

Rehabilitation,
treatment, and the
management of
offenders: can
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Abstract

This paper will discuss how the authors of three particular articles, Megan Comfort, Mona Lynch, Kelly Hannah-Moffat and Paula Maurutto, interpret the rehabilitative processes for criminal offenders. The authors' arguments of who is responsible for this rehabilitation vary widely. There will be a brief summary of each author's argument and the essay will conclude in explain which authors argument is most comprehensive in explaining who the responsibility of rehabilitation falls on.

Key words : Punishment, Rehabilitation, Rhetoric, Responsibility

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The Best Seven Years I Could'a Done: The Reconstruction of Imprisonment as
Rehabilitation

By Megan Comfort

The Best Seven Years I Could'a Done by Megan Comfort is about the rehabilitation process experienced by many low-income men in the United States. Rehabilitation is defined as restoring someone to a useful role in society (" Rehabilitation," 2009). Comfort says that the men who are incarcerated in California turn to prison as a way to achieve healthier relationships and to improve themselves. Since rehabilitation programs are scarce, the individual becomes responsible for their own improvement. We can see that people report making the best of their situation even when there are not sufficient programs available to help them get clean. However we can see that the lack of these programs can be a risk towards reoffending. Even though there are some programs available, the offenders claim that these programs lack anomy and would rather spend their time behind bars because they are able to establish goals that they want to achieve once they are released. Thus, the responsibility of rehabilitation is shifted on to the individual, and we can question if the role that parole agents play is of any significance at all. Comfort also finds that these men engage in a period of acting as if their experience in the penitentiary is effective in preparing them for re-entry into society. However, after these men are in fact released from the penitentiary, they realize the negative repercussion of not effectively being rehabilitated. In contrast, rehabilitative treatment in the forms of therapy, job training, and education can show much more favourable outcomes for an individual being reintegrated back into society.

Rehabilitation as Rhetoric: The Ideal of Reformation in Contemporary Parole Discourse and Practices

By Mona Lynch

Mona Lynch talks about the shifts in the purpose of parole throughout history. She marks three strong changes in parole history in which each era has a different view on who is responsible to improve the parolee. The three eras of parole are marked thus; the disciplinary era, clinical era, and the managerial era. Lynch discusses the first two as being a combined responsibility of the state, community, and the individual to help them become normalized into society. In the third era, she states that the responsibility is shifted on to the parole agent and the offender to help him improve. We can see that there is a shared responsibility. Lynch goes on to say that there is little investment put into rehabilitative measures and programs to assist the parolee to improve. In conclusion we can see that the issues that the agent would help the individual with are actually being addressed as the poor choices of the individual, and while there are programs in place to help fix the poor choices the individual has made, they are actually used as coercive tools against the parolee. We can see that the rhetoric of rehabilitation is expressed as placing unrealistic demands on the individual to normalize themselves, and if he does not succeed it is considered their own fault, and the agents are able to use coercion when they believe it is necessary to protect society from deviant behavior.

Shifting and Targeted Forms of Penal Governance: Bail, Punishment and Shifting and Specialized Courts

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By Kelly Hannah-Moffatt and Paula Maurutto

Shifting and Targeted Forms of Penal Governance by Hanna Moffat and Paula Maurutto discusses rehabilitation in Canadian specialized courts. They state that rehabilitation today is much different from the past. Throughout the history of the criminal justice system, rehabilitation took on the purpose of providing therapy to the individual offender, but today it operates on two levels. The first is to provide therapy to the offender through job training and counselling and the second purpose of rehabilitation is to exercise control. The latter purpose can be seen as being intrusive. The criminal justice system is combining rehabilitation and punishment as a punitive measure. They argue that rehabilitation does not serve a single purpose but it is binary. In conclusion we can see that rehabilitation is very messy because it is both a combination of punishment and therapy and also takes the role of being coercive and controlling.

The Responsibility of Rehabilitation

Rehabilitation has shifted in form throughout history and has gone from being therapeutic to taking on a controlling and coercive appearance. Many people argue about which form of rehabilitation is most effective but the purpose of rehabilitation is to figure out why an individual committed a crime, and focus on those aspects to foster a permanent change. It is part of a larger modernity. There are many articles about who should take on the responsibility of rehabilitation and through this analysis I will outline how the authors Megan Comfort, Mona Lynch, Hanna Moffatt and Paula Maurutto write about the subject. Then I will conclude with which author presents the

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most comprehensive argument for who should take on rehabilitation responsibility.

To begin with, Mona Comfort says that jail fails to rehabilitate an individual back into society because the prison system does not have programs in place which could assist the offenders in becoming normalized into society. She says that the prison only serves the purpose of being a “ primary means of service access” where these men who are denied social welfare are now able to get a hold of it within the penitentiary (Comfort, 2008). These men act as if the prison will help them re-enter society because they are able to establish goals that they want to achieve. However, Comforts studies show that tens of thousands of released prisoners who relapse and reoffend are a blunt testimony that the California Department of Correction or Rehabilitation is wearing very few rehabilitative clothes” (Comfort, 2008). Even though men believe that the prison will make them “ clean”, studies prove that they more often than not will reoffend because the programs to help them become “ normalized” in jail were non-existent or inadequate.

In contrast, Mona Lynch writes that rehabilitation is more present in penitentiaries than Comfort would argue. She states that although rehabilitation has changed into being more “ managerial”, it still holds onto some past ideologies so we can look at it as merely re-invented. It is holding the old rhetoric but doing it in different or modern ways. In the past it took on a therapeutic form but today it is binary in being both therapeutic and coercive. In her opinion, rehabilitation is a combined responsibility of both the offender and the parole agent, but there is more emphasis on the offender “ wanting” to improve. She also writes that rehabilitation appears <https://assignbuster.com/rehabilitation-treatment-and-the-management-of-offenders-can-punishment-cure/>

important for the agency to portray to a number of audiences, including the public, the clients, and the agents responsible for putting goals into actions. The commitment however does not extend past this rhetoric (Lynch, 2000).

Finally, Hannah-Moffat and Maurutto see rehabilitation in a different form than Comfort, but somewhat similar to Lynch. They see rehabilitation motivated by therapeutic and preventative goal and they rely on relationships with community groups to create a range of interactions with the court and the offender (Hannah-Moffat & Maurutto, 2012). The way that rehabilitation has shifted from being just therapeutic, then to coercive, and then into a meshing of the two, is a new feature of the Canadian criminal justice system. They write that rehabilitation is a shared responsibility, and it extends beyond the prison. It takes the combined efforts of professionals and the community to work together to re-integrate an individual back into society. One can also argue that this type of rehabilitation would be fairer in terms of seeking the best program to treat the specific needs of the offender, and will be more successful in reintegrating them into society as a result. In Maurutto and Moffatt's argument, rehabilitation is able to be a life-changing experience rather than just an effort to change a person's deviant personality.

In conclusion we see there is a variation in the arguments presented by Comfort, Lynch and Maurutto and Moffat. However, in my opinion I believe that the latter two authors who argue that the state and community should work together to make the individual more responsible is more comprehensible than the other two arguments. Although Comfort states that the responsibility falls on the offender, studies show that they will risk <https://assignbuster.com/rehabilitation-treatment-and-the-management-of-offenders-can-punishment-cure/>

reoffending if left to their own devices. This does not then seem realistic to make the individual responsible for their own rehabilitation, because the purpose of punishment is to deter an action that deviates from the societal norms. She also argues that the prison does not offer programs and even when they do that they're counting on you not to use them (Comfort, 2008). Instead the state decides to spend \$35, 587 a year to imprison an offender, forgetting that they could use those funds to re-integrate the offender. The individual is made responsible and they leave the prison with " no additional skills or information to help him enter society (Comfort, 2008). It is therefore not effective to not make the state responsible because the individual cannot find a job on his own and he is left seeking the criminal justice system to help him get clean, but this only provides him with temporary access to social welfare.

On the other hand, Lynch's argument that there is a shared responsibility between the parole agent and the offender is more comprehensive and potentially effective than Comforts because there is an external assistance system set up to rehabilitate the offender. There is also the implementation of punitive punishments. The reason why Comfort's argument in making the individual responsible does not bode well is because you cannot expect someone who is deviant to be responsible. However with parole agents taking on part responsibility, it seems more likely that rehabilitation will have a greater success rate. Lynch argues that in the past, parole served the purpose of being therapeutic and today it takes on both therapeutic and coercive roles. This is more of an effective argument because the purpose of jail is to punish as well as to help them get back into society. The new era of

parole is more effective because the state is protecting society from risky offenders while helping them get back to being normal and productive in society. In conclusion, this model is not completely casting off a segment of the population, rather crime punishment and disciplinary action are working together to make combined efforts to help make the offender responsible (Lynch, 2000).

However, the argument made by Hannah-Moffat and Maurutto offers an even more comprehensive argument for who should hold the responsibility to rehabilitate the individual. They argue that rehabilitation happens the moment you are charged, and since there are specialized community groups working with the offender, they are able to address the underlying holistic needs of the offender in order to ensure successful completion of a treatment program (Hannah-Moffat & Maurutto, 2012). Conventional courts are criticized for failing to address effectively chronic social programs which is why if the specialized courts take the responsibility they are better equipped to target specific needs (Hannah-Moffat & Maurutto, 2012). The whole process of how best to rehabilitate specific cases and individuals would begin the moment the charged person entered the courtroom and would not wait until they entered jail itself. Each method starts rehabilitation at a different time in the individual's interaction with the criminal justice system, but in the third one it starts from the beginning; the moment the individual is charged. This is almost more of a preventative style of rehabilitation and a hybrid.

In conclusion, using Hannah-Moffat & Maurutto's ideas on the responsibility to rehabilitate an offender being shared between specialized courts,

community programs and the individual is better because it takes on <https://assignbuster.com/rehabilitation-treatment-and-the-management-of-offenders-can-punishment-cure/>

preventative therapeutic practices but they have not eroded the traditional form of punishment (Hannah-Moffat & Maurutto, 2012). The opportunity to participate in these programs is beneficial for the parolee because “ their charges may be withdrawn, or they may get an absolute or conditional discharge” (Hannah-Moffat & Maurutto, 2012). This seems more effective because the courts are working together to normalize the offender and this allows them to not have the stigma of being a criminal. The offender can find a job without the trouble of their record following them. Therefore having specialized courts and therapeutic programs, and the individual work together to help rehabilitation is more comprehensive compared to having an individual take on full responsibility or having the state take on sole responsibility. Working individually, neither party can be trusted to make the right or rational choices for the prisoners, thus a binary response is needed for joint liability and oversight.

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