combination with a documentation violation.
- 8 This and other sections of California codes are referred to only in text and are not listed in references.
- 9 The legislature has recently introduced a further distinction noted by courts between base fines and penalty assessments for the purpose of determining how jail time is credited toward court debt (*People v. Carranza*, 2016).
- 10 In 2017, Health and Safety Code §11357 allowed for a sentence of 60 hours of community service for an infraction: possession of more than 28.5 grams of cannabis. Although it falls outside the scope of this report, we note that a system very similar to court-ordered community service, but legally and administratively distinct from it, also operates through the county sheriff’s work release authority (Cal. Penal Code § 4024.2; *In re Barber*, 2017; *Ryan v. Comm’n on Judicial Performance*, 1988).
- 11 These figures reflect the net hours assigned. As noted above, criminal defendants may also receive credit toward court debt based on time served in jail, especially pre-sentence, so in many cases the total amount of hours are less than would have been required to work off the entire monetary sanction.
- 12 We treated each assigned day as 8 hours, consistent with volunteer center practice (e.g. Hatanaka & Harper, 2014).
- 13 Our analysis from the volunteer center roster treated each assignment separately, even if one person was assigned to two work sites, as occurred in 1% of cases. We excluded people who registered with the center but were not assigned to a specific recorded work site because they transferred to another location, had not yet been assigned a site, or were assigned to the HAM nonwork program also administered through the center. This left 4,609 assignments.
- 14 In contrast, in a New York case more like ones involving a sentence of community service in lieu of jail, the court held that the absence of financial compensation places the work relationship outside the scope of employment law protections (*Doyle v. City of New York*, 2015).
- 15 Law professor Beth Colgan (2018), for instance, has argued that such adjustments are required by the U.S. Constitution’s Excessive Fines clause, which would be consistent with the common practice of “day fines” in other countries.
- 16 Traffic case files often lack complete documentation, so 83% represents an upper bound of a subset of cases with most thorough documentation. We explain these and other limitations in our Appendix.







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