



**ANIMAL LEGAL
DEFENSE FUND**

COMMUNITY SERVICE POSITION STATEMENT¹

Animal Legal Defense Fund Position Statement



¹ Please note, attorneys prepared this position statement. Neither community service experts nor researchers have authored or reviewed its content. This position statement broadly summarizes complex areas of research in order to explain the basis for ALDF's policy position on community service. This statement should not be relied upon as a substitute for empirical research. ALDF's policies will evolve as new information regarding community service programs and practices becomes available.

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INTRODUCTION

Community service programs are one method courts apply within their jurisdictions, to hold convicted defendants accountable for their actions, while also attempting to ameliorate unjust impacts that may result from carceral sentences and monetary fines that may be disproportionate to the impacts of committed crimes. Courts' implementation of community service programs as a sentence alternative can, for many cases, effectively satisfy traditional sentencing goals, convicted defendants' rehabilitation, and communities' needs for future criminal deterrence and public safety.²

The Animal Legal Defense Fund (ALDF) strives to embody the values of compassion, commitment, integrity, innovation, balance, and justice for all parties throughout every aspect of its work. ALDF supports community service programs (or CSPs) because they reflect these values. CSPs provide convicted defendants the ability to atone for their actions, restore their communities, become introspective and grow, and reintegrate into society with new skills and perspectives that benefit themselves and the world around them.³ Therefore, with specific caveats, which this position statement will address, ALDF supports community service as an alternative sentencing option generally, and for individuals who have been convicted of committing crimes against animals (referred to as defendants or participants). ALDF further supports courts' incorporation of community service programs into diversion programs, as a condition of probation, or as a condition of a suspended sentence.

DEVELOPMENT OF COMMUNITY SERVICE PROGRAMS AS COURT-ORDERED SENTENCES

The concept, mission, and logistics of community service programs differ for each jurisdiction that offers such programs. The National Council on Crime and Delinquency defines community service programs as programs through which convicted defendants are placed in “unpaid positions with nonprofit or tax-supported agencies to perform a specified number of hours of work or service within a given time limit as a sentencing option or condition.”⁴ The American Bar Association further explains that coordinators of community service programs are responsible for placing convicted defendants with relevant and appropriate organizations; confirming participants' progress toward their required service to presiding courts; and if needed, issuing reminders or warnings for concern of unsuccessful program completion.⁵

² Herbert J. Hoelter, *Sentencing Alternatives—Back to the Future*, 22 FED. SENT. REV. 53, 53 (2009).

³ For a case example of a jurisdiction that frequently uses community service sentences as a rehabilitation method to help convicted defendants learn accountability, develop new skills that support future employment, and to provide them with a sense of belonging to new forms of community, see Linda Harris, *Jefferson County Judges: Community Service Valuable Alternative In Rehabilitating Offenders*, INTELLIGENCER (June 26, 2023), <https://www.theintelligencer.net/news/community/2023/06/jefferson-county-judges-community-service-valuable-alternative-in-rehabilitating-offenders/>.

⁴ M. K. HARRIS, *COMMUNITY SERVICE BY OFFENDERS* 92 (1979).

⁵ See *generally* AMERICAN BAR ASSOCIATION'S COMMISSION ON EFFECTIVE CRIMINAL SANCTIONS, *SECOND CHANCES IN THE CRIMINAL JUSTICE SYSTEM: ALTERNATIVES TO INCARCERATION AND REENTRY STRATEGIES* (2007).

Historical Development of Community Service Programs

Courts first introduced community service as a sentence alternative to monetary fines and incarceration toward the end of the twentieth century.⁶ As the concept gained prominence in European countries, courts started to assign community service sentences to non-violent crimes (“traffic violations, petty theft, and other nonviolent offenses”).⁷ However, recent studies that evaluate community service as a sentence alternative show these programs can effectively prevent future crime when ordered as a sentence to convictions of both non-violent and violent crimes.⁸

Therefore, as community service continues to grow in popularity, prove effective in decreasing recidivism,⁹ improve participants’ rehabilitation,¹⁰ and increase community restoration,¹¹ more courts have started sentencing community service to defendants who committed violent crimes.¹² One reason courts historically did not assign community service to violent crimes is because community service first existed as an exchange between the convicted defendant and the government for free labor and fines or debts the individual owed to the community.¹³ In other words, violent crimes were never part of the original scope of community service because they did not exist within the debt exchange. Therefore, aside from important public safety concerns, no reason exists to prevent defendants convicted of violent crimes from participating in community service, except that their conduct did not involve monetary violations and so, they were ineligible based on traditional candidacy. Now, with the emergence of evidence-driven studies that focus on community service sentencing options and the continued popularity of more humane philosophies toward addressing crime in mainstream society—for example, restorative justice and transformative justice—adding community service as a sentencing option for both non-violent and violent crimes may be a targeted method of rehabilitation and societal restoration. As studies continue to illustrate, widening the scope of defendants who participate in community service could provide invaluable infrastructural work to support communities, particularly communities that have become socio-economically disadvantaged and that do not receive needed government support. Simultaneously, CSPs support the growth of defendants who may not otherwise have—or be given access to—other forms of therapy programs that resolve underlying causes of criminal behavior.¹⁴

6 Patricia Faraldo Cabana, *Paying off a Fine by Working Outside Prison: On the Origins and Diffusion of Community Service*, 17 EUR. J. CRIMINOLOGY 628, 629 (2020).

7 Jeffrey A. Bouffard & Lisa R. Muftić, *The Effectiveness of Community Service Sentences Compared to Traditional Fines for Low-Level Offenders*, 87 PRISON J. 171, 171 (2007).

8 *Id.* at 185-86; Marja-Liisa Muiluvuori, *Recidivism Among People Sentenced to Community Service in Finland*, 2 J. SCANDINAVIAN STUD. CRIMINOLOGY & CRIME PREVENTION 72, 73 (2010).

9 Press Release, Attorney General Racine, OAG’s Prosecution of Juvenile Violent Crime, OFF. ATT’Y GEN. FOR D.C. (Jan. 28, 2022), <https://oag.dc.gov/release/ag-racine-statement-oags-prosecution-juvenile-0>.

10 See Collins Kipchirchir Ngetich et al., *Effectiveness of Community Service Orders in Rehabilitating Offenders Behaviour in Kericho County, Kenya*, 1 INT’L ACAD. J. L. & SOC’Y 58, 60 (2019); Bouffard & Muftić, *supra* note 7, at 172.

11 Ngetich et al., *supra* note 10, at 60; Gordon Bazemore & Dennis Maloney, *Rehabilitating Community Service: Toward Restorative Service Sanctions in a Balanced Justice System*, 58 FED. PROB. 24, 27 (1994).

12 Bouffard & Muftić, *supra* note 7, at 185-86; SARAH PICARD, COURT-ORDERED COMMUNITY SERVICE: A NATIONAL PERSPECTIVE 11 (2019) (showing courts analyzed in this report’s research have ordered community service as a sentencing option for twenty-one percent of their violent felony cases).

13 Faraldo Cabana, *supra* note 6, at 628-30; Bouffard & Muftić, *supra* note 7, at 171

14 Bazemore & Maloney, *supra* note 11, at 30.

Operating Community Service Programs

Every jurisdiction that uses community service as a sentence alternative is uniquely populated with individuals who create distinct landscapes of varied socio-economic backgrounds; have different histories with trauma; have different relationships with themselves, others, and the world; who face different systemic challenges; and who have distinct aspirations. In turn, presiding courts have to manage their cases by navigating the impacts of their jurisdictions' legal infrastructures on these factors—including instructional sentencing guidelines, case-specific facts, and parties' backgrounds—to determine whether community service sentences are appropriate for a defendant facing them.

Court-ordered community service programs consist of participants (defendants convicted of crimes) who perform supervised work at partnering non-profit or community-based organizations for scheduled hours, oftentimes multiple days each week, until participants complete their required service.¹⁵ Once a court orders community service as a defendant's sentence, court administration and the partnering organization prepare a service completion plan for the defendant, which the presiding court reviews for approval or amendment.¹⁶ Community service programs can operate in different ways, depending on the structure and needs of the controlling jurisdiction, the type of offense, the defendant's unique background and current circumstances, and the specific details of the crime and case in question. Courts may order community service as a standalone sentence, or as a substitute for a monetary fine or a carceral sentence.¹⁷ However, courts also may include community service in a package or combination of sentences.¹⁸ Community service programs also may be appropriate sentences for defendants who otherwise would receive court-ordered probation or a suspended sentence.¹⁹ Whatever the original sentencing option may be, courts can use CSPs as an innovative approach to facilitate participants' introspection regarding themselves and their past actions, and for participants to develop a stable and healthy pathway to reintegrate into their community through the work they accomplish and the newly learned skills they can offer.

Court-ordered community service programs can prove problematic for participants when courts order and expect full completion of worked hours within a specific time frame, but do not account for economic and systemic roadblocks that may prevent participants from being able to complete their hours.²⁰ These roadblocks may have been the same underlying

15 Tapio Lappi-Seppälä, *Community Sanctions as Substitutes to Imprisonment in the Nordic Countries*, 82 L. & CONTEMP. PROBS. 17, 31 (2019).

16 *Id.*

17 NORVAL MORRIS & MICHAEL TONRY, BETWEEN PRISON AND PROBATION: INTERMEDIATE PUNISHMENTS IN A RATIONAL SENTENCING SYSTEM 174 (1990).

18 *Id.*

19 See, e.g., OR. REV. STAT. § 137.128(1) ("A judge may sentence an offender to community service either as an alternative to incarceration or fine or probation, or as a condition of probation."); OR. REV. STAT. § 137.131(1) ("The court shall impose community service as a condition of a probation sentence when a person is convicted of criminal mischief and the conduct engaged in consists of defacing property . . ."); PICARD, *supra* note 12, at 10, 17 (showing courts offer community service as an alternative to jail sentences for forty-two percent of cases, based on this report's research).

20 However, see Harris, *supra* note 3 (exemplifying governments that help CSP participants complete their hours by providing transportation); Chapter 3: *Community Service (Probation and Supervised Release)*, U.S. COURTS (last visited June 27, 2024), <https://www.uscourts.gov/services-forms/community-service-probation-supervised-release-conditions> (regarding community service hour completion, "[d]efendants should be required to complete their community service obligation promptly unless there is a reasonable basis to delay the placement. For example, initiation of community service may be delayed to allow employed defendants to complete an imposed term of home confinement, to allow for intensive corrective treatment, to stabilize a drug-abusing defendant, or to allow the defendant to meet short-term extraordinary personal or family responsibilities.").

factors that led to a defendant’s original criminal conduct.²¹ Therefore, when courts order community service as a sentence, they need to take into consideration a defendant’s living circumstances, to ensure the defendant can complete the sentence. Courts should also provide resources to a defendant that support their efforts to fulfill their service. Additionally, courts and partnering organizations need to collaborate with each defendant to ensure the required, non-paid community service hours do not conflict with, but rather accommodate, a defendant’s education, employment, and family commitments.

Methods to Ensure Community Service Sentences are Effective

Community service programs are successful when courts develop comprehensive, thoughtful approaches and structures. The development of programs largely depends on court and government advocacy, public support, access to financial resources, and access to partnering organizations. ALDF supports jurisdictions’ implementation of the following aspects for community service programs generally, and for cases involving animal cruelty, when these aspects are appropriate for a jurisdiction’s distinct infrastructure, policy prioritization, and community needs and values.

1. Develop instructional guidelines regarding factors that help courts consider when community service is an appropriate standalone sentence or part of a sentence package for defendants.²² Further, develop instructional guidelines that help courts and CSP coordinators determine the type of community service work that is appropriate for each defendant who is eligible for community service.²³
2. Building on the previous point, offer community service through a case-by-case determination for non-violent and violent crimes.²⁴ Several factors contribute to the reasons an individual commits animal cruelty. Furthermore, taking measures to prevent risks to public safety should be a foremost priority. However, if no risks exist, denying a defendant the opportunity to participate in community service because their conviction resulted from a violent crime, may prevent that person from being able to grow and learn through their exposure to a new and safe environment—the community service—they may not have access to otherwise. The type of crime someone commits should factor into the type of work they complete and the type of organization with which they engage. However, a blanket policy that prevents defendants, who are convicted of violent crimes, from having the opportunity to practice personal and professional skill development, as well as emotional and interpersonal self-regulation through community service programs,²⁵ impedes their potential to rehabilitate, to become supportive citizens of their communities, and to stably reintegrate into society.²⁶

21 See generally, e.g., *Martinez v. State*, 48 S.W.3d 273 (Tex. App. 2001) (involving an eighty-three-year-old woman whom the presiding court convicted of criminal neglect because she did not have the financial resources or transportation means to seek veterinary care for a dog in her guardianship; yet, the court assigned her community service at a location to which the woman needed stable means of transportation, to complete her service hours—a feat that had already proven insurmountable for the woman, given her circumstances).

22 Christian Klement, *Comparing the Effects of Community Service and Imprisonment on Recidivism: Results from a Quasi-Experimental Danish Study*, 11 J. EXPERIMENTAL CRIMINOLOGY 237, 243 (2015).

23 Bouffard & Muftić, *supra* note 7, at 190.

24 *Id.* at 183-86; Klement, *supra* note 22, at 241.

25 Christian Perrin et al., “It’s Sort of Reaffirmed to Me That I’m Not a Monster, I’m Not a Terrible Person”: Sex Offenders’ Movements Toward Desistance via Peer-Support Roles in Prison, 30 SEX ABUSE 759, 766 (2017); Ngetich et al., *supra* note 10, at 60-61.

26 Faraldo Cabana, *supra* note 6, at 636-37.

3. Ensure community service opportunities are available to people of all ages, gender identities, races, ethnicities, abilities, and socio-economic backgrounds. Furthermore, when community service is an appropriate sentence for a case, courts should account for personal and systemic biases that result in discrimination and make a point of offering community service sentences to individuals who identify as belonging to BIPOC communities or communities of color, and/or the global majority.²⁷ Studies indicate that defendants who identify as white receive more opportunities to complete community service as an alternative sentence, compared to defendants who identify as members of BIPOC communities or communities of color, the global majority, and communities that historically and/or currently experience marginalization.²⁸ This lack of access to community service as an alternative sentence may increase the disparate representation of specific groups of people who are incarcerated or who are further impoverished by insurmountable fines, compared to their representation within the United States' populace.²⁹
4. Offer community service programs that include trauma-informed interactions with mental health and social work professionals, as well as service activities and/or work with partnering organizations that operate under a trauma-informed lens.³⁰
5. Move away from retributive justice perspectives, and instead, integrate transformative and restorative justice perspectives when coordinating, assigning, and supervising community service participants.³¹
6. Engage and coordinate with partnering organizations that can offer community service activities that participants and surrounding communities find valuable.
7. Provide defendants with the choice to participate in community service as a sentence, and if chosen, provide options of partnering organizations with whom they would like to complete their service. The ability to choose can empower defendants, promote their sense of agency, and help them regain personal power and control in a healthy, safe way that improves their autonomy and self-determination,³² and in turn, may help reduce recidivism.

²⁷ BIPOC (Black, Indigenous, People of Color).

²⁸ See, e.g., Bouffard & Muftić, *supra* note 7, at 181 (exemplifying that many studies conducted on the effectiveness of community service comprise of predominantly white (90.5% for this study) participants).

²⁹ *2023 Demographic Differences in Federal Sentencing*, U.S. SENT'G COMM'N (Nov. 13, 2023), <https://www.ussc.gov/research/research-reports/2023-demographic-differences-federal-sentencing> (providing statistical examples that illustrate, generally, Black and Latinx/é individuals receive longer incarceration sentences and less probation opportunities than their white counterparts. For one study that focused on youth defendants, increased use of community service programs (instead of incarceration sentences), the jurisdiction experienced "91% of youth in the program engaged in community-based programming, passing all their classes, and 67% have successfully engaged in after-care The initiative has decreased systemic racial and ethnic disparities by decreasing entry into the detention process."); Bazemore & Maloney, *supra* note 11, at 24.

³⁰ Colleen Anne Dell & Nancy Poole, *Taking a PAWS to Reflect on How the Work of a Therapy Dog Supports a Trauma-Informed Approach to Prisoner Health*, 11 J. FORENSIC NURSING 167, 172 (2015).

³¹ See *infra* section "Alignment of Community Service with Legal and Mental Health Philosophies."

³² Exercising self-determination enables a defendant to decide that their history does not control their future; a defendant may have committed crimes in the past, but they do not have to commit crimes in the future. A defendant can choose their next steps, and those choices can benefit the defendant and their community.

8. While completing their service, ensure participants receive effective supervision from their community service-providing organization's qualified personnel. Should qualified personnel not exist within a partnering organization, but the organization is interested in supporting a jurisdiction's community service program, provide that organization's selected personnel with appropriate training, to supervise community service participants in healthy, constructive, and supportive ways.
9. Provide nonprofit organizations with the opportunity to choose whether participating in a community service program is realistic and financially feasible. Providing organizations with this agency will protect them (or their staff) from experiencing financial, logistical, and emotional drains or burdens due to having participants perform community service with them. This voluntary approach also will promote partnering organizations' ability to ensure the work and outreach they execute through CSPs align with their missions and donor expectations. If organizations want to support CSPs, but they do not have the financial means to do so, provide these organizations with stipends that subsidize their financial and personnel expenditures that accrue from hosting and supervising participants.
10. Develop infrastructures around community service programs that help participants complete their service even when they face socio-economic challenges. Such infrastructures may include jurisdictions providing transportation for participants who otherwise would not be able to complete their hours because of a lack of access to transportation.³³

Though tangential to community service programs, ALDF also supports implementation of the following practices into court-ordered sentences and legislatively enacted sentencing guidelines, specific to animal cruelty cases:

1. Include completion of a humane education course, in conjunction with a community service sentence, to help defendants understand and confront the micro- and macroscopic harms they caused by committing animal cruelty.³⁴
2. Include completion of a psychological evaluation and appropriately structured therapy or rehabilitation methods for each defendant, including an official evaluation of past trauma and subsequent trauma-informed therapies as necessary, to address underlying factors that influenced their commission(s) of cruelty.³⁵

³³ See Harris, *supra* note 3 (describing the jurisdiction's purchase of a van to ensure individuals who have community service sentences have the ability to perform their hours at designated organizations because they have transportation).

³⁴ See Dawna Komorosky & Keri K. O'Neal, *The Development of Empathy and Prosocial Behavior Through Humane Education, Restorative Justice, and Animal-Assisted Programs*, 18 CONTEMP. JUST. REV. 395, 395 (2015); Dell & Poole, *supra* note 30, at 174; see also, generally *Humane Education Position Statement*, ANIMAL LEGAL DEF. FUND (July 2025), <https://aldf.org/wp-content/uploads/2025/07/Humane-Education-Position-Statement.pdf>.

³⁵ Dell & Poole, *supra* note 30, at 172-73 (discussing ways that trauma-informed and humane practices provided to convicted defendants help them heal from underlying causes of crime commission. Though this study focused on incarcerated individuals and their work with therapy dogs, the use of similar approaches would likely be successful when employed to support community service participants).

BENEFITS OF COMMUNITY SERVICE COMPARED TO TRADITIONAL SENTENCES

Community service programs offer myriad financial and societal benefits to jurisdictions that incorporate them. For instance, some studies indicate that defendants’ participation in community service programs reduced recidivism compared to recidivism rates for individuals who paid court-ordered fines or whom courts incarcerated.³⁶ Furthermore, community service sentences provide opportunities for advocates, community members, and defendants to address underlying causes, trauma, and psychological concerns that may have contributed to defendants’ criminal behavior.³⁷ Not all studies that analyze short- and long-term impacts of participation in community service programs replicate these results. However, data from studies that do support these assertions are an indication that alternatives to fines and incarceration—community service programs, specifically—can have a positive impact on participants and their choice to abstain from future criminal behavior.³⁸ Because of these results, as well as the positive contributions and ability for introspection community service programs provide participants, ALDF supports further studies in this area, particularly studies that analyze the impact community service participation has on defendants who are convicted of animal cruelty.

Comparison to Traditional Sentences—Fines

Experts who have compared the impact of court-ordered fines to court-ordered community service have found that community service sentences are “at least as effective as traditional fines in terms of any post-sentencing recidivism”³⁹ for defendants who are convicted of non-violent, as well as violent, offenses.⁴⁰ However, community service provides other benefits that fines do not produce.⁴¹ For instance, court-ordered fines do not acknowledge the seriousness of animal cruelty crimes, but often are the legislatively instructed guideline for animal cruelty convictions.⁴² Fines are not restitution and so, the money defendants pay in fines does not cover medical care costs or continued care for animal cruelty victims.⁴³ Fines also do not accomplish restoration to animal victims or recognition of their injuries. Rather, they focus on society as the victim and, therefore, do not repair—symbolically or literally—the damage animal cruelty causes. Furthermore, fines do not facilitate opportunities for

³⁶ Bouffard & Muftić, *supra* note 7, at 188-89.

³⁷ Daisy Corleto, *Prison Rehabilitation: The Sociological, Physiological, and Psychological Effects of Animal-Assisted Interventions*, 6 *THEMIS: RES. J. JUST. STUD. & FORENSIC SCI.* 112, 117 (2018) (“The benefits of rehabilitation programs are numerous and include: acquiring skills, learning responsibility, increasing hope and motivation, increasing social skills and cooperation, reducing mental health effects, reducing stress and anxiety, and reducing recidivism. . . . This shows that rehabilitation is necessary because it helps prisoners become better members of society by providing them with the tools to do so.”); Ngetich et al., *supra* note 10, at 73 (showing the benefits of rehabilitation programs on defendants convicted of sexual assault crimes).

³⁸ Bouffard & Muftić, *supra* note 7, at 188-89; Bazemore & Maloney, *supra* note 11, at 25; Ngetich et al., *supra* note 10, at 64, 72-73, 76; Klement, *supra* note 22, at 250-51; Muiluvuori, *supra* note 8, at 72. To learn about the positive impact of incarcerated individuals providing a public good through their participation of dog training programs and animal intervention programs, see generally Rebecca J. Leonardi et al., “You Think You’re Helping Them, But They’re Helping You Too”: *Experiences of Scottish Male Young Offenders Participating in a Dog Training Program*, 14 *INT’L J. RES. PUB. HEALTH* 945 (2017), and Corleto, *supra* note 37.

³⁹ Bouffard & Muftić, *supra* note 7, at 188-89.

⁴⁰ *Id.* at 183, 185-86; Muiluvuori, *supra* note 8, at 73; Klement, *supra* note 22, at 241.

⁴¹ Bouffard & Muftić, *supra* note 7, at 189.

⁴² See, e.g., OR. REV. STAT. §§ 161.605, 161.615, 161.625, 161.635; MICH. COMP. LAWS §§ 750.50, 750.50b; WYO. STAT. §§ 6-3-1001, 6-3-1002, 6-3-1004, 6-3-1005.

⁴³ For some cruelty crimes, some territories do require convicted defendants pay restitution into a special fund to help finance the care of other animal victims. However, this requirement is not common. See 5 P.R. LAWS ANN. § 1684; 14 V.I. CODE ANN. § 186. Additionally, several states enacted statutes that establish funds for costs of care for animal victims of cruelty. However, those funds are supported by remaining profits derived from auctioning or selling animal victims and licensing fees. See Idaho: IDAHO CODE § 459.501; Colorado: COLO. REV. STAT. § 35-42-113; New Mexico: N.M. STAT. ANN. § 77-18-2; Connecticut: CONN. GEN. STAT. § 22-329a.

defendants to become introspective or develop new, healthy perspectives regarding the impact of their actions on others. Indeed, fines potentially facilitate the opposite effect: Defendants may not have the financial means to pay court-ordered fines, which could leave them destitute as a result. Additionally, fines are a punitive measure that could instill resentment toward animal victims and society because defendants are forced to pay a significant sum without receiving context regarding the importance of that payment to society, let alone the victims of defendants' crimes.

In contrast, community service's hours-long and multiple-day work requirements provide an opportunity for self-reflection, self-improvement, and interactions with organizations and communities that could lead to positive engagement and new, stabilizing relationships.⁴⁴ Community service also can provide local governments with infrastructural improvements that fines otherwise may (or may not) cover. Perceived positive results are not guarantees for every community service participant, but they certainly are more promising than one-time fines without any further engagement.

Comparison to Traditional Sentences—Incarceration

Studies that analyze the efficacy in reducing recidivism through incarceration compared to community service are limited and show mixed results.⁴⁵ These studies also do not consistently evaluate the same or similar populations, which impedes the ability to determine whether community service is an effective strategy to decrease recidivism, compared to incarceration. For example, some studies focus on defendants convicted of violent crimes, while other studies focus on defendants convicted of non-violent crimes.⁴⁶ Some studies indicate community service is more or less effective than incarceration depending on the committed crime (separate from non-violent versus violent).⁴⁷ Some studies focus on participants who currently are incarcerated, while other studies focus on participants who never have been imprisoned. Most importantly, none of the studies focus on participants convicted of animal cruelty.

Despite the lack of consistency in comparative studies, experts *have* studied the negative impacts of incarceration, which provides a stark contrast to the positive impact of community service. Indeed, some studies indicate that once individuals experience incarceration, they experience a greater likelihood in becoming incarcerated again.⁴⁸ Additionally, incarceration—especially without supportive mental health rehabilitation—often is ineffective at reducing recidivism for individuals, particularly those who suffer from trauma and/or mental illnesses.⁴⁹

44 Ngetich et al., *supra* note 10, at 72; Perrin et al., *supra* note 25, at 770-74 (explaining that belonging to groups and communities; participating in work, training, or education; and having opportunities to be close to others are protective factors that promote “social and emotional wellbeing,” which helps convicted defendants regain a “stake in conformity”).

45 See Bouffard & Muftić, *supra* note 7, at 171-72; Ngetich et al., *supra* note 10, at 60, 63-64; Jona Lewin et al., *A Community Service for Sex Offenders*, 5 J. FORENSIC PSYCHIATRY 297, 297-98 (1994); Bouffard & Muftić, *supra* note 7, at 188-89, 190-91; Muiluvuori, *supra* note 8, at 72, 80; Klement, *supra* note 22, at 250.

46 Bouffard & Muftić, *supra* note 7, at 183-86; Klement, *supra* note 22, at 241.

47 See, e.g., Bouffard & Muftić, *supra* note 7, at 183-86 (regarding the different types of crimes that are analyzed when providing community service as a sentence, including, but not limited to property, drug-related, and sexual assault crimes, and specifically comparing the effectiveness of fines to community service sentences); Muiluvuori, *supra* note 8, at 79; Klement, *supra* note 22, at 242.

48 For instance, a 2014 Australian survey showed that 45.8 percent of previously incarcerated individuals re-offended and became incarcerated again, within two years of their initial release. Aimee Pitt, *The Functions of Incarceration and Implications for Social Justice*, 4 Soc. WORK & POL'Y STUD.: Soc. JUST., PRAC. & THEORY 1, 10 (2021) (internal citations omitted).

49 CHRISTOPHER WILDEMAN, THE IMPACT OF INCARCERATION ON THE DESISTANCE PROCESS AMONG INDIVIDUALS WHO CHRONICALLY ENGAGE IN CRIMINAL ACTIVITY, *in* DESISTANCE FROM CRIME: IMPLICATIONS FOR RESEARCH, POLICY, PRACTICE 87 (2021) (citing Michael Massoglia & William Alex Pridemore, *Incarceration and Health*, 41 ANN. REV. SOC. 291, 291-310 (2015); Kristin Turney et al., *As Fathers and Felons: Explaining the Effects of Current and Recent Incarceration on Major Depression*, 53 J. HEALTH & SOC. BEHAV. 465, 465-81 (2012)).

Notably, such individuals comprise twenty to seventy-five percent of the incarcerated populations who have been the focus of available studies.⁵⁰ Furthermore, incarceration may perpetuate the maltreatment cycle by depriving individuals of their power and control, which is an argued underlying cause for committing maltreatment in the first place.⁵¹

Continued research is necessary to determine whether community service is a more successful method to address animal cruelty crimes than incarceration, and whether community service more effectively reduces recidivism for defendants who commit cruelty. However, until that research and its results come to fruition, ALDF supports community service as one alternative to incarceration in many cases⁵² because existing studies show that community service can provide a greater number of positive impacts on communities and defendants than incarceration. Community service has the capacity to improve the lived experiences of crime-affected community members through performed services,⁵³ which hopefully reach victims too. Community service as an alternative sentence protects defendants from new or exacerbated symptoms that come from the trauma of being incarcerated.⁵⁴ And, community service supports the rehabilitation and re-integration of defendants into their communities and wider society.⁵⁵ Community service programs also are considerably less expensive to operate than maintaining jails and prisons.⁵⁶ They relieve the burden prison systems put on taxpayers and prison personnel,⁵⁷ and they provide essential services to organizations that may not otherwise be able to afford the costs of hiring contractors to perform the same work.⁵⁸ And, importantly, community service provides participants with opportunities to develop new skills, which they can use for future employment.⁵⁹ Though studies are not currently available that analyze the connection between reduced recidivism and employment for individuals who have committed animal cruelty, available studies do show that employment reduces recidivism and also improves individuals' quality of life in other, intangible ways, which incarceration by itself does not do.⁶⁰

50 Approximately twenty percent of incarcerated individuals suffer from serious mental illness. BYRON R. JOHNSON ET AL., REHABILITATION: ASSESSING THE CORRECTIONAL TRAUMA HEALING PROGRAM 9 (2021) (internal citations omitted). But, in state prisons, fifty percent of incarcerated persons whose sex assignment at birth was male, and seventy-five percent of incarcerated persons whose sex assignment at birth was female experience "broad-based" forms of mental illness that require therapy or treatment. *Id.* In state jails, those percentages are sixty-three percent of incarcerated persons whose sex assignment at birth was male, and seventy-five percent of incarcerated persons whose sex assignment at birth was female. *Id.*

51 See Jessica A. Chapman, *Ending Human-Animal Maltreatment Cycles Through the Use of Trauma-Informed Therapy*, 46 MANITOBA L.J. 34, 41-45, 54-56 (2023).

52 ALDF acknowledges that cases may exist where incapacitation or incarceration resolve the most immediate need to protect victims and/or society from a convicted defendant. In these cases, ALDF advocates for mental health services, humane education, rehabilitation programs, and employment training within a jail or prison system, when available. Or, ALDF recommends the presiding jurisdiction provide such programs to defendants when they are released from a jail or prison system, when those programs are not available to the defendant while incarcerated.

53 Faraldo Cabana, *supra* note 6, at 629-30; Bouffard & Muftić, *supra* note 7, at 171-72; Bazemore & Maloney, *supra* note 11, at 25.

54 Ngetich et al., *supra* note 10, at 60; Faraldo Cabana, *supra* note 6, at 637-38; Yvonne Eaton-Stull et al., *Animal-Assisted Stress-Anxiety Groups: Positive Coping for Men in Prison*, 2 J. MENTAL HEALTH & SOC. BEHAV. 123, 123 (2020) ("According to a 2006 study by the National Alliance on Mental Illness and the U.S. Department of Justice, 56% of inmates in state prisons experience severe stress or symptoms of serious mental illnesses. High levels of anxiety and stress are a significant issue faced by prisoners.") (citations omitted); Klement, *supra* note 22, at 238 ("Criminologists have long wondered whether prison sentences cause more harm than good On an individual level, the fact that prisoners are cut off from family, friends and employment, are stigmatized, and are generally exposed to a criminogenic environment suggests that incarceration might increase the risk of reconviction.") (citations omitted).

55 Ngetich et al., *supra* note 10, at 60; Bouffard & Muftić, *supra* note 7, at 172; Bazemore & Maloney, *supra* note 11, at 25, 30; Corleto, *supra* note 37, at 6; Faraldo Cabana, *supra* note 6, at 636-37.

56 Lappi-Seppälä, *supra* note 15, at 17, 47.

57 Klement, *supra* note 22, at 238, 251; Ngetich et al., *supra* note 10, at 60.

58 Harris, *supra* note 3.

59 *Id.*

60 Ngetich et al., *supra* note 10, at 61, 66; Leonardi et al., *supra* note 38, at 945 (focusing on the benefits of incarcerated individuals participating in canine training programs); Bazemore & Maloney, *supra* note 11, at 30.

ALIGNMENT OF COMMUNITY SERVICE WITH LEGAL AND MENTAL HEALTH PHILOSOPHIES

As previously mentioned, community service programs offer defendants an opportunity to avoid the debilitating impact and long-term effects of time spent incarcerated; debt that accrues from the inability to pay court-ordered fines; and to develop new relationships with their respective communities and themselves. Additionally, community service programs may provide therapeutic opportunities for defendants who want to heal the underlying factors that influenced their criminal behavior in the first place. Though these benefits may not always be the motivating reasons courts institute community sentence alternatives,⁶¹ they are significant reasons to support courts' continued assignment of community service, given the positive impact such work has on participating defendants and their communities. Through CSPs, courts have the ability to incorporate transformative and restorative justice theories, rehabilitative practices, trauma-informed approaches, therapy through service, and symbolic reparations into their sentencing schemes.⁶² Evidence that CSPs help heal participants of underlying factors that influence criminal behavior, reduce crime, improve qualities of life for defendants and, in turn, improve qualities of life for those with whom defendants interact, supports these theories, methods, and strategies. Community service, when operating in a way that recognizes a defendant's background, existing challenges, and desire to improve, support a collective society that could be truly just. Though studies and analyses of community service programs have focused on defendants who were convicted of crimes in a general sense, and not specifically on community service programs' impact on defendants convicted of animal cruelty, the impact of such defendants engaging in community service could be similar.⁶³

Rehabilitation

Rehabilitation is a prominent goal of community service.⁶⁴ Community service sentences can provide safe spaces for internal psychological and emotional work,⁶⁵ as well as establish or reinforce stabilizing work habits, among other forms of beneficial change.⁶⁶ In turn, participants' developed habits and values can support their future employment and feelings of empowerment that may not have seemed previously realistic.⁶⁷ Community service participation also has been shown to reduce criminogenic factors.⁶⁸ In short, community service promotes second chances within a system that otherwise might impede defendants from improving themselves and moving past the crimes they committed. To fully support rehabilitative efforts for animal cruelty crimes, courts could order community service sentences in conjunction with animal cruelty-focused or other appropriate psychological evaluations.⁶⁹ Such a pairing would instruct CSP coordinators on appropriate assignments

61 See, e.g., Harris, *supra* note 3 (showing that sometimes opportunities for healing and therapeutic options are motivations for participating in community service).

62 Bazemore & Maloney, *supra* note 11, at 25, 31-32; Bouffard & Muftić, *supra* note 7, at 190; Faraldo Cabana, *supra* note 6, at 637-38.

63 As mentioned, ALDF urges the commencement of research and analysis of this population niche to confirm and support this position.

64 Lappi-Seppälä, *supra* note 15, at 28.

65 Corleto, *supra* note 37, at 6; Ngetich et al., *supra* note 10, at 73.

66 Bazemore & Maloney, *supra* note 11, at 30-31.

67 Ngetich et al., *supra* note 10, at 61, 66 (Community service participants "described how completing community service had increased their sense of belonging within wider society. When completing their community work, recipients reported feeling similar to other people, i.e. those in regular employment."); Corleto, *supra* note 37, at 6, and Bazemore & Maloney, *supra* note 11, at 30 (discussing the benefits of rehabilitation programs, which can include community service programs).

68 Lappi-Seppälä, *supra* note 15, at 28.

69 See discussion of University of Denver's FAME, *infra* Section "Community Service with Animal Advocacy Organizations."

of work and organizations for participants that could most effectively address underlying factors that influenced their criminal behavior. Consequently, exposure to the relevant work and organization could support participants' long-term growth.

Trauma-Informed Approaches

The understanding that “[t]rauma breeds further trauma; hurt people hurt other people” is common within the mental health community.⁷⁰ Furthermore, trauma diagnoses often “come to define [an individual’s] reality without ever being identified as a symptom of their attempt to cope with trauma.”⁷¹ The National Council for Behavioral Health reported that seventy percent of adults in the United States have experienced a traumatic event at least once during their lifetime.⁷² Therefore, incorporating trauma-informed activities and perspectives within participants’ community service likely will reach people who committed animal cruelty and other crimes as a reaction to their symptoms of trauma—whether diagnosed or undiagnosed—and provide effective rehabilitation as well. As Bessel Van Der Kolk, a leading expert on the effects of trauma on children and adults, explains:

We are fundamentally social creatures—our brains are wired to foster working and playing together. Trauma devastates the social-engagement system and interferes with cooperation, nurturing, and the ability to function as a productive member of the clan ... [W]e have seen how many mental health problems, from drug addiction to self-injurious behavior, start off as attempts to cope with emotions that became unbearable because of a lack of adequate human contact and support. Yet institutions that deal with traumatized children and adults all too often bypass the emotional engagement system that is the foundation of who we are and instead focus narrowly on correcting “faulty thinking” and on suppressing unpleasant emotions and troublesome behaviors.⁷³

Stakeholders within the legal system have begun to recognize violent behavior as a response to, or an attempt at managing, trauma in the same way that substance abuse and other comorbid behaviors are a response to trauma. Many stakeholders also recognize community service can provide positive ways to socialize participants, offer them healthy support resources, and provide participants with opportunities to focus their energies toward beneficial activities. Therefore, stakeholders who are concerned with resolving participants’ trauma, as well as providing participants with pathways that could support participants’ future abilities to thrive, will recognize community service programs are an optimal sentence alternative to incarceration and fines. Through well-constructed community service programs, jurisdictions can provide participants with safe environments within which they can eventually relax their defense barriers—barriers that may even have influenced their criminal behavior, but also may have been responses to traumatic experiences—and explore innovative solutions to manage trauma, rather than hurting others or committing another crime. These trauma-informed solutions may include participants developing new skills and working to improve their lives and circumstances, which can help them control and change their future behaviors.⁷⁴

⁷⁰ BESSEL VAN DER KOLK, *THE BODY KEEPS THE SCORE: BRAIN, MIND, AND BODY IN THE HEALING OF TRAUMA* 350 (2015).

⁷¹ *Id.* at 268.

⁷² National Council for Behavioral Health, *How to Manage Trauma* (2013), <https://www.thenationalcouncil.org/wp-content/uploads/2013/05/Trauma-infographic.pdf?dof=375ateTbd56>.

⁷³ VAN DER KOLK, *supra* note 70, at 351.

⁷⁴ *Id.*

Restorative Justice and Transformative Justice

Community service sentences provide defendants with pathways to redeem themselves from their criminal acts and give to their communities through service, which can symbolically, and often literally, restore their communities to a better state than they were when the defendants committed their crimes. Indeed, the Probation and Pretrial Services Division of the Administrative Office of the United States Courts urged judges to incorporate CSPs into their sentencing options because they are a “flexible, personalized, and humane sanction” and a “way for [individuals convicted of crimes] to repay or restore [their] communit[ies].”⁷⁵ By courts ordering community service for defendants convicted of committing animal cruelty, defendants have the opportunity to serve humans and animals around them—directly or indirectly—and see their communities from a different perspective. Should that perspective not emerge for a defendant, their tangible contribution of dedicated work to their community still literally restores the community to an improved place than it was when the individual committed their crime(s). Though crime victims may not receive direct benefit from participants’ work, they can benefit as community members.

Transformative justice emerges within this service as well. Participants, should they choose to take advantage of the opportunity, can look at the roles they played in society while committing animal cruelty versus serving their community. Repeated exposure to filling beneficial roles and interacting with new acquaintances in these environments can establish within participants a starting place to be different than they were when they committed their crime(s).⁷⁶ However, for these justice theories to effectively take root within CSPs, courts need to match participants to community service work and organizations that are relevant to their backgrounds and present circumstances, to better support positive outcomes.⁷⁷

Therapy Through Service—Healing Through Interactions with Others

Community service programs instill the value of service to others.⁷⁸ Interventions like community service are powerful therapeutic strategies because they transcend the emotional and psychological undercurrents that influenced an individual’s criminal behavior, and instead tap into an individual’s inherent desire to cooperate and support others, while also promoting “safety, reciprocity, and imagination” through work, stable interactions, and relationship-building.⁷⁹ Community service allows participants to see they can be successful in life by supporting others, rather than using or hurting others to meet their needs. These newly-founded relationships—with the legal system that offered the participant a second chance; with organizations that are invested in spending time with the participant and supporting their healing; and with the community that benefits from the participant’s work—can establish a new resilience within the participant. Such resilience promotes a participant’s agency, their belief that they can be healthy members of society who make a difference, and their ability to evaluate actions that lead to new pathways that cease criminal behavior and

⁷⁵ Hoelter, *supra* note 2, at 55.

⁷⁶ Corleto, *supra* note 37, at 6 (showing that one of the many benefits of rehabilitation programs are reduced recidivism rates); Ngetich et al., *supra* note 10, at 72; Lewin et al., *supra* note 45, at 298 (showing, at least for sexual assault crimes, recidivism rates are lower for defendants who participated in community service programs (twenty-five percent recidivism rate), compared to defendants who were incarcerated (forty percent recidivism rate)).

⁷⁷ Bouffard & Muftić, *supra* note 7, at 190.

⁷⁸ MORRIS & TONRY, *supra* note 17, at 166.

⁷⁹ VAN DER KOLK, *supra* note 70, at 358.

instead, improve the participant’s life, long-term.⁸⁰ Consequently, a participant’s work and desire to support their community instills in the community a positive perspective of the participant and shows the community the participant’s willingness to be part of and support the collective.

Reparations

In most cases, community service does not facilitate literal reparations paid by defendants who commit animal cruelty to their animal victims, or affected humans and surrounding communities. However, community service can function as a symbolic gesture for defendants to create and produce work that improves the world around them and so too, improve the community and their victims’ lives—even more so when defendants in these cases *want* to perform community service for this purpose. When appropriate, as discussed in the following section, symbolic reparations may occur through situations in which defendants receive permission to perform their community service work with animal advocacy organizations. This positioning may not repair the damage the defendant caused to the animal victim(s) directly, but, it could be an opportunity for the defendant to work in a way that provides monetary value to animals in recognition of their existence as a class of victims. To note, reparations are not restitution; courts should not sentence community service in place of restitution since restitution is not punitive, but rather reimbursement or expense coverage of a victim’s medical costs and costs of care. For this reason, community service should be a sentence in conjunction with restitution.

COMMUNITY SERVICE WITH ANIMAL ADVOCACY ORGANIZATIONS

The safety and well-being of animals must be the foremost priority courts and partnering animal advocacy organizations consider when determining whether community service programs, and assigned work within those organizations, are appropriate for a defendant. Within this prioritization, courts need to recognize a victim animal’s experience and suffering that resulted from a defendant’s criminal actions, which includes the intent behind, and the severity of, the crime they committed. Therefore, courts should consider assigning community service that enables defendants who have been convicted of animal cruelty to activities that restore animal victims—whether literally and/or symbolically—but also ensure the animal victims’ safety, as well as the safety of animals in partnering organizations and throughout the community. In sum, ALDF maintains the perspective that defendants who have been convicted of animal cruelty should not receive, or be able to participate in, community service programs that facilitate the defendant’s direct interaction with animals, if such interaction hints at any perceived threat to animals’ safety and well-being.⁸¹

Within this context, some animal advocacy organizations have observed benefits to providing community service opportunities in which participants who committed animal cruelty

⁸⁰ *Id.* at 357.

⁸¹ ALDF also recommends courts evaluate whether community service programs that facilitate direct, physical interaction with animals are appropriate for defendants whom courts convicted of violent crimes toward human victims that did not involve animal victims. Such evaluations should occur on a case-by-case basis, with a prioritization of ensuring animals’ safety, while also considering each defendant’s unique background and their potential to heal and grow through their participation in safe, supervised exchanges with animals.

serve or interact with animals.⁸² Though counterintuitive, and certainly dependent on each participant’s convicted crime(s), behavioral history toward animals, and measured risk of future harmful behavior toward animals, this type of human-animal engagement may provide participants with opportunities to develop empathy for other beings,⁸³ and to develop healthy perspectives and relationships with animals that they did not have prior to these interactions.

In such scenarios, courts and animal advocacy organizations would need to establish inflexible conditions to allow this form of human-animal interaction. Such conditions may include: Limiting participation only to defendants convicted of misdemeanor offenses (no felonies); requiring defendants to complete an approved humane education course before interacting with animals;⁸⁴ preventing defendants from being alone with animals at the participating animal advocacy organization; and participating animal advocacy organizations confirming (and enforcing) that an experienced employee/leader will supervise all of a defendant’s CSP-based interactions with animals. Other factors courts should take into account may include: A defendant’s degree or severity of violence toward their animal victim(s) and any other victim(s) in the case; the degree of harm and suffering animal victim(s) endured because of a defendant’s criminal behavior; a defendant’s professed or displayed reasons for committing animal cruelty; any underlying psychological or emotional factors that inspired a defendant’s commission of cruelty; external factors (i.e., lack of access to resources, experienced poverty, etc.) that contributed to a defendant’s commission of animal cruelty, (which could justify allowing a defendant to interact with animals); and a defendant’s reasons or motivations for wanting to perform community service. To support this evaluation, courts may find it helpful to order a defendant to complete a psychological evaluation, such as University of Denver’s Forensic Animal Maltreatment Evaluation (FAME),⁸⁵ which then would be available for the court’s review and consideration, to develop a broader analysis of a defendant’s risk and causative factors. This comprehensive view of a defendant may provide insight into whether community service would be an appropriate and effective sentence for them, and whether community service with an animal advocacy organization would be safe, effective, and beneficial for everyone involved. That said, ALDF does prefer erring on the side of caution and supports the approach of refusing defendants the opportunity to work with animal advocacy organizations that provide access to animals, should any risk to animals’ safety and well-being exist. Rather, courts can work with advocacy experts to enroll defendants in other programs that still aid in their personal transformation, help them develop healthy relationships with animals and the world, restore their communities, and keep animals safe.

82 *Stories of True Redemption—and Why Michael Vick Shouldn’t be Honored by the NFL*, ST. HUBERT’S ANIMAL WELFARE CTR. (Dec. 17, 2019), <https://www.sthuberts.org/lisas-blog/2019/12/17/two-stories-of-second-chances-and-thoughts-on-the-nfl-honoring-michael-vick>.

83 Though not identical to community service programs beyond the carceral setting, studies have shown transformations occur within incarcerated individuals who participated in programs that incorporated dogs (training, assisting, emotional support, etc.). These incarcerated participants who worked with visiting dogs showed a statistically significant improvement in skill development, empathy for others (particularly animals), as well as gratitude and appreciation. See generally Hanne M. Duindam et al., *Are We Barking Up the Right Tree? A Meta-Analysis on the Effectiveness of Prison-Based Dog Programs*, 47 CRIM. JUST. BEHAV. 749 (2020) (showing significant, but potentially inflated results in reviewed studies), *but see generally* Komorosky & O’Neal, *supra* note 34; Dell & Poole, *supra* note 30; Froma Walsh, *Human-Animal Bonds I: The Rational Significance of Companion Animals*, 48 FAM. PROCESS 462 (2009), and Eaton-Stull et al., *supra* note 54.

84 For further discussion of ALDF’s stance on humane education, see generally ALDF’s *Humane Education Position Statement*, *supra* note 34.

85 *Services & Specialties*, DU CLINICAL & CONSULTATION SERVS. (last visited June 26, 2024), <https://psychology.du.edu/clinics/content/services-specialties>; *Forensic Services at the University of Denver’s Professional Psychology Clinic*, DU MENTAL HEALTH & WELLNESS COLLABORATIVE (last visited June 26, 2024), <https://mentalhealth.du.edu/forensic-services/>.

Interestingly, some jurisdictions have enacted legislation that gives courts discretion to order community service at animal shelters to defendants whom they convicted of animal cruelty.⁸⁶ Though this approach requires an arguably burdensome responsibility for non-profit animal advocacy organizations to uphold, these experiences provide a form of applied humane education⁸⁷ that has the potential to restructure defendants’ previously skewed views of themselves and the world, and begin to understand the power and benefits of caring for vulnerable beings, rather than hurting them. Though ALDF supports innovative approaches to help defendants who committed animal cruelty develop healthy, stable perspectives and relationships with animals, ALDF urges courts and partnering animal advocacy organizations to determine whether their available resources can comprehensively provide community service opportunities to such individuals that promote genuine, internal growth while simultaneously benefitting animals within their guardianship. Some recommendations that might help courts and animal advocacy organizations assess whether their programs can appropriately support CSPs for defendants include:

1. Determine whether supervisors at a partnering animal advocacy organization are trained in rehabilitation and therapeutic methods for defendants who committed animal cruelty and who may suffer from psychological and emotional conditions that may pose risk of injury to animals while they perform community service. Determine whether personnel exist within the organization who can collaborate with participants, to support their internal growth and development of positive relationships with animals. And, determine whether personnel exist who have the skills to show participants the ways their work in giving back to animal victims and their communities is beneficial and impactful.
2. Determine whether such partnering organizations have the resources—personnel and otherwise—to address concerns that arise in point 1, as well as to provide complete supervision of participants during community service shifts. And, determine whether partnering organizations have the necessary resources to maintain the administrative overhead and court communications CSPs require.
3. Determine whether a partnering organization assigns tasks and work to participants that participants can find meaningful. In other words, ask the evaluative questions: Are participants expected to complete undervalued and arduous work, completion of which could risk participants becoming more entrenched in their skewed perspectives and relationships with animals, and cause participants to resent animals? Or, are participants completing activities that instill within them a desire to support and advocate for animals, and promote participants’ dignity, self-love, and empowerment?

⁸⁶ See, e.g., IND. CODE § 35-38-2-2.3(a)(14) (“As a condition of probation, the court may require a person to do a combination of the following: Perform uncompensated work that benefits the community.”) with Case No. 8316861 (Ind. Sept. 11, 2011) (where, for conviction of an animal-cruelty related crime, the court ordered twelve months of probation, the payment of court costs, and twelve hours of community service at the Starke County Humane Society) (data received through public records request and on file with author).

⁸⁷ For a novel approach to have convicted defendants of wildlife trafficking develop awareness regarding the severity of their crimes and their crimes’ impact on animals, see Dina Fine Maron, *Wildlife Traffickers in Oregon Sentenced to Help Researchers Study Wildlife Crime*, NAT’L GEOGRAPHIC (July 6, 2022), <https://www.nationalgeographic.com/animals/article/wildlife-traffickers-in-oregon-sentenced-to-help-researchers-understand-wildlife-crime>.

4. Judges, court administration, and partnering organizations must recognize that assigning community service hours at animal advocacy organizations to some defendants convicted of animal cruelty may be inappropriate. Working with well-intentioned organizations does not guarantee healing, rehabilitation, or a change in perspectives. And, some defendants may not have the necessary mindset or inherent willingness to grow (at the time of sentencing) that would make such an experience transformative and worthwhile for any party involved. Instead, court-ordered humane education programs and therapeutic rehabilitation programs may be more effective at supporting a defendant's development of positive relationships with animals.⁸⁸
5. When CSPs are not appropriate, but a jurisdiction collaborates with an animal advocacy organization that is open to engaging with volunteers, inmate service programs (or ISPs) may serve as an effective vehicle for courts to promote rehabilitation through service. CSPs provide short-term interactions between defendants and the organization that supervises their service hours. In contrast, currently incarcerated individuals in inmate service programs generally exhibit an internal willingness to grow and develop new skills, through their decision to participate. Through these programs, individuals can interact with the same partnering organization every day, which may help them develop relationships with the organization's personnel; understand the organization's mission; develop new skills that will benefit themselves and their communities after incarceration; and develop healthy and life-stabilizing habits for long-term success.⁸⁹ And, because ISP participants have the ability—per their choice—to engage for longer ranges of time than CSP participants (because of their carceral sentences), the intrinsic changes courts may have hoped to initiate in CSP participants have an even greater capacity to take effect in ISP participants. This suggestion does not in any way support courts incarcerating defendants so they can successfully participate in inmate service programs. Rather, this suggestion identifies an outlet for courts to support growth and rehabilitation in individuals who already received carceral sentences and who want to explore programs that could promote their well-being. This suggestion also may offer individuals an outlet to work with animal advocacy organizations in their communities they may not have thought of working with before the ISP opportunity arose.

⁸⁸ See, e.g., WASH. REV. CODE § 16.52.200(9) ("As a condition of the sentence imposed under this chapter or RCW 9.08.070 through 9.08.078, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission.")

⁸⁹ Colleen Anne Dell & Nancy Poole, *supra* note 30, at 4-8.

CONCLUSION

Community service programs support rehabilitation, a defendant's reintegration into their community, a safer world for victims, and reduce recidivism because they tap into a defendant's inherent desire to belong to a community and to be recognized for their work, rather than being recognized for the crimes they committed. Though accountability is critical, community service programs allow defendants to see themselves in a different light than the one of criminal or societal reject. Community service programs have the capacity to help defendants learn skills and to develop introspection that could support their decisions to avoid causing harm to previous and future victims. Since many studies indicate that community service prevents recidivism; improves communities; and improves various psychological, emotional, and professional aspects of defendants' lives, ALDF supports courts' utilization of community service as a sentence alternative for defendants of non-violent and violent crimes.

ALDF does, however, urge experts within the legal field⁹⁰ to research the impacts of community service sentences on defendants who committed animal cruelty. Until such studies are available, ALDF will continue to support community service sentences for such defendants at organizations courts determine are appropriate. When used as a method to benefit wider society, sentencing options have the ability to change trajectories of defendants' lives and support their growth and ability to maintain healthy relationships within their communities. Effective community service programs promote these types of transformations by empowering defendants to be more than the crimes they committed;⁹¹ to become introspective; to learn emotional stability through their engagement with new organizations and new acquaintances; to reflect on their work and aspirations; and to develop interpersonal and professional skills that can support their decision to abstain from future criminal behavior. These new opportunities to do good impact everyone, and they are one significant step closer to help humans become kinder to animals and to themselves.

⁹⁰ Such experts may include the Community Supervision Resource Center with the American Probation and Parole Association, Am. Prob. & Parole Ass'n, <https://www.appa-net.org/eweb/DynamicPage.aspx?webcode=AboutAPPA-Introduction> (last visited June 22, 2023).

⁹¹ Additionally, after completing community service, a defendant belongs to a community in which the defendant and community can reciprocally support each other, which creates more opportunities for the defendant to thrive and protect something to which they belong, rather than choose to commit crimes.