

Chapter 26: Punishment in the community

The chapter explores and explains the history, philosophies, current practices and policy debates surrounding community punishment which is often mistakenly referred to as an “alternative to prison”. Types of community punishment currently include:

- *Community rehabilitation orders* (formerly probation orders) – the traditional purposes of such orders was to offer advice, assistance and friendship to offenders, in the belief that they could thus be reformed or rehabilitated. Today probation orders, which can be between six months and three years in length, require the offender to maintain contact with their supervising officer and to tell their supervisor about changes in their circumstances. Failure to comply with these conditions constitutes a breach of the probation order and the offender can be re-sentenced, usually to a period of imprisonment. These can also have residence requirements attached to them requiring the offender to live at an approved residence or undergo psychiatric treatment.
- *Community punishment orders* (formerly community service orders) - requires offenders to undertake unpaid work in the community for a period ranging from 60 to 240 hours. Offenders typically work in groups on projects involving land restoration, painting, decorating and woodwork, or in individual placements with charity shops, voluntary organisations and so on.
- *Electronic monitoring* - electronic monitoring requires offenders to be fitted with a special bracelet or anklet which enables regular checks to be made as to the offender’s whereabouts. Offenders have individualized schedules requiring them to be at home between certain hours. Electronic monitoring has been used in two types of community punishment:
 - *Curfew Orders* - Courts can sentence offenders to curfew orders with electronic monitoring. Prisoners may be released several weeks before the end of their sentence, on condition that they are monitored.
 - *Drug treatment and testing orders* – aimed at those who are willing to cooperate, the orders require offenders to undergo a period of drug treatment in the hopes this will combat the propensity for addicts to offend and re-offend.

The chapter provides a review of all these measures and assesses them in light of punitive populism and whether such sentences are still seen as the “soft option.” The chapter concludes that non-custodial sentences should not be viewed as alternatives to prison but should be understood as representing a different sphere of penal regulation.