

# Punishment or rehabilitation

[Law](#), [Crime](#)



Is punishment or rehabilitation more effective than fighting crime? What is the true intention of our prison system? Many will debate the goal is to punish those who have done wrong. Others will say that punishment should be the secondary function and the focus should be geared to rehabilitation and reintegrate criminals back into society, so that prisons may have a positive effect on inmates. When an individual commits a crime that warrants incarceration, that individual is sentenced to prison as a form of punishment.

While, serving their time the individual should have the opportunity to receive rehabilitation. Will the individual be rehabilitated this can be a debatable issue. In this paper the writer will discuss the effectiveness of punishment compared with the effectiveness of rehabilitation of convicted offenders in prison and under community supervision. Punishment or Rehabilitation In 1995, a federal court in Massachusetts found that inmates' constitutional rights were violated when they were held in a 150-year-old prison that was infested with vermin, fire hazards, and a lack of toilets ( " Rights of Inmates").

Punishing criminals by sentencing them to a correctional facility can be successful if the offender demonstrates sorrow by reflecting on their actions and allowing the guilt to make them a better person. In prison they can have the opportunity to mentor to other inmates or groups recognizing their own faults through others. Punishing them allow the prisoner to stop offending while they are incarcerated. Society should actually question the punishment aspect. Granted they have committed a crime however they seem to pay for

that crime longer than the sentence issue. Many are denied such opportunities that we in society may take for granted.

The prison system in many states has decreased vocational training and secondary educational to inmates. Legislation relates the economy issues to the decrease of learning opportunities. So I go back to the question is punishment a benefit and who do it benefit. Incarceration is a punishment judges are removing criminals of the street to protect society and to show others if they commit a crime they will receive the same if not harsher penalty. As society, we should want to alienate people when they do wrong but we should also be providing skills and knowledge to reduce recidivism.

Rehabilitation Rehabilitation seems to be a popular word throughout the prison system. Rehabilitation seems to only work for those offenders who desire to be rehabilitated. As for the offenders who have been institution zed for many years rehabilitation is difficult to them because they have adapted to prison life. The conventional form of rehabilitation was operated on control. Prison officials assumed that they would be able to rehabilitate an offender with drugs, isolation, physical pain, or surgery on one's brain.

It has been proving that psych therapy and non directive rehabilitation was ineffective, these forms of rehabilitation only made the offender worse and difficult to handle requiring long term intervention. The new forms of rehabilitation have the inmate to focus on moral development. The new rehabilitation provides various alternatives allowing offenders to participate in programs outside of prison programs such as; halfway houses, probation,

parole and probation. The new program teaches self empowerment as opposed to the conventional where prison officials wanted the control.

The new rehabilitation inmates are evaluated and administered proper medication as opposed to conventional that administer at prison officials discretion. Many programs focus on substance abuse, faith bound and personal morals and employment. New programs needed to be developed that was suitable for the juveniles. It has been proven with or without rehabilitation there is a high increase in recidivism as I mentioned in the beginning rehabilitation is a popular word in the prison system but rehabilitation depends on that individual.

In 2004, 17% of state prisoners and 18% of federal inmates said they committed their current offense to obtain money for drugs. These percentages represent a slight increase for federal prisoners (16% in 1997) and a slight decrease for state prisoners (19% in 1997)(Drugs and Crime 2013). Deterrence Incapacitation has been the most common form of punishment, however research demonstrates that recidivism amongst convicted felons following release from prisons is as high as 63% and that most prison inmates has arrest records and convictions prior to their current offense (Bureau of Justice Statistics, 1989).

Using incarceration as a punishment is just a temporary it's like having an open wound and places a band aid over knowing that sutures are needed to heal. Deterrence is focus on punishing offenders and placing fear into society, by attempting to teach society a lesson demonstrating there are consequences for one's actions. Issuing life sentences and the death penalty

can be debated if these styles really deter crime. There are core factors within the system that can contribute to the question why punishment has not been effective.

Beginning with the length of time inmates sit on death row and the appeal process in when one has been sentenced to the death penalty. There are those that will argue that rehabilitation can be a permanent fix to deterring crime. By giving rehabilitation through community supervision assist the inmates in gaining academics and trade skills producing productive individuals. By implementing these programs offenders are able to seek employment and again become productive individuals in society.

Being involved in such programs offenders can receive therapy which is needed to aid in the deterrence of committing future crime. Therapy may include drug therapy and psychological therapy. Many offenders committed crimes why they were under the influence of drugs. In 2004, 17% of state prisoners and 18% of federal inmates said they committed their current offense to obtain money for drugs. These percentages represent a slight increase for federal prisoners (16% in 1997) and a slight decrease for state prisoners (19% in 1997) ( " Drug and Crime"). Victim Impact

As the supreme law of the land, the US Constitution provides twenty- three fundamental rights for someone accused of a crime and zero fundamental rights for someone victimized by the same crime. Result: Victims of crime virtually have no legal standing in the United States Constitution ( " Proposed Victims Rights Amendment" ). This is the aspect of the judicial system that can make many angry. The system is obligated to honor a defendant in

many ways beginning with Constitutional Rights the rights to have an attorney, the rights to have a lawyer present, the right to have a speedy trial and the right to confront witness.

In many cases, victim's rights are overshadowed by the rights of the accuser. There was a time when victims were not recognized and neglected by the courts they were being treated by law enforcement as if they were the criminal. Many were shun from the courtroom during the trial proceeding, which many victims started to feel like they were being re-victimized by the courts. The Justice for All Act of 2004 (H. R. 5107, Public Law 108-405) (the Act) was signed into law by President George W. Bush on October 30, 2004. The Act contains four major sections related to crime victims and the criminal justice process.

Some of the purposes of the Act are to protect crime victims' rights, eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, and improve and expand the DNA testing capacity of federal, state, and local crime laboratories (" What is the Justice to All Act April 2006"). Implementing community supervision can benefit victims in certain ways. Benefits can include offenders paying restitution to their victims and the courts the offender being involved in programs which they are involved with facing their victims and families.

I believe that such programs can be a benefit if these offenders can hear how much they have hurt someone over a senseless crime. Offender Impact Incarceration can have an effect on an offender being separated from their families can result in depression effecting the offender psychologically.

Inmates who are not accustomed to the prison world have a high rate of suicide. They are not able to manage it mentally. Advocates for rehabilitation will argue by incarcerating a loved one the family structure is damaged. Also, incarceration causes social disorientation and there is a higher risk in recidivism.

Upon their release there are several challenges an offender will have to face: economic and employment challenges. By offering rehabilitation through community service the offender is able to provide for their family through employment under supervision. Social Impact When discussing the social impact of punishment and rehabilitation it can vary from the increasing expenses of correctional facilities, separation of families, and society's fear of criminals being released. The community is fed up with criminals committing crimes and being released early. Many believe that the judicial system needs to act tougher with repeated offenders.

Offenders should be released after serving their maximum sentence and not receiving early release because of prison overcrowding. Fiscal Impact Among the 40 states that participated in a survey, the cost of prisons was \$39 billion in fiscal year 2010, \$5.4 billion more than what their corrections budgets reflected ("The Price of Prison: What Incarceration Cost"). Not only is the inmate punished taxpayers have to pay for their punishment. The fiscal impact incarceration has on our country is amazing it costs taxpayers billions of dollars to house, clothe, and feed inmates not to mention the manpower to supervise.

More money spent on education, job training, drug treatment, anger management and other programs would less money needed for incarceration because fewer paroled inmates would get in trouble again and return to prison (" Rehabilitation Programs Can Cut Prison Cost July, 1 2007").

Conclusion When an individual commits a crime that warrants incarceration, that individual is sentenced to prison as a form of punishment. This will have one question who really pays for offender's bad behavior in society.

Punishment can be very costly, contributes to single parent household and increases the risk of recidivism.

Community supervision can have a positive effect on an offender and society. Offenders will remain under close supervision providing the opportunity for the offender to obtain education, treatment, and employment. In conclusion, punishment and rehabilitation should be based accordingly if incarceration is needed to deter a criminal from offender multiple times then be so. But when we have non-violent offenders being incarcerated with hard core criminals we as a society may only be contributing to the increase in crime rate. When sentencing is issued appropriately it can aid in the deterrence of future criminal activity.

## **References**

<http://www.bjs.gov/content/dcf/duc.cfm>

<http://www.ocregister.com/articles/inmates-194495-prison-programs.html>

<http://civilrights.findlaw.com/other-constitutional-rights/rights-of-inmates.html>

<https://assignbuster.com/punishment-or-rehabilitation/>



<https://ojp.gov/ovc/publications/factsheets/justforall/content.html>

<https://assignbuster.com/punishment-or-rehabilitation/>