Should Incarceration only be an Option for Violent Offenders?

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1. **Background Information**

Incarceration refers to imprisonment or captivity. There are different institutions in societies to incarcerate people such as state prisons, federal prisons, state courts, local jails in the USA (Austin, Bruce, Carroll, McCall, & Richards, 2001). These are aimed to provide correction to these offenders as well as save the public from these criminals. The United States government for this has trailed the policy of making sentences very hard even for minor crimes. This has increased incarceration rates. This paper will argue in favour of ending imprisonment for nonviolent offenders.

1. **Incarceration statistics and information**

The use of imprisonment in the United States has been increased since the last two decades. In 1980, the number of incarcerated people was nearly 500,000 that has raised over $35 billion annually (Austin et al., 2001). Since the 1960s, America is facing a continuous increase in the country's imprisonment rate. In 1974, the imprisonment rate in America was 102/100,000 that turned 138/100,000 in 1980, and 295/100,000 in 1990. Till 2007, it reached 506/100,000 (Austin, Eisen, Cullen, Frank, & Fellow, 2016). Once prisons were only reserved for violent offenders for their repeated criminal acts. However, the increase in incarcerated people in the USA can be ascribed to the need for incarceration for deterrence and retribution.

The United States is relying on the imprisonment for all types of crimes. Even slight defilements are adding to imprisonment rates. These rates are also high due to the increased number of crimes and advances in policing strategy and technology. State and federal governments are pursuing get-tough sentencing strategies that are adding to the length of incarceration.

The United States has more than 2.1 million prisoners, China has1.65 million, Brazil has 690,000, the Russian Federation has 583,000, India has 420,000 and Mexico has 204,000 (Walmsley, 2003). Thus, the United States has the highest prison population rate. After this, there is El Salvador and least prison population rate can be seen with the Russian Federation (Walmsley, 2003).

1. **Examples of violent offences**

In addition, there can be violent felonies and capital felonies committed by criminals. Violent crimes or felonies refer to those crimes that cause intentional physical injury to other people. For example, armed robbery, assault/battery, and different kinds of homicides, and kidnapping. These are serious nature of crimes with serious penalties; at least 1 year in state or federal prison.

These criminals also use a threat of harm to fulfil their criminal aim. These are violent misdemeanours such as assault, battery and persecution. Moreover, capital felony refers to the serious penalties mostly life imprisonments. Some examples of a capital felony are murder, capital drug trafficking, armed kidnapping as well as sexual assaults.

1. **Nonviolent offences**

Violent crimes are not only crimes that are adding to the rate of incarceration. There are also nonviolent crimes in this list. These crimes are committed by high-flying corporate executives for financial gains. Although these are nonviolent these have similarly grave nature of crimes. Other nonviolent crimes are carjacking, non-fatal drive-by shooting, animal abuse, domestic violence as well as residential burglary.

One kind of white-collar crime is corporate fraud that involves the misrepresentation of financial information and schemes with a purpose to hide corporate fraud activities. The other is bankruptcy fraud that gives a relief to the offender for his insurmountable debt. This relief is got at the expense of creditors.

1. **Presentation of Opposing Stances**
2. **Claim 1:**

In the past, America has faced a period when criminal activities were disturbing social peace. States and the federal government stumble upon these scenarios by ratifying a series of laws that radically extended verdicts for numerous crimes. They had a belief that despite the fact some crimes may be nonviolent but incarceration is an operative restraining and system of punishment for those that violate the law. They considered the applying of the same law to all who commit any nature of the crime. According to them, if this strategy is changed then several crimes would be increased as people would no longer fear imprisonment.

Moreover, society is equally harmed with the nonviolent criminals and they do just as much damage as violent criminals, so they deserve similar punishment (Vázquez, 2016). Consequently, the government increased the policing of lower-level offences as well as drug violations and flounced more and more individuals in the imprisonment. There are mandatory minimum sentencing in the context of punitive policies that are causing the blowup of the prison population.

1. **Claim 2:**

However, there is another school of thought that does not favour imprisonment for all kinds of crimes. Nonviolent offenders should be punished but it must not be necessary to imprison them. U.S. prisons are at present most teeming and cannot afford more incarcerations. The U.S has the highest incarceration rates of any industrialized nation on Earth.

Other options for nonviolent offenders can be considered such as house arrests (Vázquez, 2016). This option can be used as it is less costly than imprisonment, and can save taxpayer dollars going towards imprisonment without any significant benefit.

1. **Claim 3:**
2. **Ending imprisonment for nonviolent offenders**

Ending imprisonment for nonviolent offenders will also end the private prison system which is a money-making corporate scheme that lines the pockets of investors based on the number of people imprisoned. Although the private prison system is established as a nonprofit institution with a goal to rehab criminals from the streets, however, it is being used for profit-making (Vázquez, 2016). Corporation has control over private prison and it receives a stipend from the government depending upon the size of prison and number of prisoners.

Moreover, prisons are designed to keep the public safe. If nonviolent offenders pose no physical threat to society, then they should not be imprisoned. They can be kept at better places or they can be given other sentences like huge fines to correct them. In this way, they can become better citizens and the number of people in imprisonment can be reduced.

In addition, taking family members away from others can lead to long term emotional trauma, so allowing the nonviolent offenders to stay with the family and work can improve the family structure and family income. When people are in prison then family members not only have to suffer from the physical absence of their loved one, but they also face the financial issues (Comfort et al., 2016). This avoiding of incarceration can support offenders not to go for re-offending.

1. **Counterclaim Acknowledgement**

Nonviolent criminals also cause harm to society and increase crime rates. However, their damage is not much as they are not involved in any violent acts such as murder or harm to a larger number of society. Existing policies are aimed to get tough on criminals to control the crime rates (Wakefield, Lee, & Wildeman, 2016). However, they have failed to do this and have rather contributed to a tremendous increase in the number of incarcerated persons. Each offender, as well as his crime, is distinctive, and jail is not the best options for all people. People must be given a cost-effective sentence to not only correct the criminals and reduce the crimes but also to protect the public in the long run.

The government should devise such strategies that can proportionate sentences to the crimes committed. Serious crimes should be given serious sentences as these are used for moral censuring. These allow offenders to consider the implications of their activities. Furthermore, serious offenders require hard treatment and sagacious reason for not to commit offences again. If they feel they have been treated unfairly, it is possible they may not respond to the moral message given to them through sentencing. One such strategy is a federal criminal justice reform that has an aim to reduce the sentences for nonviolent offences. Federal criminal justice reform is introduced to confiscate perceived errors in the criminal justice system (Vázquez, 2016). Thus, these organizations have an aim to reduce the prison population in the United States. Prisons that are perceived to be harsh and long are also aimed to be reduced with these reforms. There must be consideration of different substitutes for low-level offenders such as decriminalized minor offences and well as engaging in different community tasks.

1. **Conclusion**

Criminal justice policy uses imprisonment as a tool to reduce crimes and is a knee-jerk reaction to crime (Coyle, Heard, & Fair, 2016). The United States has gone for different strategies such as private prison system, Federal criminal justice reform and more and more incarceration for minor crimes. However, the government has failed to control the number of crimes and the number of people in prisons is increasing continuously. This situation is demanding for alternatives to incarceration. There have been many offenders who had been charged with violent crimes but can rectify their actions through other programs. This is not advantageous for offenders but also for society as this will ultimately reduce the number of people and costs incurred by the government and society in rectifying these people. Here, judges can be empowered to use different alternatives when they consider it obligatory. They can be involved in different community tasks and can be fined heavily. In this way, they will not perceive they have been treated unfairly as for nonviolent crimes they are getting fewer punishments.

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