



**PROBATION ORDER  
AND  
COMMUNITY – BASED SENTENCES  
CHALLENGES AND ISSUES**

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**VENUE: Punjab Judicial Academy, Lahore.**

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# CENTRAL OFFICE: PROBATION AND RECLAMATION PUNJAB, LAHORE.

# DIRECTORATE OF PROBATION AND RECLAMATION PUNJAB, LAHORE.



## **MISSION STATEMENT**

*“We are providing services, alternatives to prison for **reformation** and **rehabilitation** of offenders serving their terms on parole and probation, **reducing recidivism** and **over-crowding** in jails.”*

# LEGAL MANDATE

**The Probation of Offenders Ordinance, 1960, Rules 1961 ibid:**

➤ **Probation implies:** "forgiveness" and "trial," or a period during which offenders may prove themselves capable of obeying the law and abiding by society's norms. Court opinions and statutes generally affirm that the **overarching purpose of probation is rehabilitation.**

➤ **Probation is a method:** by which the punishment of a convicted is conditionally suspended and offender remains under probation supervision.

# ORIGIN OF PROBATION

**Jhon Augustus:** the "Founder of Probation," is recognized as the first true probation officer. Augustus was born in Woburn, Massachusetts in 1785-1841.

Probation is considered: judicial reprieve empowered judges to temporarily suspend either the imposition: Community corrections, Involve supervision in the community.

Probation is a sentencing option: Convicted offenders are released for a specified period an alternative to incarceration.

**The court retains the authority** to supervise, modify conditions, cancel probation and resentence if the probationer violates the terms of probation.

# COMMUNITY PUNISHMENT ORDER (MEANING:)

- **“Community sentence”** or **“community punishment”** means a punishment imposed by the court as a condition of a deferred or suspended sentence for an eligible offender; **such order replaces** any other form of punishment (e.g. imprisonment);



# COMMUNITY PUNISHMENT ORDER





# COMMUNITY PUNISHMENT ORDER

(Oxford Reference)

**An order that requires an offender** (who must consent and be aged at least 16) to perform unpaid work for between **40 and 240 hours** under the **supervision of a probation officer**. Formerly known as a community service order, it was renamed under the **Criminal Justice and Court Services Act 2000**.

**Such an order replaces** any other form of punishment (e.g. imprisonment); it is usually based on a probation officer's report and is carried out within 12 months (unless extended).

**Breach of the order** may be dealt with by fine or by revocation of the order and the imposition of any punishment that could originally have been imposed for the offence.

**Community punishment orders are** being replaced by community orders **with an unpaid work requirement** under the **Criminal Justice Act 2003**.....

# OBJECTIVES: NON-CUSTODIAL SENTENCES

- Provide an atmosphere alternatives to prison,
- Reform, re-socialize, rehabilitate and reintegrate offenders in to the society as productive law abiding citizens.
- Provide cost effective service delivery,
- Keep offenders away from the contaminating influence of and interaction with habitual and hardened criminals.
- Reduce persistent general congestion and over-crowding in jails,

# COMMUNITY PUNISHMENTS IN PLACE IN DIFFERENT COUNTRIES

- **United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) 1990**
- **New Zealand**
- **England and Wales**
- **Australia**
- **Singapore**
- **Oklahoma Community Sentencing Act 1999.**

## **PURPOSE:**

- **Protect the public;**
- **Establish a statewide community sentencing system;**
- **Adequately supervise offenders** punished under a court-ordered community sentence;
- **Provide a series of sanctions to the court** for eligible offenders sentenced to a community sentence within the community sentencing system;
- **Increase the availability of punishment and treatment programs** to eligible offenders;
- **Improve the criminal justice system;** and
- **Operate effectively within the allocation** of state and local resources for the criminal justice system.

# TYPES: COMMUNITY SENTENCES

**“Community sentence” or “community punishment”** means a punishment imposed by the court as a condition of a deferred or suspended sentence for an eligible offender;

## ALTERNATIVES TO IMPRISONMENT:

- **Monetary penalties** such as **finances, reparation, compensation**
- **Prohibition-type penalties** such as disqualification from driving.
- **Discharges** following conviction or discharges with conviction.
- **Supervision-type order or sentence** which commence immediately after release from prison
- **Suspended custodial sentence** (i.e a custodial sentence that is avoided if non offending behaviour is maintained for a certain period of time).

# TYPES: COMMUNITY SENTENCE ....Contd.

**Community sentences can be sub-categorized into three types;**

- A. Punishment sentences** usually involving **unpaid work**.
- B. Treatment sentences**, involving participation in some form of **Rehabilitation, Drug Treatment** plan monitored and supported by a Probation Officer.
- C. Surveillance sentences**, often utilizing **electronic monitoring (EM)** and **Curfew** (restrictions on movement) within the community i.e. schools, playground etc.

# ESSENTIAL REQUISITES

- Corrections system design,
- Administration,
- Development, monitoring, and evaluating of programs and services,
- Program identification and specifications,
- Offender risk management,
- Supervision of offenders,
- Planning and budgeting,

# ESSENTIAL REQUISITES

- **Current jail capacity, and jail population data by offender-type** which include each category of offenders, but not limited to, post-trial detainee, pretrial detainee, sanction or juvenile;
- **A listing of services and programs available in the community, including costs, space availability;**
- **Range of community punishments** used by the courts for offenders within the jurisdiction;
- **A listing of:** educational, vocational-technical, health, mental health, substance abuse treatment, medical, and social services available to offenders or to be made available within a twelve-month period;

# COMMUNITY PAYBACK





# S.M.A.R.T. OBJECTIVES SOCIAL WORK

FOR

- 'S' Specific
- 'M' Measurable
- 'A' Attainable
- 'R' Realistic
- 'T' Timely

## COMMUNITY PUNISHMENTS IMPOSED BY DIFFERENT COURTS IN THE PUNJAB

NAME OF DISTRICT	NO. OF CASES	TYPE OF OFFENCE (s)	NATURE OF COMMUNITY SERVICE	PERIOD OF COMMUNITY SERVICE
RAWALPINDI	20	9-b CNSA, 1997	Clean - Public Offices	2-3 Hours once a week for one year
CHAKWAL	21	Arms Ordinance, P.I.T.R. Act 2015, P.S.S.A ct- 2015, Prohibition of Enforcement of Had 1979, Cheating (Forgery)	Tree plantation and look after	2-3 Hours once a week for one year
JEHLUM	32	9-b CNSA 1997, Arms Ordinance, P.T.R.O 2015, Prohibition of Enforcement of Had 1979, Gambling, 216, 325, 462 (i), 341 PPC	Clean Public Offices, Tree plantation and look after	2-3 Hours once a week for 1-2 year
M. B. DIN	34	9-b CNSA 1997, Arms Ordinance, 325 PPC	Clean Public Offices and Gardens	2-3 Hours once a week for one year
SIALKOT	03	9-b CNSA 1997	Clean Public Offices	Twice in a month for one year
KHUSHAB	03	9-b CNSA 1997	Clean Public Offices	2 Hours one a week for one year
BAHAWALNAGAR	04	9-b CNSA 1997	Clean Public Offices and Gardens	2 Hours from Thursday to Saturday in a week to complete 100 Hours in one year
MULTAN	04	9-b CNSA 1997	Any of the service to assign by Probation Officer	One Year
MUZAFFERGAR	05 Total: 126	9-b CNSA 1997	Clean the city and assigned TMO Tehsil Ali Pur, District Muzafargarh to supervise	Time span and Area not specified

# PROPOSALS FOR REFORM

- **Risk assessment, for judicial facilitation;**
- **Offenders Management;**
- **Coordinated work with linked referral agencies;**
- **Change the general mind set of society;**
- **Capacity Building of Probation Service;**
- **Management Information System (MIS);**
- **Need for educational, vocational and Psycho-social development of offenders under supervision.**

# SUGGESTIONS/RECOMMENDATIONS

- **Introducing Legislations for community punishment/sentences jurisdiction** seeking to enhance the scope of alternative to imprisonment;
- **Improving organizational design and management process** relating to the implementation of legislation on Non-custodial sanctions and measures.
- **Developing training curricula** for judges, magistrates, probation service staff and others involved in the administration of alternative sanction and measures.
- **Improving allocations of resources** through sound budgeting and financial management;

# SUGGESTIONS/RECOMMENDATIONS

...Contd.

- **Enhancing capacity** to develop and manage planning, research and information management.
- **Enhancing capacity of Probation Service** both human and technical resource for handling Non- custodial sanction and community-based sentences.
- **Ensuring good communication and cooperation** between all parties involved in the administration of non custodial sanctions and measures.
- **Setting up and testing pilot project** introducing different types of community sanctions and measures.
- **Seeking recommendation of Law and Justice Commission** for framing **Community Service set-up**;
- **Raising public awareness** about alternatives to imprisonment and increasing community participation in the implementation of alternative sanctions and measures.

**QUESTIONS**

**AND**

**ANSWER**

**THANK YOU**