

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

- no firearms
- stay in jurisdiction
- report to probation officer
- report address & job changes
- stay away from criminal associates

Optional

- drug counseling
- stay away from children
- community service
- rehabilitation programs
- 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

- young, jobless males
- low income
- prior criminal record
- history of instability

Low risk

- females with stable marriages
- high education
- employed

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

- property 31%
- violent 31%
- drugs 11%

Offenders

- females 19%
- 31-40 33%
- 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:

- extensive
- focused

Involves:

- several weekly contacts with probation officer

- ubiquitous
- graduated
- strictly enforced
- coordinated
- random drug/alcohol tests
- residence in approved housing

* 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 2001)
- * 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