**Sociology 3395: Criminal Justice & Corrections**

 **Overheads Class 23: Alternatives to Prison**

\* Alternatives to prison include:

 - probation

 - conditional sentences

 - intermediate punishments

\* Controversies arise over their use (e.g. “suicide” while under home confinement). Such measures fall more harshly on some than others

 **Probation:**

\* Granted at sentencing:

 - may be used with suspended or split sentence

 - maximum length 3 years (10 years “super probation” for “high

 risk offenders”)

 - 1999-2000 used in:

 40% of single sentences (avg=434 days)

 49% of combination sentences (avg=556 days)

\* Conditions of probation:

 ***Mandatory Optional***

 - no firearms - drug counseling

 - stay in jurisdiction - stay away from children

 - report to probation officer - community service

 - report address & job changes - rehabilitation programs

 - stay away from criminal associates - long term supervision

\* Eligibility for probation:

 - mostly used with minor violent offences/ no previous record

 - less likely to be used with property offenders/ offenders with

 criminal record

 - women slightly more likely to receive probation (less serious

 offences)

 -length of probation depends on type of offence (e.g. sex

 offenders). Median length is increasing

\* Breaches of probation:

 ***High risk Low risk***

 - young, jobless males - females with stable marriages

 - low income - high education

 - prior criminal record - employed

 - history of instability

 **Conditional Sentences:**

\* Began in 1996. Limited to:

 - sentences of less than 2 years imprisonment

 - to be served in the community

 - under mandatory & optional conditions

\* Implementation & impact:

 ***Offences Offenders***

 - property 31% - females 19%

 - violent 31% - 31-40 33%

 - drugs 11% - priors 70%

 - Aboriginal 17.5%

\* Average length = 8 months

\* Concerns: disparity in sentencing

\* Effect on prison admissions/ prisons is unclear (research mixed)

 **Intermediate Sanctions**

\* Assumes more treatment & control than used in regular probation (e.g. intensive supervision probation, home confinement, electronic monitoring & restitution orders)

\* Used in the U.S. since 1980's

\* Popular due to belief that costs lower, participants pay part of cost, & more fair to some offenders

\* Reflect the 7 assumptions of the “punishment paradigm”

 (1) Social causes of crime are irrelevant

 (2) Social programs don’t work

 (3) Criminals are only deterred by pain (punishment)

 (4) Prisons keep criminals off the street

 (5) More imprisonment = safer society

(6) Some offenders may be controlled in the community through intermediate punishments (e.g. house arrest)

 (7) If that doesn’t work, use more prisons & punishment

 **Intensive Supervision Probation** **(ISP)**

 ***Supervision is: Involves:***

 -extensive - several weekly contacts

 -focused with probation officer

 -ubiquitous - random drug/alcohol tests

 -graduated - residence in approved housing

 - strictly enforced

 - coordinated

\* Evaluation:

 - most ISP participants wouldn’t have ended up in jail anyway

- increased supervision results in higher arrest/ imprisonment rates

 than for regular probationers (drives up cost)

 - ISP works best if used together with rehabilitation programs

  **Home Confinement & Electronic Monitoring**

\* Home confinement (HC) is a form of house arrest

\* Electronic monitoring (EM) indicates when offender leaves home

 - 20% failure rate, mostly for technical violations

 - most failure occurs early, then trails off

 - two forms of EM: continuous signaling & telephone verification

 - generally EM not more effective than regular supervision

 - more effective with the single & jobless

\* Application & evaluation:

 - initially largely used with impaired drivers

 - older offenders are more successful

 - success rates no higher than regular probation

 - more effective for young & single males

 - high rates of re-offending after release from program

 - concerns about net-widening

  **Fines**

\* May be used alone or in combination with other sanctions (41% of convictions)

\* Rarely used in combination with prison sentence

\* Fines alone cannot be used with offences that have a minimum, or a maximum sentence of 5 + years

\* Highest average fines for impaired driving ($656)

\* Fairness of fines:

 - mostly used with low risk offenders

 - however, judges may have little knowledge re: ability to pay

 - more than 20% of provincial jail admissions result from inability

 to pay fines

 - this affects minority groups most

 - ability to pay may be included in pre-sentence report

\* Day fines:

 - introduced in Finland in 1921

 - take into account seriousness of offence, income of offender, &

 responsibilities of the offender

 - generally found to be successful in American studies

 **How Well do Intermediate Sanctions Work?**

\* Reducing overcrowded prisons?

 - too few are involved to have an impact

 - deal primarily with offenders not bound for prison

\* Do they save money?

 - depends on the length of the program & to what they are being

 compared

 - generally much more expensive than regular probation

\* Do they reduce crime?

 - very high rates of recidivism once offenders released

 - arrests for technical violations do not reduce future offences

\* In the end:

 - the system can’t completely control the number of offenders

 entering

 - there is a need to identify individual treatment needs & add a

 rehabilitative component

 - in all of this, there is a need to identify the social basis of crime,

 including definitions of crime