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| **Dealing with offending behaviour: Custodial sentencing**  |
| **Custodial sentencing AO1** |
| **The aims of custodial sentencing** Custodial sentencing involves a convicted offender spending time in prison or another closed institution such as young offenders institution or psychiatric hospital. There 4 main reason for doing this:1. Deterrence: The unpleasant prison experience is designed to put off the individual (or society at large) from engaging in offending behaviour. Deterrence works on two levels; general deterrence aims to send a broad message to members of a given society that crime will not be tolerated. Individual deterrence should prevent the individual from repeating the same crime in light of their experience. In other words, this view is based on the behaviourist idea of conditioning through punishment.
2. Incapacitation: The offender is taken out of society to prevent them reoffending as a means of protecting the public. The need of incapacitation is likely to depend upon the severity of the offence and the nature of the offender. For instance, individuals in society will require more protection from a serial murderer or rapist than an elderly person who refuses to pay council tax.
3. Retribution: Society is enacting revenge for the crime by making the offender suffer, and the level of suffering should be proportionate to the seriousness of the crime. This is based on the biblical notion of an ‘eye for and eye’, that the offender should in some way pay for their actions. Many people see prison as the best possible option in this sense and alternatives to prison are often criticised as soft options.
4. Rehabilitation: In contrast to the above, many commentators would see the main objective of prison as not being purely to punish, but to reform. Upton release, offenders should leave prison better adjusted and ready to take their place back in society. Prison should provide opportunities to develop skill sin training or to access treatment programmes for drug addiction, as well as give the offender the chance to reflect on their crime.
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| **The psychological effects of custodial sentencing** Research has revealed several psychological effects associated with serving time in prison:* Stress and depression: Suicide rates are considerably higher in prison than in the general population, as are incidents of self- mutilation and self -harm. The stress of the prison experience also increases the risk of psychological disturbance following release.
* Institutionalisation: Having adapted to the norms and routines of prison life, inmates may become so accustomed to these that they are no longer able to function on the outside.
* Prisonisation: Refers to the way in which prisoners are socialised into adopting an ‘inmate code’. Behaviour that may be considered unacceptable in the outside world may be encouraged and rewarded inside the walls of the institution.
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| **The problem of recidivism**Recidivism refers to reoffending. Statistics produced by the Ministry of justice in 2013 suggest that 57% of UK offenders will reoffend within a year of release. In 2007, 14 prisons in England and Wales recorded reoffending rates of over 70%.Although statistics vary according to the type of offence committed, the UK-alongside the US- has some of the highest rates of recidivism in the world. This is in stark contrast to Norway where reoffending rates are the lowest in Europe and less than half of those in the UK. Norwegian prisons are very different to the system that operates in this country. Penal institutions are much more ‘open’ in Norway and there is much greater emphasis placed on rehabilitation and skills development than there is in the UK. However, many commentators are very critical of the Norwegian model labelling it a ‘soft option’ that does not sufficiently punish its inmates. |
| **Custodial sentencing AO3** |
| **Evidence supports psychological effects**P: One strength of custodial sentencing is that there is evidence for psychological effects. Bartol (1995) has suggested that, for many offenders, imprisonment can be brutal, demeaning and generally devastating. In the last 20 years, suicide rates among offenders have tended to be 15 times higher than those in the general population.E: For example, a recent study conducted by the Prison Reform Trust (2014) found that 25% of women and 15% of men in prison reported symptoms indicative of psychosis. It would seem that the oppressive prison regime may trigger psychological disorders in those that are vulnerable.E: This is a strength as is suggests that custodial sentencing is not effective in rehabilitating the individual, particularly those who are psychologically vulnerable.L: As a result the explanatory power of custodial sentencing is increased.  | **Individual differences**P: A weakness of custodial sentencing as a way of dealing with offending behaviour is that it ignores individual differences.E: For example, different prisons have different regimes, so there are likely to be wide variations in experience. In addition, the length of sentence, the reason for imprisonment and previous experience in prison may all be important mitigating factors. Finally, many of those convicted may have had pre-existing psychological and emotional difficulties at the time they were convicted.E: This is a weakness because it is difficult to make general conclusions that apply to every prisoner and every prison.L: As a result the credibility of custodial sentencing as a way of dealing with offending behaviour is weakened.  | **Opportunities for training and treatment**P: One strength of custodial sentencing as a way of dealing with offending behaviour is that It supplies opportunities for training and treatment to offenders meaning that they may become better people during their time in prison.E: For example, many prisoners access education and training whilst in prison increasing the possibility that they will find employment upon release. Also treatments such as anger management schemes and social skills training may give offenders insight into their behaviour, reducing likelihood of recidivism.E: This is a strength because it suggests that prison may be a worthwhile experience assuming offenders are able to access these programmes meaning that improved character means they are able to lead a crime free life when back in society.L: This therefore, increases the the explanatory power of custodial sentencing as a way of dealing with offending behaviour.  | **Alternatives to custodial sentencing** P: One weakness of custodial sentencing is that is contradicts the aim of deterrence.E: For example, whilst their time in prison, offenders may undergo a more dubious ‘education’ as part of their sentence. Imprisonment with hardened criminals may give younger inmates in particular the opportunity to learn the ‘tricks of the trade’ from more experienced offenders.E: This is a weakness because an aim of custodial sentencing is deterrence so that it can prevent the individual from repeating the same crime in light of a bad experience in prison. However, may offenders are not put off by this but learn new offending skill instead.L: As a result the credibility of custodial sentencing as a way of dealing with offending behaviour is weakened. |