
Punishment & Sanctions: Punishment Vs Rehabilitation

On the date of ML's psychological report, ML was 15 and had been suspected of a majority of crimes such as physical assault, theft and mugging. ML completed personal and psychological tests wherein his IQ was believed to be of an average score (89), however he demonstrated a short concentration span, behavioral problems, anger management, low frustration tolerance, poorly developed empathic skills and an underdeveloped moral conscience. His personality is impulsive, sensation seeking and struggles to acknowledge the consequences of his behavior. As a result of his suspected offences, ML has been temporarily placed in a juvenile treatment facility until the court reaches a conclusion. The following paper will discuss the punishment options for ML and crime prevention tactics to remove the risk of future offending.

A utilitarian approach to punishment follows the aim of prevention or reduction of crime. The approaches include deterrence, rehabilitation and incapacitation. General deterrence is aimed at punishing the offender as a means to demonstrate to other at-risk individuals that criminal behavior is unacceptable, and consequences will ensue. The belief is that the punishment should fit the severity of the crime. Rehabilitation is the training, counselling and treatment of the offender wherein the goal is to reform the individual. Furthermore, incapacitation protects potential victims by removing the offender from society with punishments such as prison. In more severe cases, this could also include methods that make offenders physically harmless such as chemical castration. However, imprisonment is usually regarded to high-rate offenders. Following, a utilitarian approach, if ML is convicted of his suspected crimes, rehabilitation would be a suitable punishment to the suspected crimes as he could receive counselling aimed at reforming his behavior due to his psychological and behavioural problems that would hopefully deter him from future-offending. It can be believed that ML's offences stem from his poorly developed empathic skills and his underdeveloped moral conscience among others, which are able to be improved significantly through rehabilitation. In regards to incapacitation, as the counselling occurs, ML could be placed in a temporary juvenile treatment until the end of his rehabilitation wherein if the treatment was successful, he could be released back into society.

In utilising a retributivist approach, the aim is retribution; also understood as 'an eye for an eye.' This is meant to be a punishment that is proportionate to the harm caused by the offender, due to the belief that each offender deserves to be punished. The retributivist approach acknowledges classicism, as in each offender is believed to be free willed, and thus should be held accountable. The punishments thus express blame and disapproval of the action to society. The purpose of this approach is retribution and deterrence of the offender's risk of future-offending. Non-custodial sentences are community-based forms of punishment that is an alternative to imprisonment, which is deemed suitable for ML following that he is a minor and his crimes are trivial. Imprisonment is thought to increase the risk of future-offending and is usually only sentenced for severe crimes where incapacitation is the main aim. To support this, a study was conducted on 494 male juvenile offenders in Pennsylvania, who were arrested for theft, assault, or both, and 79 were sentenced to prison whilst 415 remained in a juvenile treatment. The findings revealed that those sentenced to prison were far more likely to be re-arrested once released, in comparison to those in a juvenile treatment (Deterrence Strategies. (n.d.). ML in order to fulfill the requirements of retribution and deterrence, could be sentenced to a majority of community punishments such as unpaid work, house arrest, the employment of a curfew, and

completing programs that entail alcohol, drugs or smoking treatments. Thus, ML would be able to compensate for the damage the offence has caused and repay his debt to society.

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