CHAPTER SEVEN

SENTENCING REFORM: SENTENCING ALTERNATIVES AND INTERMEDIATE SANCTIONS

A. The Goals and Failure of Incarceration

It is now generally recognized that imprisonment has not been effective in rehabilitating or reforming offenders,[1] has not been shown to be a strong deterrent,[2] and has achieved only temporary public protection and uneven retribution, as the lengths of prison sentences handed down vary for the same type of crime.

Since imprisonment generally offers the public protection from criminal behaviour for only a limited time, rehabilitation of the offender is of great importance. However, prisons have not generally been effective in reforming their inmates, as the high incidence of recidivism among prison populations shows.

The use of imprisonment as a main response to a wide variety of offences against the law is not a tenable approach in practical terms. Most offenders are neither violent nor dangerous. Their behaviour is not likely to be improved by the prison experience. In addition, their growing numbers in jails and penitentiaries entail serious problems of expense and administration, and possibly increased future risks to society. Moreover, modern technology may now permit the monitoring in the community of some offenders who previously might have been incarcerated for incapacitation or denunciation purposes. **Alternatives to imprisonment and intermediate sanctions, therefore, are increasingly viewed as necessary developments. The Committee supports this view and reflects it in its proposed sentencing principles.**

B. Alternatives and Intermediate Sanctions

A number of such alternatives are now in use. Some, such as parole and probation, date back to the 19th century, while others are of relatively recent origin. (Fines, of course, originated even earlier.) Sentencing alternatives being used in Canada include diversion, fines, absolute and