

Q. No. 8. Explain the institutional corrections and alternative community corrections strategies in detail. Support your answer with examples where appropriate. (20)

Q. No. 5. Define Juvenile probation. Explain the organization and administration of Juvenile probation services. (20)

Q, No. 5. Explain the role of rehabilitation centres in the reformatory treatment of criminals. How do these centres contribute to the reintegration of offenders into the society ? (20)

Criminal Justice System.

- Community Corrections:

Community corrections are sometimes referred as community based rehabilitation of offenders. As the name suggests community corrections have emphasized rehabilitation as its goal. Potential goals of community correctional programs are that offenders identify and address their problems and needs as well as to give a chance to ~~new~~ or first time offenders.

Community Corrections include:

- 1- Restitution.
- 2- Probation.
- 3- Parole
- 4- Halfway houses.

As an alternative to Imprisonment, correctional treatment of offenders has significance in criminal justice system as the world is moving from retributive to rehabilitative justice.

~~The~~ The most common forms of

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Community corrections include probation }
parole.

- Probation:

Probation can be thought of as a type of post-trial diversion from imprisonment. Probation is a sentence in which the offender is retained in the community under the supervision of a probation agency and required to abide by certain rules and conditions to avoid incarceration.

In Pakistan, the overcrowding and unhealthy environment in prisons make an alternative to imprisonment more urgent. Probation and parole systems in Pakistan are governed by provisions that allow the release of offenders on probation under certain terms and conditions. These provisions are recognized as a fundamental to the Criminal Justice system in Pakistan. Following are the most important instruments in Pakistan available for the release of offenders on probation and parole.

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- Good Conduct Prisoners' Probationary Release Act, 1926.
- Good Conduct Prisoners' Probationary Rules, 1927.
- Probation of Offenders Ordinance, 1960.
- West Pakistan Probation of Offenders Rules, 1961
- Juvenile Justice System Ordinance 2000 and its Rules for implementation.

Probation Procedures:

In Pakistan, The Probation of Offenders Ordinance (1960) was implemented by the President of Pakistan to cater to the needs of first-time offenders who can be ~~not~~ rehabilitated under the supervision of probation officer without being sent to prison.

Section 5 of 1960' ordinance empowers Judiciary to place certain offenders on probation not more than 3 years who are eligible for release on probation. During the probationary period, the Reclamation and Probation (R & P) department in the province is to supervise, monitor and rehabilitate

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rehabilitate them in community. The probation agency and its officers play the key role in the whole process of probation system from release of offenders to successful rehabilitation.

The Courts empowered to release offenders on probation are as follows:

- High Court.
- Sessions Court.
- Judicial Magistrate 1st class.
- Any other specially empowered Magistrate.

Special Investigation Report (SIR):

After hearing the arguments of the prosecution and the defence, if the Court feels the case fit for probation, then it orders the Probation Officer to submit SIR that includes the following information about the offender likely to be released on probation:

- Character
- Antecedents
- Commission and nature of offence.
- Home surroundings and other circumstances.

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Role of Probation Officer:

A probation officer has three fundamental objectives.

- 1- To assist the court in matters pertaining to sentencing.
- 2- To promote community protection by supervising and monitoring the activities of persons on probation.
- 3- Also to promote the betterment of offenders by ensuring that they receive appropriate rehabilitation services.

According to National Academy for Prison Administration, there are 310 probationers while there is only one probation officer. Amongst these 310 probationers is an ~~Assistant~~ Additional District and Sessions Judge who married an underage girl. It was decided to ~~send~~ not send the offender to prison as he was the sole breadwinner of his family as well as a first-time offender. The majority of probationers

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are reported in the Punjab Province. According to the report, there is a huge work load for probation officers.

Parole:

Parole refers to the early release of good conduct prisoners or offenders who have completed mandatory period of substantive sentence as required under the good conduct Prisoners Probation release Act, 1926 and 1927. that provide for release of good prisoners on conditions imposed by the government. This is commonly known as conditional release or Parole release. The two basic differences between probation and parole are that parole is not a court imposed sentence and parole is used with persons leaving prison.

The Islamic standing point regarding crime professes hating the crime rather than the actual criminal. The relatively low incarceration rate is an indication of Islamic philosophy. Those subjective and objective factors have contributed to the emergence of

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Probation and parole in Pakistani criminal justice system.

Parole Procedures:

Good Conduct Prisoners' Probation Release Act, 1926 empowers the Executive (home secretary) of the province to release certain offenders on parole who are eligible to be released on parole. This is commonly known as conditional release on parole.

This act provides the release of chance offenders with good prison record with a view to remove them from the society of hardened criminals in jails. They are to be engaged in suitable environments under the supervision of Parole officer of the Reclamation and Probation department in their respective province. The parolees are employed with approved employers of R and P department on fixed wages and under specific terms and conditions.

The cases of prisoners who are likely to be released on parole may be taken up by the Assistant Director Reclamation and Probation department

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In the following ways.

- On application of the prisoner.
- On application of the relative or friend of the prisoner.
- On recommendation of the Superintendent of jail.
- The Assistant Director and Parole Officer visit jail for selection of prisoner suitability to be released on parole.

Role of Parole Officer:

- 1- Supervision and rehabilitation of offenders placed on Parole.
- 2- Visit jails and arranges interview of good conduct prisoners with the Assistant Director Reclamation and Probation department.
- 3- Assist Prison administration in preparation of rolls of selected prisoners for parole release.
- 4- Receive prisoners on parole, find their suitable employment, solve problems.
- 5- Periodically pay visits to parolees, collect wages and submit reports to the Assistant Director about parole work and process any complaint.

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Province-wise situation of Parole in Pakistan is such that the duties of Parole officers are assigned to Probation officers in many districts of Pakistan as there is shortage of Parole staff in R and P department of each province. Punjab has the highest number of parolees that is 99 with only a total of 10 parole officers. Similar is the case in Balochistan as well. High profile prisoners including former prime minister of Pakistan in 2004, was allowed to participate in funerals of his sister and mother of the same year. Similarly, former prime minister of Pakistan arrested in 1996, was released on temporary parole to visit his mother on death-bed and perform her last rituals. This is widely referred as release on parole, but in fact it is temporary reprieve given in cases of emergency.

The Purpose of Community Corrections: OR Alternatives to Prison:

Probation and Parole:

United Nation Institute for crime prevention (UNAFEI) has clearly stated the purposes of community based alternatives among which are:

- 1- To reduce overcrowding in prisons and prevent escalation of detention costs.
- 2- To ensure ~~public~~ public security through effective supervision over offenders who serve their sentences in the community.
- 3- To enhance rehabilitation and reintegration of offenders into the community in order to strengthen their ability to live peacefully with others in the community.
- 4- To avoid an escalation in deviant behavior when new offenders are mixed with hardened criminals.

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- 5- To permit the offender to contribute towards his or her family in particular and to society by working instead of being confined in prison.
- 6- To avoid risks of family break-ups due to separation during imprisonment.
- 7- To prevent or reduce offender stigmatization.
- 8- To monitor and supervise offenders in order to ensure compliance with court orders.

Benefits of Community Corrections:

There are many advantages of community based alternatives to prison (probation and control):

* (Same as purposes) *

Restitution:

Recent increases in prison, parole and probation populations have forced community corrections to accommodate growing numbers of offenders. Decline in rehabilitation resulted in growth of intermediate sanctions. Research indicates that about half of the prison inmates are likely to be rearrested and returned to prison, after their release from an institution. High revocation rates indicate that probation alone can not be an effective ~~to~~ solution to the prison crowding. Therefore, a sanction that falls somewhere between prison and probation might be a more effective alternative to traditional forms of correction.

A popular intermediate sanction includes restitution, which can take the form of requiring convicted defendants to either repay the victims of crime (monetary restitution) or serve the community to compensate for their criminal acts (community service restitution).

Under Islamic law, punishment for crimes like murder or inflicting bodily injury takes two forms: qisas, an equal retributory punishment, or diyat, which is paying the legal heirs compensation for life lost or bodily injury inflicted. A very prominent example of diyat was seen in the case of Shahzeb Khan, an only son of a police officer in Karachi, who was killed by young men of powerful and political families. Father of the deceased signed a forgiveness deal with the convict's family as a response of constant pressure. Another example is of Raymond Davis, the US intelligence agency contractor was released under the same law. As restitution appears to benefit the crime victim, the offender, the criminal justice system and society, it sometimes is manipulated in Pakistan in the name of Islamic laws.