

**Committee: ECOSOC**

**Issue: Promoting and encouraging the implementation of alternatives to imprisonment**

**Student Officer: Marios Avagkian**

**Position: Deputy President**



## INTRODUCTION

Esteemed delegates,

Welcome to the 4<sup>th</sup> ATSMUN Conference!

My name is Marios Avagkian and I'm a student of the 11<sup>th</sup> grade of Arsakeio High School of Patras. I've attended 3 MUN conferences including THIMUN so far and MUN has a special place in my heart, It became a part of my life! This is my first time being a student officer. It's both an honor and pleasure serving as the Deputy President of the ECOSOC committee. Congratulations on choosing this committee; I'm sure you will like it!

This study guide will provide you with some information about the topic however it may NOT replace your research .Your research should be equivalent to your delegation's policy! Do you have any questions regarding the topic? Feel free to contact me. ( E-mail: mariosavagian@hotmail). See you all at the conference!

Best wishes,

Marios Avagkian

A handwritten signature in black ink, appearing to read 'Marios Avagkian', with a long horizontal line extending to the right.

### NOTE:

There are a lot of people who think that prison is not an effective form of punishment, have thought of other ways to punish people for what they did (or not). Some evidence of prisons not being effective is that some former inmates repeat what they got them in prison in the first place as an act of revenge for the time they lost during imprisonment, and some of them suffer from depression. Also, the quality of life in most prisons is not ideal; they often are filthy, the food is often low-quality, a lot of inmates are aggressive to each other and often start arguments and fights and, speaking of inmates, the growing numbers of them can lead to severe overcrowding in prisons. We can make those people much better citizens with alternative methods of imprisonment that are much more friendly to the average

inmate, like home imprisonment. We will examine them in this topic. Further, imprisonment has been shown to be counterproductive in the rehabilitation and reintegration to society of those charged with minor crimes, as well as for certain vulnerable populations.

### **Definition of key terms**

#### **Promotion:**

**1: the act or fact of being raised in position or rank**

**2: the act of furthering the growth or development of something; especially : the furtherance of the acceptance and sale of merchandise through advertising, publicity, or discounting**

#### **Encouragement:**

1: the act of encouraging : the state of being encouraged

2: something that encourages

**Implementation:**

the process of putting a decision or plan into effect; execution.

**Alternative:**

1: (of one or more things) available as another possibility or choice.

2: relating to activities that depart from or challenge traditional norms.

"an alternative lifestyle"

**Imprisonment:**

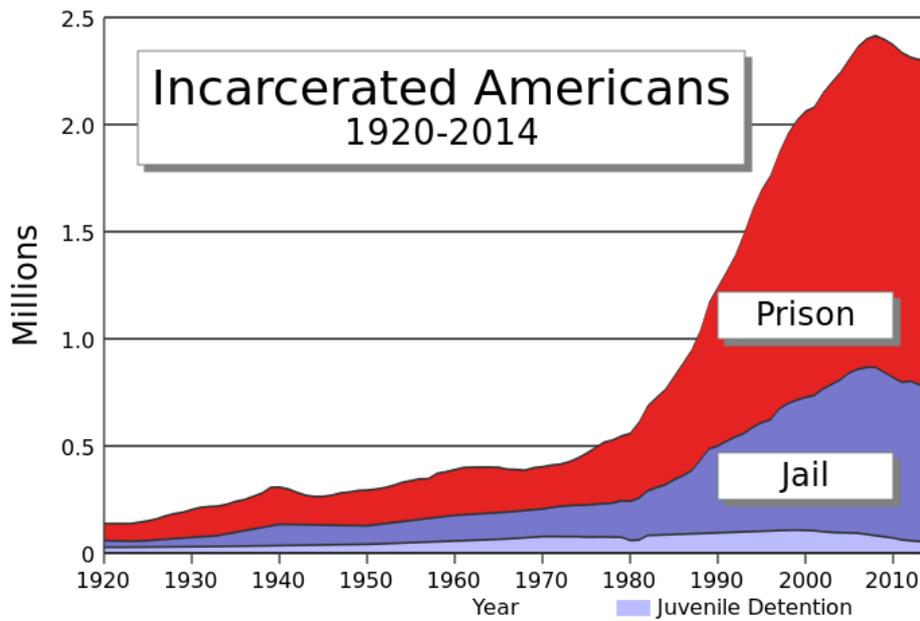
the state of being imprisoned; captivity.

*synonymous to Incarceration*

## **BACKGROUND INFORMATION**

At the end of 2010, United States state and federal prisons housed over 1.6 million inmates. At least seven states are currently at 25% overcapacity with the highest being Alabama at 196% and closely followed by Illinois at 144% above maximum capacity. Nineteen states in total are operating above maximum capacity. In 2007, California announced a "state of emergency" with respect to overcrowded prisons. Studies have demonstrated that the lion's share of prison sentences are given to two kinds of offenders: drug offenders and recidivists

(convicted criminals who reoffend).



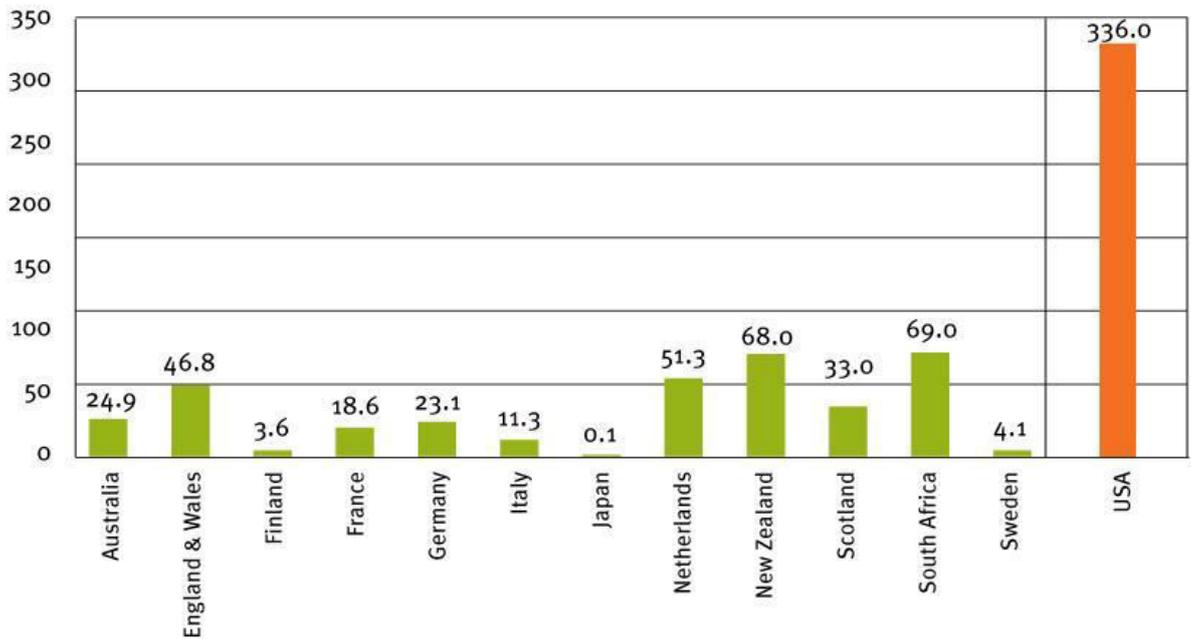
Overcrowding leads to the worsening of prison conditions such as sanitation and failure of basic services such as health care, spread of diseases within inmates, stress among them and furthermore increased risk of performance and prison riots.

Innovation for tracking offenders outside of jail with smart bracelets keeps on making strides. One technology involves using GPS signals to create a geo-fence to watch criminals to keep them within a designated area at certain times. This enables criminals to go to work, school, and return home in a controlled manner, so they live a better & healthier life in general. The Bureau of Justice Statistics noticed that if prison sentences are remade to be shorter and more precise to the crime, prison populace will diminish by ten times.

### Alternatives to imprisonment for minors (under the age of 18)

Boot camps (correctional facilities) and military programs integrated into public education options are starting to be thought of. Various programmes for conditions like anger management, confidence, and so on, have been made and those working with scholastics like universes are called upon to make such options. It is shown that people in society are willing to pay for rehabilitation for immature offenders as opposed to alternatives to imprisonment.

**YOUTH INCARCERATION RATE: UNITED STATES VS. OTHER NATIONS  
JUVENILE INCARCERATION RATE PER 100,000 YOUTH POPULATION**



Source: Hazel, Neal, *Cross-National Comparison of Youth Justice*, London: Youth Justice Board, 2008

**Community sentencing**

Community sentencing is probably the most popular alternative to imprisonment. Community sentences include community services (unpaid work), house arrest (staying home for the rest of your sentence), a suspended sentence (if you do not break the law in a period of time you will not get imprisoned), wearing an electronic tag (like a smart bracelet), mandatory treatments and programmes (pharmaceutical treatment, help from psychologists, back to work programmes), apologizing to the victim, specific court orders and injunctions (prohibitions/restrictive measures) and reporting to an authority (like an offender manager).

## **COUNTRIES INVOLVED**

### **Canada**

In the Community Based Alternatives to Incarceration in Canada, Richard M. Zubrycki contends that by "the Canadian criminal justice framework supporting the sheltered utilization of community alternatives (there would be a significant reduction) in the prison populaces"). He mostly discusses community options, for example, first-time guilty parties accepting a contribution that would help them not to carry out the wrongdoing once more. Another successful alternative is the Canadian government furnishes families with family group advise; this is noteworthy because of the fact that it makes a better and more connected support group that declines the odds of that individual doing the crime again. Canada has likewise inquired and endeavoured to comprehend what Community Program works best for various kinds of crime offenders. From their research and steadiness "today their prison populace is low and is dropping" (Zubrycki, Community Based Alternatives to incarceration in Canada).

### **United States of America (USA)**

New York City, the biggest city in the United States, has created the important alternatives to incarceration (ATI) programme for its prison system. Judges have the choice of sending those with crimes (minor crimes) or lawful offences to this programme as opposed to giving them a prison sentence. The programme has four classes: general populace, substance abusers, women, and youth. The programme has a 60% success rate, which is moderately high. Offenders who fail the programme get a compulsory prison sentence, which gives them great motivation to succeed. The individuals who don't succeed have a tendency to have a past with incarceration. As the biggest city in the United States, New York City is regularly a trendsetter for different urban areas. This programme could be the first of numerous in the United States, which could help bring down imprisonment rates.

## **UN INVOLVEMENT**

Since the mid-1950s, the United Nations has developed and elevated benchmarks and standards to energize the advancement of criminal equity systems that meet fundamental human rights models. These standards and norms represent an aggregate vision of how to build a criminal justice system. Although non-binding, they have helped to significantly promote more effective criminal justice systems and action. Nations utilize these gauges and standards to give the system for and to encourage top to bottom evaluations that may prompt required changes. They have also helped countries to develop sub-regional and regional strategies. Globally and internationally, they indicate "best practices" and help countries to adapt them to their own needs. The earliest of these, the United Nations Standard Minimum Rules for the Treatment of Prisoners, deals only with incarceration. While incarceration has remained an important aspect of the standards and norms, the range of instruments has increased to cover all aspects of the criminal justice system and crime prevention. Today, the principles and standards cover a wide assortment of issues, for example, juvenile justice, the treatment of guilty parties, universal cooperation, good governance, victims' security and violence against females. Of particular importance, as far

as alternatives to incarceration are involved, are the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules), which were adopted in 1986. These Rules have as one of their fundamental aims the reduction of the use of incarceration. The specific proposals that the Tokyo Rules make for alternative, non-custodial measures form the basis for a reductionist criminal justice policy. The advancement of non-custodial measures runs together with a call on States to "support criminal justice policies, considering the recognition of human rights, the prerequisites of social justice and the restoration needs of the crime offender". At the same time the fundamental aims of the Rules recognize that States have considerable flexibility in deciding how to implement the Rules. They accentuate that States should "try to guarantee an appropriate balance between the privileges of individual crime offenders, the privileges of victims and the worry of society for public safety and crime aversion".

## PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

In many European countries, the use of electronic monitoring has become an accepted alternative to imprisonment and a recognised solution that ensure successful attempts at rehabilitation and lower incarceration rates. The project is the first of its kind in Latvia, and as the public opinion still strongly favors imprisonment as a method of sanction, a 'back door model' was introduced in August 2015, facilitating a gradually lead from imprisonment to freedom. This allows inmates who meet certain requirements to serve the remaining time at home, and was introduced both as a mean to overcome challenges connected with growing prison populations and prison overcrowding, to increase application of alternative sanctions and to increase focus on vulnerable groups in prison.

Imants Jurevičius from the State Probation Service explains: "We only mandate electronic monitoring for prisoners who have served most of their prison sentence already, and we consistently use it as a mean to prepare them for release and life after prison. We have also introduced electronic monitoring for prisoners on leave, as an effort to support reintegration into society." Currently, around 30 prisoners are under electronic monitoring, but several prisoners have already finished their sentence. In total, 84 prisoners have taken part in the electronic monitoring programme. Oslo Probation Service took part in the project's initial

phase, and shared experiences and guidance on how to establish a system for electronic monitoring that could be adapted to local conditions.

Greece and Italy are phenomenal in that their systems highlight 'rehabilitative' measures at the preliminary stage, including probation supervision or comparable inclusions previously any finding of crime. For Italy's situation, one such measure, the *messa alla prova*, is held out for instance of good practice (preliminary probation fit for invalidating the criminal arraignment) and is thusly depicted in segment 5. For its part, Greece has instituted pre-trial measures involving mediation, diversion, and programme participation (although these are in practice and are rarely used). In the two cases the successful execution of the preliminary 'option' can mean a complete end to the arraignment and no further punishment.

## POSSIBLE SOLUTIONS

**Justice Reinvestment** is a proposed strategy that focuses on preventative remedies by providing local groups with the resources they need to address the underlying causes of crime in their area. Evidence has shown that the most effective programs for reducing recidivism and providing a better life outcome for offenders are those administered by the community as opposed to the prison system. This strategy has the additional benefit of providing a context for the current and projected costs that flow from incarceration and highlights the many shortcomings of investing in justice centres that deliver poor outcomes for their growing populations.

The Women in Prison Advocacy Network (WIPAN) currently administers a wide ranging mentoring project in which trained mentors assist mentees to gain the necessary skills, confidence and direction to overcome life's obstacles. These mentors provide non-judgmental and respectful social support as the mentee navigates their way back into the community, with 93% of WIPAN mentees staying out of prison after release, compared to 53-57% of the general prison population.

When a defendant is convicted of a crime, he or she may be given a suspended prison sentence. This means that an individual is not sent to prison but is required to meet certain

other conditions. **Suspended sentencing** is seen by some as giving an offender a 'last chance' before prison. Once the sentence has been given, the offender knows that if they commit a further crime they are likely to be sent to prison. A suspended sentence is basically a correctional measure; in spite of the fact that in Sweden (and perhaps some other nations), where alternatives to imprisonment are to a great extent thought to be desirable over detention, a rehabilitative component to the endorse is likewise present. Suspended sentencing is widely used in Austria and Switzerland and is also prevalent in some Scandinavian countries, including Finland and Norway.

## BIBLIOGRAPHY

(Not in order of appearance in the document)

<http://www.justiceaction.org.au/alternatives-to-imprisonment-01/201-justice-reinvestment>

(Possible solutions p.1)

<http://www.justiceaction.org.au/mentoring-2> (Possible solutions p.2)

<http://www.prisonobservatory.org/upload/Good%20practice%20handbook%20AS.pdf>

(Previous attempts to solve the issue p.3)

[http://www.unafei.or.jp/english/pdf/PDF\\_rms/no61/ch07.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no61/ch07.pdf) (Major countries and organisations involved p.1)

<https://doi.org/10.1525/fsr.2011.24.1.26> (Major countries and organisations involved p.2)

<https://doi.org/10.1007/s11256-011-0187-9> (Alternatives to imprisonment for minors (under the age of 18))

<http://www.kyforward.com/our-government/2014/08/29/new-bill-takes-state-juvenile-justice-system-back-to-drawing-board-treatment-not-jail/> (Alternatives to imprisonment for minors (under the age of 18))

<https://books.google.com/books?id=7rvPg3F19CYC&printsec=frontcover&dq=prison+overcrowding&hl=en&sa=X&ei=ar6QT5DUJl7H6AGq9NS5BA&ved=0CBIQ6AEwAA#v=onepage&q=prison%20overcrowding&f=false> (History of the topic)

<https://www.independent.co.uk/news/uk/crime/the-big-question-what-are-the-alternatives-to-prison-and-do-they-work-5330852.html> (Community sentencing)