

Alternatives to Incarceration



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Alternatives to incarceration refer to sorts of treatments or punishments other than imprisonment that can be imposed on an offender after being found guilty of committing specific crimes. As such, not all crimes are handled through the alternatives to incarceration. Champion (1996) argues that alternatives to incarceration reduce costs, recidivism, and prison numbers. The two major alternatives to incarceration are probation and parole. Probation and parole share commonalities as well as differences, which are evidenced by their implementations. For instance, the apparent similarity between these two alternatives includes the presence of stringent conditions and guidelines ruled by the court detailing how an offender must behave while serving these sentences. The differences between these two alternatives to incarceration are expounded in the following section.

Probation is an alternative to incarceration in which the judge provides defendants with an opportunity to prove that they can rehabilitate themselves before those defendants are actually imprisoned (Champion, 1996). The judge gives offenders probation conditions which they must adhere to during the probation period under the supervision of probation officers. If offenders comply with every probation conditions pronounced by the judge, they would not be imprisoned to complete their sentences in jail or prison (Adler, Mueller & Laufer, 1996). However, violation of the probation conditions may result in the court sending the defendants to prison to complete their remaining sentence.

Unlike probation that occurs before defendants are sent to jail or prison, parole occurs after offenders have been awarded an early release from prison. For instance, an offender sentenced five years in prison may be released in the third year to spend two years on parole. Defendants released on parole are also subjected to parole conditions that regulate their

behaviors while on parole. However, offenders on parole report to parole officers instead of probation officers (American Bar Association, 2007). The parole board can order a return of a defendant to prison if the offender's behaviors while on parole failed to meet the parole conditions. Unlike probation whereby changes in the probation conditions remain subject to the court's jurisdiction, changes in the parole conditions are implemented by the parole board and the parole officer (Adler, Mueller & Laufer, 1996).

Other alternatives to incarceration are intermediate sanctions in which limitations are imposed on a convicted defendant who has not been incarcerated. According to Champion (1996), intermediate sanctions fall between incarceration and probation. The overall goal of this alternative to incarceration is rehabilitation aimed to reform a convicted defendant and return the defendant to the community as a fully reformed person. Fundamentally, intermediate sanctions alleviate repeated offences or recidivism because effective rehabilitation programs are tailored to addressing the causes of criminal behaviors, like drug addiction (American Bar Association, 2007). As a result, offenders are highly likely to abandon criminal behaviors because the rehabilitation programs address the root causes of those criminal behaviors.

Worth mentioning, not every crime is processed using the available alternatives to incarceration. For instance, serious crimes cannot be addressed using alternatives to incarceration, such as treason, murder, terrorism, kidnapping, rape and burglary among others (Adler, Mueller & Laufer, 1996). However, most nonviolent crimes and misdemeanors can be addressed using alternatives to incarceration. Crimes such as shoplifting, petty thefts, simple assault, obscenity, battery, and routine violation of traffic rules deserve alternatives to incarceration because they are not violent (Champion, 1996). Nevertheless, the eligibility to alternatives to incarceration for offenders who have committed nonviolent and misdemeanors

crimes depend on whether or not they have ever been convicted for the same crimes in the past. The eligibility to these alternatives to incarceration may be limited to offenders who have prior convictions for similar or the same crimes.

In the U.S., some states regard certain behaviors as criminal acts while they should be civil infractions. Some of these categories of crime are violations that should be punished by fines only. For instance, traffic offenses are violations that should be regarded as civil infractions rather than criminal acts. Other violations that should be civil infractions include peace disturbance, littering, running businesses without proper licenses, immigration violations, and boating violations (Gaines & Miller, 2013). These crimes require offenders to pay fines. The offenders of civil infractions have minimal rights during the infraction process as opposed to offenders of felony crimes and misdemeanors. The fact that the infraction process does not deprive the offenders of their liberty makes the offenders to have few rights. For instance, offenders of civil infraction do not have to undergo through jury trials.

In conclusion, it is paramount to adopt alternatives to incarceration to reduce prison numbers, costs, and recidivism because most of these alternatives emphasize rehabilitation and integrating the convicted offenders to their communities. Probation, parole and intermediate sanctions are effective options in corrections as opposed to incarceration. However, it is worth mentioning that not every crime is addressed using the three options. Hence, people should strive to be law-abiding citizens to avoid any form of punishment whether incarceration or non-incarceration.

References

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