

Alternative Punishments

**The impact of prison sentences
and the necessity of alternative
punishments for convicts**



CISST
CIVIL SOCIETY IN THE PENAL SYSTEM

TCPS
TURKEY'S CENTER FOR PRISON STUDIES



This research paper has been prepared by its author within the scope of the project titled “Advocacy for People in the Penal System” project funded by European Instrument on Democracy and Human Rights Programme of Delegation of the European Union to Turkey.

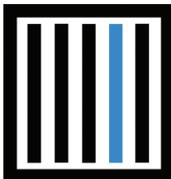
It doesn't represent European Union's or CISST/TCPS's official opinion.

Alternative Punishments

The impact of prison sentences and the necessity of
alternative punishments for convicts

By Dominique Zohren & Verena Rösner

Edited by İdil Aydınoğlu



CISST
CIVIL SOCIETY IN THE PENAL SYSTEM



TCPS
TURKEY'S CENTER FOR PRISON STUDIES

CONTENT

1. Why more alternatives to incarceration should exist	7
2. Alternative Punishments	9
2.1 Community Service Order	9
2.2 Mental Health Counseling or Rehabilitation	10
2.3 Mental Health and Drug Courts	11
2.4 Fines and Compensation Order	12
2.5 Conditional Release	12
2.6 Electronic Surveillance	13
2.7 Victim-Offender mediation	14
2.8 Open Penal System / Semi-open Penal System	15
3. Countries	16
3.1 Belgium	16
3.2 Germany	17
3.3 Hungary	17
3.4 Netherlands	18
3.5 Canada	18
3.6 United States	19
3.7 Kenya	19
3.8 Zimbabwe	20
3.9 New Zealand	20
4. Conclusion	22
5. Bibliography	24

I. WHY MORE ALTERNATIVES TO INCARCERATION SHOULD EXIST

It has long been shown that imprisonment is often more damaging than successful as a punishment for criminal offenders. Too often, imprisonment is seen as the only punishment and is chosen even for minor crimes. Although alternative punishments such as community service are considered in many countries, they are not recognized in other countries as they are considered as being 'too soft'. Since this belief can be widespread, possible alternatives to imprisonment are also not used by the courts, as they fear allegations of participation in bribery. The need and effectiveness of alternative punishments must be much more discussed and disseminated to eventually gain more recognition.

There are more and more reasons nowadays speaking against the method of imprisonment. As it has been used mainly to protect the society from the offenders back then, the consequences of a prison sentence for a human being were less researched than they are today. It has been shown that in most cases, a prison sentence does not contribute to an improvement in the behavior of the offenders. According to the Bureau of Justice in Washington, a total of 67.8% of all imprisoned offenders in the US are given another sentence and returned to prison within the first three years after the dismissal (Durose, Cooper and Snyder, 2014, p.1). In other countries, these numbers might be much lower. In Germany, for example, only about one-third of all detainees are arrested again for another offense within three years after their release (Chammah, 2015). Nevertheless, these statistics also show that detention barely contributes to the criminal behavior of the detainees changing after their release. It also needs to be made clear that through various punishments beyond the prison sentence, more choice is given for judges to make a fair trial possible. The method of punishment should consider a range of factors and above all the perpetrator profile, as in many cases, a prison sentence is not necessary.

Alternative punishments could also be justified from the point of view of a state because it offers

a much more cost-effective method than imprisonment. In its 2012 study, the Vera Institute has revealed that an average of US \$ 17,285 per year is spent on a single convict in the US, and in some states, the average cost is as high as \$ 50,000. Not surprisingly, most of these costs are used for administrative purposes, while social benefits for prisoners are remarkably low (Henrichson, Delaney, 2012).

The outcome of a prison sentence does not seem to be very positive, especially for the future of the imprisoned person. It is, therefore, more necessary to consider alternatives, whose results may be more positive.

2. ALTERNATIVE PUNISHMENTS

2.1 Community Service Order

Approach: To let the offender understand his own mistake, give something back to the community through their own work

Offenders eligible for the program may be imposed to Community Service Orders (CSOs). The offender must provide the CSO with a certain amount of unpaid work for the community that has been 'harmed' by the crime. This condition may be prescribed as a single alternative or in addition to restitution, fines or probation. However, it is not available to every offender: serious crimes punishable by long to life-long imprisonment cannot be imposed with a CSO as an alternative to imprisonment. The service field covers many areas of the community. Community Service can be provided by working with children, people with disabilities or the elderly, environmental projects, etc. As far as possible, the courts try to order the offender to do some work related to his crime. For example, a perpetrator who has committed property damage is likely to spend a community service on cleaning tasks, so he will face the consequences of his own crime.

Studies show that CSOs for non-serious crimes are significantly more effective than short or long-term prison sentences. A Dutch study from 2010 found that over 60% of convicts recidivate after imprisonment, but only 40% of all community service offenders recidivate (Wermink, Blokland, Nieuwebeerta, Nagin and Tollenaar, 2010, 2). Other data show that the recidivism rate after a community service order is even much lower in other countries, such as Croatia (8%) and Luxembourg (10%) (Loffmann and Morten, 2010, 69). In addition, the benefit for the society should be mentioned. CSOs benefit many organizations that get further work for free and save the community a lot of money that would have been paid for imprisonment otherwise.

However, this method is also criticized as being too 'soft' for many. It is especially criticized for offenses in which a victim of the act can suffer emotional damage (Scottish Executive Social Research,

2007, p.10). Therefore, it should be emphasized once again that CSOs are not appropriate as a consequence for any offense. For violent crimes and serious acts, other punishment methods can and should be used.

2.2 Mental health counseling or rehabilitation

Approach: To support the offenders during their sentence in prison, to deal with their mental disorders.

Mental health issues are not rare in our current society. So, also prisoners and offenders of crimes suffer from mental health issues. Often these are not being treated. Looking at the current prison system, the mental health support for offenders is not sufficient. There are several benefits when treating the mental disorders for the offenders but also the prisoner-staff and the community.

The benefits for the Prisoners:

Knowledge about the mental illness is raising awareness and the people affected by the illness will be able to handle their illness much more. Additionally, the treatment of the illness is going to help them in the future, when they will be going back to the Community. It will be easier to adjust and integrate oneself back into the society.

The benefits for the Prisoner Staff:

The workload will be much bigger, if mental illnesses stay untreated, as it will be much harder for the employees to work with the inmates. Knowing, respecting and also handling the mental illnesses of the inmates is going to cause a better environment for everybody. The mutual respect and coordination between the employees and the staff members would be enhancing the atmosphere.

Community:

If the health system / prison system is going to take care of the mental health of inmates, it will also be beneficial for the community. There will be a reduction of re-offenses, therefore, decreasing the number of prisoners, as they are less likely return back. The result of this is going to be a reduction of costs, which will be very beneficial for the society. Mental health and prisons. Geneva, World Health Organization, 2005 (Information Sheet).¹

1 http://www.who.int/mental_health/policy/mh_in_prison.pdf, accessed 28 November 2013

2.3 Mental health and drug courts

Approach: Prisoners with mental illness should receive a special punishment, which focuses on their needs

In prisons worldwide, the number of mentally ill offenders is extremely high. Several studies came to values of approximately 16-17% of all inmates in the United States who met the criteria for a serious mental illness (SMI). Therefore, Mental Health Courts have created a way to offer these people separate treatment during their detention.

Mental health courts are courts specially designed for offenders with mental illnesses that offer a program of mental treatment. The psychiatric treatment is offered in addition to supervision by the court. Many of these mental health courts work with rewards and punishments for (not) adhering to the rules. These measures are supposed to lead to a quick recovery and a lower recidivism rate.

Drug Courts

Drug court programs have been opened specifically for convicts with drug problems. They are special courts offering drug treatment and community supervision for offenders with addiction problems. Perpetrators are treated, monitored and rehabilitated according to their needs and risks. The drug court model combines various components such as criminal justice and substance abuse treatment systems (Belenko, 1998, p.4).

It has been proven that this method is more effective regarding the recidivism rate of the perpetrators (75% of all Drug Court graduates have not returned to criminal offenses two years after their release; Marlowe, 2007) and highly more cost-effective. Drug courts allow a punishment that does not relate solely to the offense itself, but to the needs and backgrounds of the offender.

Drug courts are sometimes heavily criticized for the fact that convicts are even given longer sentences if participating in the drug courts. If a convict does not comply with every rule of the drug court and, for example, fails a drug test or misses an appointment, drug courts threaten incarceration as a sanction. Thus, some drug addicted participants already served longer sentences because of the drug courts than they would have without them. In addition, it is criticized that drug courts still have a higher recidivism rate as the treatment in the community.

Nevertheless, the recidivism rate is lower than for drug addicts serving normal prison sentences. A state audit report from 2010 has discovered this and advised to extend this more effective alternative. Despite the still low funding of drug courts, these often achieve very good results in reducing crime and improving living conditions for drug addicts (Guastafarro, 2011).

2.4 Fines and Compensation Orders

Approach: Damage compensation for the victim, punishment for the offender depending on his possibilities

Fines and compensation orders are mainly used for non-serious, non-violent crimes to avoid harsher punishments such as imprisonment. The offender must pay a certain amount, according to the seriousness of his offense, which also covers the court costs and supervisory fees. In order to punish wealthier people in the same way as poorer people are punished, 'daily rates' are required. The offender is then punished not only according to his guilt and crime but also according to his financial resources. A Compensation Order means that the offender pays a certain amount directly to the victim, however, this method is only being used in a few countries so far.

The Vera Institute of Justice criticizes that the fines are not always distributed fairly, according to the financial possibilities. Thus, a wealthy person can buy himself out before the trial, while the poorer one must pay fines to the court, the prosecutor, the public defender and even the sheriff, that are far too high. They might go into debt heavily and then still have to serve a prison sentence as they cannot pay the entire amount. The method of the fines would therefore only serve the wealthy people but rather harm everyone else (Vera Institute of Justice, 2010)

It is recommended to use this method only for minor offenses and then imply it fairly so that the punishment of fines 'hurt' each offender equally.

2.5 Conditional Release

Approach: A non-aggressive offender should earlier be assisted in the transition from prison to his freedom.

Conditional release means that a prisoner is released from prison earlier, but then must adhere to certain rules about activities and whereabouts. If the offender does not follow these rules, the sentence will be continued.

The conditional release may be subject to conditions such as compensation for the victim, participation in development programs, not being allowed to visit certain locations, or refraining from alcohol and drugs. Thus, the recidivism rate of offenders with a conditional release is hoped to be reduced. To weigh up whether a conditional release is applicable for a convict, various factors are considered. Was it a one-off offense or is it a repeat offender? How old was the offender when committing the crime? How aggressive was the crime / What is the risk to society if the perpetrator is freed? In addition, the perpetrator should have served a certain period of imprisonment (at least half of the time in Finland, Iceland, Norway, and Slovenia).

Unfortunately, there are hardly any studies on the effectiveness of conditional release. In a European study, all participating countries except Bosnia & Herzegovina stated that they had positive experiences with conditional release. The repatriation rate of the perpetrators was extremely low, usually between 0 and 6 percent (Loffmann, Morten, 2010). This is demonstrably lower than for prisoners with a normal release.

2.6 Electronic Surveillance

Approach: To give the offender the possibility of taking part in society and doing services to the community. Additionally, to restrict the offender from involving in criminal offenses again.

Sweden was one of the first counties to introduce electronic tagging as an option for criminals. Most countries are not certain about the consequences it might have. Some argue that it is cheaper and would save costs for a nation if electronic tagging is being used. It is especially being used to enforce the court sanctions like community service, drug treatment or also to make sure the offenders go to their jobs. For sexual offenders, it is being used to keep them away from potential victims. Through the monitoring, they can see if the offenders enter forbidden areas. Others say through the rising security staff it could cost more. Additionally, it is discussed whether electronic tagging is a violation of the human rights. It could be degrading and stigmatizing for the offenders.²

Benefits of Electronic Monitoring

There are several benefits of electronic monitoring for the nation and for the offender. The likelihood of re-offending is being reduced due to the constant observation. Through this, especially sexual and drug offenders can be monitored. In most cases, it can hold them back to enter the prohibited areas. Electronic monitoring can also benefit offenders by sparing them the negative effects of incarceration (including damage to relationships with family, friends, and the community) and encouraging compliance with the conditions of their release, thus potentially accelerating the process of reentry and rehabilitation. Moreover, electronic monitoring reduces social costs, since offenders upon release can continue to be employed, allowing them to pay taxes and provide for their families. Integration measures could be done to ensure that the offenders don't fall out of the society and additionally make up for the damage they have done.³

2 <http://www.citizeneconomists.com/blogs/2008/08/08/the-costs-and-benefits-of-the-electronic-tagging-of-criminals/>

3 <https://de.scribd.com/doc/13198103/Electronic-Monitoring-for-Criminal-Offenders>

Problems or Struggles of Electronic Monitoring

The costs of electronic monitoring are high when implementing it in the beginning. The new technology is causing technical/operational problems. Especially if a false alarm is set off, it will be very stressful for the offender. Additionally, their lives are being taken over by the people who monitor the offenders. The privacy of these people is not being respected and at any time of the day, they know where the offender is. Another problem the offenders have to face is that the battery has to be charged quite frequently, so their schedule needs to be adjusted to the device. The stigmatization of the society while wearing the device, can have negative psychological effects.⁴

2.7 Victim-Offender mediation

Approach: To give both parties the possibility to solve a conflict outside of court

The Victim-Offender mediation is a method commonly used in Germany. It is a method which is being used outside of the court, to mediate between the offender and the victim of the crime.

Criminal offenses are often connected to unpleasant consequences like physical and/or psychological injuries, fears, aggression, feelings of guilt, material damages and much more. The basic idea of the victim-offender mediation (VOM), in German *Täter-Opfer-Ausgleich* (TOA) is to include all affected parties of the criminal offense: the victim, the offender and maybe additional parties. The damage which is caused for the victim is often not healed by an imprisonment or other punishment for the offender. The VOM method is a way for the offender to make up for the damage done to the victim. The Victim-Offender mediation gives all concerned parties the possibility to resolve and discuss the conflict. This method is only possible if all concerned parties agree with meeting and talking about the incident. Together with a mediator both parties can talk about their thoughts and find a solution together. Through this process, those affected can reflect upon their feelings and actions. Through an effective Victim-Offender mediation in a lot of cases, a criminal or civil process can be avoided. The aim of this method is that the offender is able to see his unethical behaviour and apologize to the victim.

The victim can express his/her feelings and fears, as well as his/her wishes for a solution to the conflict. The method can help the victim to regain a sense of security. The offender can show that he/she takes the feelings of the victim seriously and understands them and can try to describe the reason for his / her behavior and take responsibility for it.

Victim and Offender can together reduce a long-lasting conflict and possibly avoid a lawsuit which would cost both parties a lot of money and time.

⁴ <https://de.scribd.com/doc/13198103/Electronic-Monitoring-for-Criminal-Offenders>

2.8 Open Penal System / Semi-open Penal System

Approach: To use low supervision and enable the offenders to take on tasks of the daily life by themselves.

In Finland, Germany, and Switzerland, just under a quarter of inmates who have been carefully selected are in semi-open execution. The system is based on trust towards the prisoners. As a release, the detainees go to work outside the prison. In addition, they can be granted prison release. All three countries also practice open execution, with no bars in front of the windows or additional guards to prevent escape attempts.

Source: Manuel Lopez Rey and Charles Germain, *Studies in Penology*, 2013 p. 124.

The open prison system is supposed to base on trust, tolerance, truth, and totality. Additionally, the prisoners are often connected to a community in which they work. The aim of this open implementation is the resocialization of detainees, to be able to return to the society of the free people, and the prevention of repetitive acts.

Source: Shubra Ghosh, *Open Prisons and the Inmates: A Socio-psychological Study* 1992 p9.

The system is to enhance the self-help of the prisoners and give them back a sense of dignity. One major aspect for the governments/states to open up more open prisons would be the reduced costs. An open-prison just makes about half the costs in comparison to a closed prison. Additionally, through the openness, the access to education is easier for the prisoners, which will open up more opportunities for them in the future.⁵

5 <http://www.gaertner-slania.de/wissenswertes/o/offener-vollzug.html>

3. COUNTRIES

3.1 Belgium

Prison population rate per 100,000: 94 (2016)

Belgium has a relatively small number of convicts in international comparison. This could be related to the fact that various alternatives to imprisonment are being used more frequently. The country especially focuses on alternatives to imprisonment in the form of therapeutic treatments or addiction therapy. Depending on the nature of the offense, whether it is domestic violence, sexual offenses, and drug-related facts, there are certain forms of treatment.

For aggressive offenders or those who are not socially competent, there is the possibility that they may be required to participate in a **center for basic education or life-forming**. They must spend a maximum of 30 hours there. For drug offenders, there are special **drug addiction centers**. Road traffic offenses can be punished with participation of the **BIVV Belgium Institute for Road Safety** (maximum 20 hours), sex offenders have special learning programs (maximum 30 hours), and offenders who do not feel any compassion for their victims sometimes are obligated to attend a program, which should bring them closer to the victim's perspective. **Electronic monitoring** is often used instead of the prison sentence. For this, the offender must correspond to a certain profile, concerning the danger to others, causes for recidivism and basis of the sentence (Flore, Bosly, Honhon, Maggio, 2011).

Community Service was introduced in Belgium in 1994 as a condition for probation. In 2002, this method was renamed '**work penalty**'. Thus, Belgium has tried to give the Community Service the meaning of a credible alternative for the prison sentence. In fact, the number of impositions of work penalties has increased significantly in recent years. Since this method can be considered as a single main punishment, it has been chosen significantly more often by the deciding judges (Beyens, 2010).

3.2 Germany

Prison population rate per 100,000: 77 (2017)

Resocialization is per law compulsory for every offender. This was decided in 1976. Unfortunately, there has been a reform in 2006, which gave this responsibility to each state in Germany. 14 out of the 16 states decided to cut the funds on projects regarding resocialization projects and decided to protect the general citizen. Through this, a lot of successful projects which were focusing on the reintegration of offenders were not continued, even though those projects showed a lot of success and most offenders did not fall back into their criminal records. One alternative which the different states in Germany are trying to implement more is the community service, especially for minor offenses. Through this, the people stay out of prison and can still stay in society and get a “punishment” for their offense.

Other aspects are the mental health facilities, especially for sexual offenders. Oftentimes, they do not go to a regular prison but go to special mental health facilities, where they are being treated accordingly.

In the Youth sector, Germany is separating them from adult offenders. The aim is to get them to finish their high school degree and back on track, so they would not re-offend again.

3.3 Hungary

Prison population rate per 100,000: 184 (2017)

The Hungarian Criminal Code provides several types of alternatives for incarceration. For crimes with a maximum sentence of three years in prison, Section 38 of this law recognizes community service, fines, the prohibition of exercising a profession, driving ban or combination of these punishments as alternatives to imprisonment.

Community service is to be practiced by law for between 42 - 300 hours. The work must correspond to the state of health and education of the offender and must be practiced at least once a week. For drug addicts, Hungary has **special drug programs**, which, however, only resort to particularly rigid cases. These programs have been accepted by Hungarian law as an official alternative to imprisonment.

Electronic monitoring is perceived by the Hungarian National Law as an alternative punishment, but not yet practiced. This is related to the fact that, according to the country, the technical opportunities of this method are missing. Currently, penalties such as curfew and house arrest are controlled by police patrols (Flore, Bosly, Honhon, Maggio, 2011).

3.4 Netherlands

Prison population rate per 100,000: 59 (2016)

The prisons of the Netherlands managed to get into the headlines of several newspapers. Not in a negative but positive way. The prisons are empty, as there are not enough people to fill the prisons. This has not always been like that, but now the rate is 57 prisoners to 100.000 inhabitants. Nowadays, they even import prisoners from Norway or Belgium in order to secure the jobs of the prison staff. So, what is the difference in the Netherlands to other countries?

One substantial difference in the prison system of the Netherlands in comparison is, that they have a focus on rehabilitation of the offenders. Therefore, helping the offender and the society in a long run to not involve into criminal activities later. The Dutch government often uses alternatives like **community service orders, fines** or **electronic monitoring** of prisoners. Through these alternatives to imprisonment, the Netherlands were able to reduce their imprisonment rate drastically.⁶

3.5 Canada

Prison population rate per 100,000: 114 (2015)

The number of prisoners in Canada increased dramatically in the 1990s, at some points rising up by 10% each year. This trend has declined significantly and since 2002, the population in Canadian prisons is falling again. In addition to decreasing crime rates, this is also due to Canada's efforts to use community-based alternatives instead of prison sentences. Since the year 2000, the data has changed to the point that even more than 80% of all offenders under sentence remain in and are being dealt with in the community and only 8% of these persons receive a prison sentence in the end (Zubrycki, n.D., p.100).

Canada today uses a variety of alternative punishment methods. These include, for example, various forms of conditional release. After a certain period of imprisonment, prisoners may, under certain conditions, be given **Temporary Absence** (escorted or unescorted), **Work Release, Day Parole** or even **Full Parole**.

Since 1998 Canada started using **drug courts**, according to the US model. When this attempt proved to be extremely successful, at least eight major cities in Canada opened new drug courts. Evaluations of these show that almost all participants were able to describe the program positively, that it was able to bring back their well - being, self – confidence and control and life-quality. In addition, it was found that the drug use of Canadian participants fell significantly (Fletcher; Dao, 2012, pp.30-33).

6 (<https://www.government.nl/topics/sentences-and-non-punitive-orders/alternative-sanctions-and-other-sentences>)

3.6 United States

Prison population rate per 100,000: 666 (2015)

In the United States, various alternatives to imprisonment are already practiced, but so far too little to make a serious difference for the inmates. And that, even though it is so urgently needed, especially in the United States, which is teeming with overcrowded prisons. While 5% of the world's population lives in the United States, they imprison as many as 25% of all prisoners worldwide. More than half of the arrests are repeat offenders who will serve another jail term. In a 2009 study, 77% of US respondents rated alternative punishments such as probation, restitution or community service as the most appropriate punishment for non-violent crimes (Hartney and Marchionna, 2009). Most respondents were also of the opinion that some of the sentences for which prisoners are detained should not actually require prison sentences.

In New York, for example, the number of prisoners was reduced by as much as 17% between 2000 and 2009. This can be attributed to the frequent change to alternative punishments. In cooperation with several NGOs, more community-based alternatives to imprisonment, such as **drug courts** or **job training** methods are used (Berman, 2013). The US-originated concept of drug courts was then used in other countries as well. In 2015, there were a total of 3,142 drug courts in the US, with each state offering at least some drug court programs.

Also, **Community service orders** are now used more frequently, but by no means do justice to the growing number of prisoners in the US.

3.7 Kenya

Prison population rate per 100,000: 114 (2016)

Kenya's criminal system is (rightly) being criticized by many international organizations, many prisons fall by any standards when it comes to human rights. And yet, Kenya undertakes many endeavors to enforce alternatives to imprisonment and uses some of them relatively common.

In East Africa, Kenya is the country with the most alternative sanctions and the best infrastructure to make them accessible. Already in 1946, during the colonial period, the **Probation Service** was introduced. In 1998, **community service** orders were added; both methods are still used today. In May 2011, there were a total of 14,798 offenders with probation orders and 22,000 offenders handling community service orders.

In addition, about 600 probation officers are employed throughout the country.

To expand and justify the use of these alternative punishments, the so-called “**Decongestion Program**” has been launched. Judges are informed by paralegals or prison staff when prisoners serve their sentences, even though they might theoretically be eligible for a community service order program. In some cases, judges can rethink and convert a prison term into a community service. In 2010, almost 300 prison sentences were converted into the community service through this program (Penal Reform International, 2012, pp. 9-12).

3.8 Zimbabwe

Prison population rate per 100,000: 120 (2017)

Zimbabwe was the first African country successfully implementing alternative sentencing for offenders. In the 1990s the alternative community service orders were introduced. The country implementing alternatives was influencing other countries in Africa as well, to implement alternatives to their offenders.

In the beginning, international Non-Governmental Organizations or also the European Union raised money in order to implement the system of monitoring the **Community Service**. Implementing the offices and staff in the various parts of the country, the Justice System of Zimbabwe took the alternative very good.

From the beginning of the 1990s until 1997 the number of offenders obliged with a community service order was high. Through this contributing to the reduction of prisoners. Zimbabwe was also actively promoting the idea to other countries e.g. Kenya.

3.9 New Zealand

Prison population rate per 100,000: 217 (2017)

The majority of offenders in New Zealand are on probation rather than inside the prison.

The government focuses on rehabilitating the offenders through different sentences and orders. The Department of Corrections is providing different programs to all kinds of offenses in order to help the individual the best conceivable way.

There are diverse ways of supervision and house arrest, all to a different degree, depending on the offense. New Zealand is also trying to work on programs specially designed for the indigenous Maori, who make up a high percentage of imprisoned people.

Through different struggles the Maoris are facing, like child poverty, school dropouts and unemployment, the children often end up in gangs. Through specially designed rehabilitation programs

for women, young adults or men they try to rehabilitate and give them a cultural perspective. The innovative approaches are showing good results and deliver a good example of cultural sensitivity and an individual outlook on the person.^{7 8 9}

7 http://www.corrections.govt.nz/working_with_offenders/prison_sentences/employment_and_support_programmes/rehabilitation_programmes.html

8 <http://www.aljazeera.com/programmes/rewind/2017/04/locked-warriors-zealand-prison-problem-170409142533126.html>

9 https://www.huffingtonpost.com/sarah-van-gelder/alternatives-to-a-bankrup_b_875421.html

4. CONCLUSION

The Alternatives, which have been presented here, are just a few of the possibilities for the justice system to deal with criminal offenders. The different forms of punishment do not only give the offender a different perspective but as well as the justice system. Through the variety, judges do not only have to decide to sentence people to stay in prison but can decide on the specific case, which sentence to call. Therefore, the justice systems are able to have a more individualistic look on the people. Every person and the situation in which this person is involved is different. This different approach is beneficial not only for the offender but also for the governments / states and the society itself. Through the alternatives, the offenders have a possibility to be rehabilitated and therefore stay or return to society, without reoffending. The reduced costs for the state institutions are beneficial for the government but also for the society, who is paying for the prisons. Overall there are a lot of beneficial effects of Alternatives to Imprisonment.

For many of the above-mentioned alternative punishments, clearly better quotas are to be recognized in the recidivism rate of the perpetrators. By avoiding imprisonment, perpetrators are given the chance to receive a punishment but to remain in the society and their social contacts. The recidivism rate of many imprisoned offenders can be traced back to the hopelessness of imprisonment with its isolation from society. Alternatives show a much greater understanding of the perpetrators themselves for their crime. Methods such as the Victim-Offender mediation allow a direct exchange between perpetrator and victim, which has higher chances for a realistic self-reflection of the offender, as a secluded imprisonment.

Another important reason why alternative prison sentences are inevitable today is dealing with people with mental illness or addiction problems. Since their crimes often have a completely different background than perpetrators without these problems, they should also be 'punished' differently. Especially in their cases, an understanding of one's own deed is not simply created by isolation, they need specific help for their illness as well as personnel that is trained and can deal with these offenders accordingly.

Each of the methods mentioned has significant advantages over the prison sentence. In Chapter 2, in addition to the advantages of the alternative methods, the disadvantages were described. However, the disadvantages are mostly just an incompatibility with certain groups of people, so that a fine cannot be compatible with a serious and violent crime.

Developments in many countries suggest that the introduction of alternative prison sentences has led to a reduction in prisoner numbers and a lower recidivism rate. One example would be the Netherlands, which is shown in the media as the prime example. Their imprisonment rate is one of the lowest in Europe and they have the struggle, of not having enough prisoners to fill the facilities. The established Alternatives seem to work effectively. Not only the Netherlands but also other countries are having successes while implementing Alternatives to their Justice System.

Today, countries worldwide are using more and more alternative methods. However, many of the methods are still at the beginning of their implementation and require significant improvements. In addition, efforts should be made to use a wider variety of methods and more countries should implement these alternatives.

BIBLIOGRAPHY

- AL JAZEERA (2017) Locked up Warriors: New Zealand's Prison Problem [online] Available at: <http://www.aljazeera.com/programmes/rewind/2017/04/locked-warriors-zealand-prison-problem-170409142533126.html> [Accessed February 21, 2018].
- ASH, L. (2016) The Dutch prison crisis: A shortage of prisoners, BBC [online] Available at: <http://www.bbc.com/news/magazine-37904263> [Accessed February 21, 2018].
- BARRY, K. P. (2009) Electronic Monitoring: The future of crime control? [online] Available at: <https://de.scribd.com/doc/13198103/Electronic-Monitoring-for-Criminal-Offenders> [Accessed March 8, 2018]
- BELENKO, S. (1998) Research on Drug Courts: A Critical Review, *National Drug Court Institute Review*, Volume I, 1.
- BERMAN, G. (2013). Alternatives to incarceration are cutting prison numbers, costs and crime [online] the Guardian. Available at: <https://www.theguardian.com/commentisfree/2013/jul/04/alternatives-incarceration-prison-numbers> [Accessed 21 Mar. 2018].
- BEYENS, K. (2010) From 'community service' to 'autonomous work penalty' in Belgium. What's in a name? *European Journal of Probation*, Vol. 2, No. 1, pp. 4-21.
- CHAMMAH, M. (2015) Prison without Punishment, *The Marshall Project* [online] Available at: <https://www.themarshallproject.org/2015/09/25/prison-without-punishment> [Accessed November 6, 2017].
- DEPARTMENT OF CORRECTIONS (n.d.) Rehabilitation programmes [online] Available at: http://www.corrections.govt.nz/working_with_offenders/prison_sentences/employment_and_support_programmes/rehabilitation_programmes.html [Accessed February 21, 2018].
- DUROSE, M.R., COOPER, A. D., & SNYDER, H. N. (2014) *Recidivism of prisoners released in 30 states*

- in 2005: patterns from 2005 to 2010*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- FAMILIES AGAINST MANDATORY MINIMUMS (2011) *Alternatives to Incarceration in a Nutshell*, Families against Mandatory Minimums, [online] Available at: <http://famm.org/wp-content/uploads/2013/08/FS-Alternatives-in-a-Nutshell-7.8.pdf> [Accessed November 20, 2017].
- FLETCHER, A; DAO, A. (2012) Alternatives to Imprisonment for Vulnerable Offenders, *Report for Australian Government Attorney-General's Department* [online] Available at: https://www.monash.edu/__data/assets/pdf_file/0007/139849/alternatives-imprisonment-report.pdf [Accessed February 21, 2018].
- FLORE, D.; BOSLY, S.; HONHON, A.; MAGGIO, J (2011) *Probation Measures and Alternative Sanctions in the European Union*, Cambridge, Antwerp, Portland: Intersentia.
- FLÜGGE, C. (2003) Freiheitsstrafe und Gefängnisssystem in Deutschland, *Juridica International* [online] Available at: http://www.juridicainternational.eu/public/pdf/ji_2003_1_43.pdf [Accessed April 11, 2018].
- GÄRTNER & SLANIA (n.d.) Offener Vollzug [online] Available at: <http://www.gaertner-slania.de/wissenswertes/o/offener-vollzug.html> [Accessed March 8, 2018]
- GOVERNMENT OF THE NETHERLANDS (n.d.) Alternative sanctions, fines and other sentences [online] Available at: <https://www.government.nl/topics/sentences-and-non-punitive-orders/alternative-sanctions-and-other-sentences> [Accessed February 21, 2018].
- GUASTAFERRO, W. P. (2011) *Pro & Con: Drug courts an effective alternative for offenders?* [online] Available at: <http://www.ajc.com/news/opinion/pro-con-drug-courts-effective-alternative-for-offenders/cRFv27Lgve5f5slRWZFscP/> [Accessed February 21, 2018].
- HARTNEY, C, MARCHIONNA, S. (2009) Attitude of US Voters toward Nonserious Offenders and Alternatives to Incarceration, *National Council on Crime and Delinquency*. [online] Available at: http://www.nccdglobal.org/sites/default/files/publication_pdf/focus-voter-attitudes.pdf [Accessed November 20, 2017].
- HENRICHSON, C., DELANEY, R. (2012). *The Price of Prisons. What Incarceration Costs Taxpayers*, VERA Institute of Justice.
- HUMAN RIGHTS WATCH (2016) *World Report 2016*. United States of America, Human Rights Watch.
- INTERNATIONALER BUND (n.d.) Täter-Opfer-Ausgleich [online] Available at: <http://ib-freiwilligendienst.de/angebot/3594/> [Accessed March 8, 2018].

- JAMES, E. (2013) The Norwegian prison where inmates are treated like people, *The Guardian* [online] Available at: <https://www.theguardian.com/society/2013/feb/25/norwegian-prison-inmates-treated-like-people> [Accessed February 21, 2018].
- KNIGGE, A. (2016) Strafarbeiten statt Gefängnis, *Deutschlandfunk* [online] Available at: http://www.deutschlandfunk.de/alternativen-zur-haft-strafarbeiten-statt-gefaengnis.724.de.html?dram:article_id=363764 [Accesses April 11, 2018].
- LOFFMANN, M, MORTEN, F. (2010) *Investigating Alternatives to Imprisonment: Within Council of Europe Member States*. The Quaker Council for European Affairs. [online] Available at: <http://www.qcea.org/wp-content/uploads/2011/06/rprt-alternatives-en-jan-2010.pdf> [Accessed November 21, 2017].
- LUDWIG, K. (2014) Vorbeugen ist besser als Strafe. Ist man zwischen 14 und 18 Jahre alt und wird bei einer Straftat erwischt, wird man nach dem Jugendstrafrecht verurteilt. Aber was erwartet einen dann eigentlich?, *fluter* [online] Available at: <http://www.fluter.de/vorbeugen-ist-besser-als-strafe> [Accesses April 11, 2018].
- MARLOWE, D. B. (2007) Research Update on Adult Drug Courts, *National Association of Drug Court Professionals* [online] Available at: http://www.nadcp.org/sites/default/files/nadcp/Research%20Update%20on%20Adult%20Drug%20Courts%20-%20NADCP_1.pdf [Accessed February 21, 2018].
- NATIONAL INSTITUTE OF JUSTICE (2017). Drug Courts | *National Institute of Justice*. [online] Available at: <https://www.nij.gov/topics/courts/drug-courts/Pages/welcome.aspx> [Accessed 28 Feb. 2018].
- NICHOLS, M. (2008) The Costs and Benefits of the Electronic Tagging of Criminals, *CITIZEN Economists* [online] Available at: <http://www.citizeneconomists.com/blogs/2008/08/08/the-costs-and-benefits-of-the-electronic-tagging-of-criminals/> [Accessed March 8, 2018]
- PENAL REFORM INTERNATIONAL (2012) *Alternatives to imprisonment in East Africa. Trends and challenges*. [online] Available at: <https://cdn.penalreform.org/wp-content/uploads/2012/05/alternatives-east-africa-2013-v2-2.pdf> [Accessed February 21, 2017].
- PRISONSTUDIES.ORG. (n.d.). *World Prison Brief data | World Prison Brief*. [online] Available at: <http://www.prisonstudies.org/world-prison-brief-data> [Accessed November 8, 2017].
- ROHLAND, P.; Ackerstaff, H.; Grünewald, K. (n.d.) Täter-Opfer-Ausgleich und Konfliktregelung [online] Available at: <http://www.vip-muenster.de/vip-angebote/toa.html> [Accesses March 8, 2018].
- SCOTTISH EXECUTIVE SOCIAL RESEARCH (2007) *Community Sentencing: Public Perceptions &*

Attitudes. Summary Research Report. [online] Available at: <http://www.gov.scot/Resource/Doc/203436/0054193.pdf> [Accessed February 21, 2018].

GERMANY AND THE NETHERLANDS: Implications for the United States, VERA Institute of Justice [online] Available at: <http://www.prisonstudies.org/sites/default/files/resources/downloads/european-american-prison-report.pdf> [Accessed February 21, 2018].

VAN GELDER, S. (2017) Alternatives to a Bankrupt Prison System, Huffpost [online] Available at: https://www.huffingtonpost.com/sarah-van-gelder/alternatives-to-a-bankrup_b_875421.html [Accessed February 21, 2018].

VERA INSTITUTE OF JUSTICE (2010) *Bail, Fines, and Fees. A look at how bail, fines, and fees in the criminal justice system impact poor communities in New Orleans.* [online] Available at: <https://vera.org/research/bail-fines-and-fees> [Accessed November 21, 2017].

WERMINK, H, BLOKLAND, A., NIEUWBEERTA, P, NAGIN, D., TOLLENAAR, N. (2010) Comparing the effects of community service and short-term imprisonment on recidivism: a matched samples approach, *Ecp Criminol*, [online] Available at: DOI 10.1007/s11292-010-9097-1.

ZUBRYCKI, R. M. (n.d.) Community-Based Alternatives to Incarceration in Canada, National Parole Board Fact Sheet [online] Available at: http://www.unafei.or.jp/english/pdf/RS_No61/No61_12VE_Zubrycki.pdf [Accessed February 21, 2018].

Civil Society in the Penal System / Turkey's Center for Prison Studies
Katip Mustafa Çelebi Mh. Billurcu Sk. No 5/2 Pk: 34433 Beyoğlu / İstanbul / Turkey
Tel / Fax : +90 212 293 69 82 e-mail: info@tcps.org.tr