

AGENDA 4: ALTERNATIVES TO IMPRISONMENT



COUNTRIES THAT CONTRIBUTED

- Canada
- Fiji
- India (Bihar, Andhra Pradesh, Tamil Nadu)
- Malaysia

Experiences shared by:

- Thailand
- Brunei



NEED FOR ALTERNATIVES TO IMPRISONMENT

- Mr. Roy, PRI – It is being increasingly realized that imprisonment as such is neither reformatory nor a deterrent.
- Mr. Saxena, CHRI
 - 3 major questions:
 - ‘Why prisons’?
 - If ‘criminals’ are meant to be in prison, have all ‘criminals’ in the society reached the prisons?
 - If prisons are meant to be housing ‘criminals’, are all people who have reached the prison, ‘criminals’?



GENESIS OF ALTERNATIVES TO IMPRISONMENT - the philosophy of reformation & rehabilitation of the offender which is the ultimate goal of any criminal justice system across the world.. A system that has moved from punitive to restorative justice.



FACTORS THAT INFLUENCED THE EMERGENCE OF ALTERNATIVES TO IMPRISONMENT

- The need for rehabilitation and social reintegration of offenders
- Different types of offenders need different approaches
 - Malaysia → Community Rehabilitation Centres for Petty Offenders
 - Canada → Parole: Risk – Need – Responsivity Model
- Reduces recidivism
 - Canada – 99% success in Parole
- Relative costs
 - India – Probation of Offenders Act
- Reduces stigmatization of prisoners
 - India - Community Services Act
- Community Safety
 - Canada – In parole decisions, the victim has a right and can present arguments



OPTIONS of ALTERNATIVES TO IMPRISONMENT

At Different Stages
of Sentences

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graph TD; A[At Different Stages of Sentences] --- B[Beginning]; A --- C[Intermediate]; A --- D[End];
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Beginning

Intermediate

End

AT THE BEGINNING OF SENTENCE

- COMPULSARY ATTENDANCE ORDER
 - **Malaysia** - Offenders Compulsory Attendance Act 1954 (for offences facing not more than 3 months of imprisonment)
- COMMUNITY WORK
 - **India** – The Andhra Pradesh Community Service of Offenders Act 2010
 - Removes stigmatization by replacing imprisonment with community service
 - Consent from the prisoner is required
- PROBATION
 - **Fiji** – As the prison population is increasing, probation is decreasing – Need for greater advocacy with the judiciary
 - **India, Tamil Nadu** – While the rest of India faces the same issue as Fiji, Tamil Nadu showed tremendous success in probation with significantly reduced recidivism rate among those placed on probation.

DURING THE TERM OF SENTENCE (INTERMEDIATE)

- PAROLE

- **Canada** - On any given day of 2012-13, an average of 34% of the total prison population were in the community (7,706); strong & empowered parole board; options for day parole
- Is pulling back someone from parole 'a success or a failure'?

- COMMUNITY REHABILITATION CENTRE

- **Malaysia** – Community Rehabilitation Centres in collaboration with Malaysian Armed Forces (for offenders less than 2 years to serve)
- Cost effective, high impact & rapid implementation

- RELEASES

- **Canada** – Work Release, Statutory Release, Escorted/Unescorted Temporary Absence
- **Fiji** – Short Term Releases, Weekend Release

TOWARDS THE END OF SENTENCE

- OPEN JAILS
 - **India** – Freedom to go out of Prisons during the day; opportunity to live with families; Different states have different rules
 - A growing success in the country – gaining legal and social recognition
- HALF WAY HOMES
 - **Malaysia** – For released prisoners as well as for parolees
- EARLY RELEASE
 - **Canada** – Full parole
 - **Fiji** – Compulsory Supervision Order (provides prisoners with less than 12 months to serve to do public work outside prisons, for minor offences)

SPECIAL HIGHLIGHTS

- **Thailand** – Bangkok Rules
- **India** – Palanhar Yojna in Rajasthan for children whose both parents are in prison – keeping children with foster parents
- **Canada** – Long-term Supervision Order for 10 years; Electronic monitoring
- **Brunei** - Love and Care Program
- **Malaysia** – Blue Ocean Strategy



WHAT CORRECTIONAL ADMINISTRATORS CAN DO?

- Go beyond just being 'implementers' of law
- Work with various departments to coordinate the efforts towards rehabilitation of offender
- Network with Civil Society Organizations to facilitate the reintegration process
- Influence the policy decisions through advocacy with the legal fraternity, submit reports, conduct research, involve media, etc.



Last But Not Least...

*“Seeds of Reformation are lying dormant in
the existing law itself”*

— Mr. R. K. Saxena

CONSTANTLY INNOVATE!

