

# Alternatives to prison summary



need of " correction" than the prisoner. The caring communities have yet to be built. from *Instead of Prisons: A Handbook for Abolitionists* Why Decriminalize? Abolitionists advocate drastically limiting the role of criminal law. We do this not because we wish to encourage certain behaviour, but because we realize that criminal sanctions are not an effective way of dealing with social problems. There are far too many laws on the books. It would be prohibitively expensive to enforce them all. This results in unjust and arbitrary law enforcement. Powerless persons are imprisoned while more powerful persons go free.

People of colour, first nations and poor people bear the brunt of unequal law enforcement. The crimes most frequently considered for decriminalization are those which are " victimless".... offenses that do not result in anyone's feeling that she has been injured so as to impel himher to bring the offense to the attention of the authorities .... behaviour not injurious to others but made criminal by statutes based on moral standards which disapprove of certain forms of behaviour while ignoring others that are comparable. A system " bursting at its seams" is perhaps the most visible effect of overcriminalization.

Overcriminalization encourages the wide use of discretionary power in law enforcement. Because there is no complainant, police resort to questionable means of enforcement. Investigative techniques used to gather evidence are often immoral and sometimes illegal. These include entrapment, use of informers, wiretapping and use of constitutional rights such as illegal search and seizure, invasion of the right to privacy and self-incrimination. from

Instead of Prisons Alternatives to Incarceration Imprisonment should be a last resort. The presumption should be against its use.

Before any offender is incarcerated, the prosecution should bear the burden of proving in an evidentiary hearing that no other alternative exists. An equal burden should be required for the denial or revocation of "good time", probation and parole, which really are only other ways of imposing imprisonment... We should further reduce our excessive reliance on prisons by making extensive use of alternatives to imprisonment, such as fines, restitution, and other probationary methods, which could at least as effectively meet society's need for legal sanctions.

However, such alternatives must be made available to all people who have committed similar offenses, so as not to become a means for the more affluent to buy their way out of prison. And where some kind of confinement seems necessary, halfway houses, community centres, group homes intermittent sentences, and other means of keeping offenders within the community should be preferred to prison. from A Program for Prison Reform