

Evaluation of the australian rehabilitation system and alternatives to penal sente...



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Alternative penal approaches for jail sentence, their effectiveness and overview of the rehabilitation services that can be provided in Australian Jails.

Sending convicted people to jails and prisons regardless of the crimes committed by them, have always been the traditional notion in most countries (Liebling & Maruna, 2011). It was only in the year 1970 the United Kingdom parliament asserted and first introduced an alternative option for sentencing, where community service was used as a sentencing option than to jail sentence (Huebner, 2014). He described that this approach was later introduced in America in 1972 where community services were included in jails in addition to rehabilitation programs that already existed at that time. Even though imprisonment was seen as a way to punish people for their crimes, later it became ineffective in reducing the rates of re-offending as it was found that a minority of these offenders, after having been released returned to their old ways of committing crimes (Nagin, Cullen & Jonson, 2009). They stated that offenders were re-offending after being released from prison, as they were unable to find employment as employers avoided them due to their criminal record. They also noted that those released from prison encountered high levels of societal rejection, which led to an increase in the suicidal rates. Killias et al. (2010) asserted that due to these imprisonments, the offenders have developed mental and emotional breakdown while serving their prison sentences and in addition, the prison environment impacted them mentally, resulting in depression and stress which has, in turn, affected their general wellbeing. They stressed that this was due to offenders been isolated from interacting with their society. There are

numerous alternative approaches for jail sentence which are adopted in countries around the world including Australia, to punish and discipline those who are convicted for their crimes. This essay will investigate two types of alternatives to jail sentence that are currently present and will elaborate their effectiveness. The essay will mainly focus on community service orders and weekend jail. In addition, the essay will also look at the rehabilitation services that can be provided in Australian Jails for individuals who are not eligible to be sentenced under these alternative approaches.

Community service orders are a type of non-custodial sentencing approach for individuals who have been convicted of committing crimes (Victoria Legal Aid, 2015). It is implemented in the form of unpaid flexible community service and only available for those who have committed crimes that are punishable through jail sentence. Community service orders are usually provided for offenders who are not considered a threat to the public and the community that they belong to (The Sentencing Advisory Council, 2018). In addition, offenders who have been charged for minor offences including vandalism, graffiti and petty theft are most likely to be sentenced to community service order. However, offenders who have been charged for serious offences including murdering, violent, and sexual offence are ineligible for community service order. Offenders who are charged with multiple offences for a crime or have been recommitting offences continuously after their release from jail will not be allowed to be given a community service order. Youth and juvenile offenders under the age of 18 years old are either placed under community service orders or youth detention centres instead of jail sentence (Queensland Government

Department of Child Safety, Youth and Women, 2018). When convicted, the offenders are sentenced to undergo community service order by the court and they are first informed on the number of hours they need to get involved in order to complete the community work. According to the Government of Western Australia's Department of Corrective Services (2010), the total amount of hours a convicted individual is required to complete the community service order is determined based on the number of years a convict would spend if they were to be sentenced in jail after convicted for their crime. For example, in most Australian states, a person will have to complete 40 hours of community service order if their crime carries an imprisonment term, less than six months, 80 hours when the prison sentence is between six to twelve months and 120 hours for a prison sentence of more than a year where all these have to be completed within a year with 12 hours completed per week. The community corrections officers will assess these individuals and determine the type of tasks to be completed in various community organisations (Corrective Services New South Wales, 2018). They will also supervise them based on the task allocated. Such tasks include providing community services to the elderly and disabled people, visiting and helping the sick in hospitals, meeting the aboriginal people and environmental projects which include, gardening at a local council garden, removing graffiti and cleaning rubbish on public transport and public areas, litter picking and waste removal and collection. Offenders under community correction order will be required to undertake programs of their choice in addition to the community work they undertake. Examples of such program include vocational, educational, drug prevention and personal development programs. Officers will check Offenders for any consumption of alcohol or <https://assignbuster.com/evaluation-of-the-australian-rehabilitation-system-and-alternatives-to-penal-sentences/>

drugs in their body before permitting them to do any community work and if caught they will receive a ban from doing any community work for the whole day (Government of South Australia Department for Correctional Services, 2018). If drugs or alcohol were used which caused the offender to commit the crime, they will have to attend drug or alcohol rehabilitation programs as part of the community service order.

Weekend jail is a type of intermittent sentence, which is majorly used in Canada and the United Kingdom to punish offenders for their crime (Johnson, 2015). Since 2010, this type of penal approach is no longer used in Australia, even though this approach has been termed as one of the legitimate alternatives to jails in Canada. An intermittent sentence like weekend jail is similar to a jail sentence but requires offenders to serve time in jail in short periods particularly during weekends rather than serving jail for a longer duration (Ontario Ministry of Community Safety and Correctional Services, 2018). Only those Offenders who have committed non-violent crimes particularly petty theft and offences related to driving and fraud are eligible for weekend jails (Johnson, 2015). Once an offender is sentenced to weekend jail, the individual will be required to sign in on Friday night to commence the jail sentence and will be released on Monday morning (May, 2008). Once they are released from the jail, they will be provided with a probation order, which specifies rules the offender has to follow (Johnson, 2015). In some cases, they will be provided with a tracking device to monitor their daily moves. Furthermore, these offenders are allowed to continue their work as a professional, study and attend school and university and live with their family during the weekdays.

Community correction orders and weekend jail brings about numerous benefits to everyone especially to the offender themselves and the government. Firstly, having such alternative options to jails releases the pressure from the government to build more Jail facilities to house these offenders. As the offenders are allowed to stay home while serving their punishment, overcrowding is prevented and the need to have more jails is reduced (Clear & Schrantz, 2011). As the number of offenders receiving jail sentence increases, more spending on security and food will be required by the government to run the jails. Therefore, in order to reduce the expenditure for the government, instead of accommodating these offenders in jails, it would be reasonable to provide jail sentence to those who have committed serious crimes while providing other forms of punitive approach to the less serious offenders (Clear & Schrantz, 2011). Secondly, these alternatives to jail sentence allow offenders to live with their family and interact with their society while they serve their punishment (Yeung, 2015). They are also allowed to keep their job and work in their respective professional jobs while serving the punishment. As a result, it would be less likely these offenders would be isolated from the community around them. It also eliminates the need for these offenders to find alternative employment once the sentence is completed and further encourages workplaces to retain their employees who have been sentenced under these penal approaches (Yeung, 2015). By allowing the offenders to interact with their family and friends, the chances of these offenders experiencing anxiety or depression or even having any, suicidal thoughts will be greatly reduced (Forrester et al., 2018). Thirdly, when the offenders are allowed to do community work as a form of punishment, it gives them the opportunity to be able to contribute

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something back into the community to show that, they have changed (Henry 2015). This also ensures that offenders will think twice and understand the impact made on the community if they were to commit any crimes in future. Community services have been effective in reducing the number of re-offenders compared to placing offenders in jails (Henry 2015). Furthermore, offenders involving with minor crimes such as driving offences and serving sentence in jail rooms with other offenders who have committed other crimes like burglary, it would be unfair for that person to share the same jail, and when this happens, the offender starts to devalue and undermine their life. Thus, it would be fair to provide lenient punishments including community service order (Henry 2015). Fourthly, some of the alternative options for sentences have the flexibility where the offenders have the freedom of choice to choose options based on their liking whereas no options are provided for a full-time jail sentence (Doucette, 2018). Offenders can choose to do community work at a convenient time during any day, as long as they meet the requirements each week. Offenders can also choose not to undergo weekend jail and may prefer the option of full time jail where the offender can complete their jail sentence quickly, choose any days in the weekday to serve jail sentence and spend time with their family during the weekends or opt for work release sentence where they can leave jail for their work (Doucette, 2018). Lastly, Offenders with existing mental illness when sentenced to jail can have a drastic effect on their mental health thus worsening their mental illness even more (Forrester et al., 2018). By sentencing such offenders with weekend jail, where they can get treatment for their mental illness and at the same time serve time in jail during the weekends.

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Programs should not be limited to offenders in community service orders, instead should be made available to those sentenced to jail in Australia. Vocational, educational, drug prevention and personal development programs will also help these offenders in jail in transforming their lives. Anger has always been one of the main factors in driving people to commit crimes as nearly 28% of the crimes committed in Australia in 2006 were due to poor anger management (Bradbury & Clarke, 2006). As a result, she recommended that all jails across Australia should provide cognitive behavioural therapy (CBT) for every offender, so that they can control their anger and not recommit any crimes when they are released. In CBT, offenders will be taught the skills required to recognise and to control their thought patterns, self-control, and critical reasoning in order to improve their anger management (Better Health Victoria, 2016). CBT is also said to help those experiencing anxiety and depression, which are prevalent in offenders while in jail. Offenders in jails who have shown guilt and remorse for their actions, trustworthy and are following the laws in the jails should also be given opportunity to do some community work under supervision or have their jail sentence reduced and placed in community service orders. In addition to drug and alcohol rehabilitation program that is implemented in Australian jails, education rehabilitation should also be provided for offenders in jails so that they will be more educated at the time of leaving the jail compared to the start of their jail sentence. The number of offenders re-offending dropped by 43% between 2010 and 2016 in America after undergoing education rehabilitation (Families Against Mandatory Minimums, 2016). Therefore, it will be worth the time of the offenders to be provided with education rehabilitation in Australian jails. Moreover, Australian jails should also adopt <https://assignbuster.com/evaluation-of-the-australian-rehabilitation-system-and-alternatives-to-penal-sentences/>

employment rehabilitation where offenders will be involved in hands-on prison work programs to increase their chances of getting employment when they leave jail after completing their sentence. Under the employment rehabilitation in American jails, offenders are taught on skills based around a working environment (Families Against Mandatory Minimums. 2016). Such skills taught are: ensuring punctuality to work, understanding the responsibilities when working in a position of the job, submitting relevant work-related assessments and tasks within the deadline, how to deal with work-related stress and to organise things when working.

Therefore, it can be concluded that it would be worthwhile to have community service orders, weekend jail as well as other alternative approaches to jail sentence for offenders who have committed minor crimes. Corrective services and rehabilitation programs must not be limited to offenders under these alternative sentencing options; instead, these services should also be made available to those serving in full-time jail sentences.

References:

- Better Health Victoria (2016). *Cognitive behaviour therapy*. Retrieved from <https://www.betterhealth.vic.gov.au/health/conditionsandtreatments/cognitive-behaviour-therapy#>.
- Bradbury, K. E., & Clarke, I. (2006). Cognitive Behavioural Therapy for Anger Management: Effectiveness in Adult Mental Health Services. *Behavioural And Cognitive Psychotherapy*, 35 (02), 201. doi: 10.1017/s135246580600333x.

- Corrective Services New South Wales. (2018). *Community Based Orders* (pp. 1-2). Sydney, Australia: CSNSW Media and Communications Unit.
- Clear, T., & Schrantz, D. (2011). Strategies for Reducing Prison Populations. *The Prison Journal*, 91 (3_suppl), 1385-1595. doi: 10.1177/0032885511415238.
- Doucette, K. (2018). *How weekend-only jail sentences can cause security risks, overcrowding* Retrieved from <https://www.cbc.ca/news/canada/nova-scotia/weekend-only-jail-sentence-can-cause-security-risks-overcrowding-1.4715648>.
- Families Against Mandatory Minimums. (2016). *Alternatives To Incarceration in a Nutshell* (pp. 1-5). Washington D. C., USA: FAMM.
- Forrester, A., Till, A., Simpson, A., & Shaw, J. (2018). Mental illness and the provision of mental health services in prisons. *British Medical Bulletin*, 127 (1), 101-109. doi: 10.1093/bmb/ldy027.
- Government of Western Australia Department of Corrective Services. (2010). *Community Based Orders* (pp. 1-2). Perth, Australia: Government of Western Australia.
- Government of South Australia Department for Correctional Services (2018). *Community Corrections – Supervising offenders in our community – in a safe and effective manner*. Retrieved from <https://www.corrections.sa.gov.au/community-corrections>.
- Henry, J. (2015). Reducing Severe Sentences. *Criminology & Public Policy*, 14 (2), 397-405. doi: 10.1111/1745-9133.12129.
- Huebner, B. M. (2014). Rehabilitation. *Oxford Bibliographies Online Datasets*, 28 (9), 369–404. doi: 10.1093/obo/9780195396607-0046.

- Johnson, C. (2015). *Why People Get Sentenced to 'Weekend Jail' – A look at the logic behind putting those convicted of certain crimes behind bars on weekends while letting them go free during the week* . Retrieved from https://www.vice.com/en_us/article/exqb47/why-people-get-sentenced-to-weekend-jail-828.
- Killias, M., Gilliéron, G., Villard, F., & Poglia, C. (2010). How damaging is imprisonment in the long-term? A controlled experiment comparing long-term effects of community service and short custodial sentences on re-offending and social integration. *Journal Of Experimental Criminology* , 6 (2), 115-130. doi: 10. 1007/s11292-010-9093-5
- Liebling, A., & Maruna, S. (2011). *The Effects of Imprisonment* (2nd ed., pp. 94-100). New York, USA: Routledge.
- May, E. (2008). Weekend Jail – Doing time on the instalment plan. *National Criminal Justice Reference Service* , 8 (1), 109-131. doi: 10. 1353/rap. 2005. 0035.
- Nagin, D. S., Cullen, F. T., & Jonson, C. L. (2009). Imprisonment and Reoffending. *Crime And Justice* , 38 (1), 115-200. doi: 10. 1086/599202.
- Ontario Ministry of Community Safety and Correctional Services (2018). *Correctional Services – Intermittent sentences* . Retrieved from https://www.mcscs.jus.gov.on.ca/english/corr_serv/sentences/sentences.html.
- Queensland Government Department of Child Safety, Youth and Women (2018). *Youth justice* . Retrieved from <https://www.csyw.qld.gov.au/youth-justice>.

- The Sentencing Advisory Council (2018). *Community Correction Order* . Retrieved from <https://www.sentencingcouncil.vic.gov.au/about-sentencing/sentencing-options-for-adults/community-correction-order>.
- Victoria Legal Aid (2015). *Community corrections orders* . Retrieved from <https://www.legalaid.vic.gov.au/find-legal-answers/going-to-court-for-criminal-charge/possible-outcomes-for-criminal-offences/community-corrections-orders>.
- Yeung, W. (2015). Is the Weekend Effect Really a Weekend Effect?. *International Journal Of Economics And Finance* , 7 (9), 35-42. doi: 10.5539/ijef.v7n9p267.