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**CRIMINOLOGY II (LPI 303)**

QUESTION 1

The just desert principle of punishment is motivated by the belief that a person deserves punishment proportionate to the moral wrong committed. Just deserts is sometimes referred to as the 'retribution' type of sentencing. Throughout history, the idea of retribution for the commission of a crime can best be explained in the Old Testament quote ***'an eye for an eye, a tooth for a tooth.'***

If you [say](https://www.collinsdictionary.com/us/dictionary/english/say) that someone has [got](https://www.collinsdictionary.com/us/dictionary/english/get) their just deserts you mean they deserved the [unpleasant](https://www.collinsdictionary.com/us/dictionary/english/unpleasant) things that have [happened](https://www.collinsdictionary.com/us/dictionary/english/happen) to them, because they did something [bad](https://www.collinsdictionary.com/us/dictionary/english/bad). Just deserts is a theory which is designed to promote equality and fairness of sentencing for the imposition of a sentence. The principle behind just deserts is that the punishment should fit the crime. The retributive theory of punishment is the most ancient way of dealing with offenders, it is retributive and revengeful in nature, and this approach rests on the idea that a person whose conduct appears to have caused social harm should be held responsible. They usually consist of banishment, whipping, flogging, and various forms of torture or death.

In various times, penal law allowed the infliction of greater injury on an offender than that which he inflicted on the victim. Later, penologists called for more humane treatment of offenders and the older approaches were replaced by codes that advocated for the Latin maxim ***‘lex talonis’*** which ***means ‘an eye for an eye and a tooth for a tooth’*** when an individual commits a crime, he must be given the punishment prescribed by law which means that there is no act of plea bargaining in retribution. Under the retributive theory, there is a concept of ‘just desert’ also known as ***‘proportionalism principle’***. This principle attempts to address the issue of how much punishment should be inflicted and its answer is that the measure of punishment given must be equal in proportion to the seriousness of the crime and it should be no more no less.

**QUESTION 2**

In my opinion, the most effective way of treating a capital offender is **imprisonment**

Normally, death penalty is the punishment for capital offences but sentencing a criminal to death does not treat him/her in anyway. Death penalty is a morally outrageous practice regardless of whatever deterrent effect it may have. It reduces the society to the ethical level of the murderer in a society that aspires to be moral and just. It is the ultimate cruel, inhuman and disregarding punishment. A wrongly accused and incarcerated person can be released from prison but an execution can never be reversed. These are some of the reasons I stand against death penalty.

**I believe that sentencing a capital offender to imprisonment could both treat and punish him. Punish him through restricting his liberty and Treat him in the sense that modern day prisons provide rehabilitative programs for inmates which are aimed at building them before they are set. Imprisonment here should be for a long period of time so that the criminal would be properly reformed before he is released to the society.**

Imprisonment is the act of confining someone in a prison or as if in a prison. Imprisonment is carried out generally as a penalty imposed by a court. As such penalty, the individual is confined to an institution. Most obvious modes are confinement in a prison or a private house. Further, a forcible detention in the street, or the touching of a person by an officer by way of arrest, are also imprisonments. Imprisonment restraints of a person contrary to his will. Imprisonment is either lawful or unlawful. Lawful imprisonment is used either for crimes or for the appearance of a party in a civil suit, or on arrest in execution. Whereas, unlawful violation of the personal liberty of another is called false imprisonment.

**Rehabilitation** is the process of re-educating and retraining those who commit crime. It generally involves [psychological](https://en.wikipedia.org/wiki/Psychological) approaches which target the cognitive distortions associated with specific kinds of crime committed by particular offenders - but may also involve more general education such as literacy skills and work training. The goal is to [re-integrate](https://en.wikipedia.org/wiki/Social_integration) offenders back into society. Some in-prison rehabilitation programs include;

## 1. Education Rehabilitation for Inmates

It has been proven time and time again that education programs in prison help to give inmates a second chance. In fact, inmates who participated in educational programs were 43% less likely to commit a crime and return to incarceration within three years than those who did not.

The statistics proving the value behind providing **education programs in prison** have helped change the landscape of educational offerings for inmates.

Positive outcomes for inmates who leave prison more educated than when they entered filter down into the community.

The extended family benefits, the local economy benefits when the ex-offender returns to work, and the taxpayers benefit when less people are incarcerated.

Oftentimes these **inmate education programs** cover functional skills (above and beyond traditional academic programs).

For example, inmates who haven’t had access to a computer or the internet in many years are at a disadvantage when attempting to return to the workforce. Computer training programs have become a crucial piece of re-entry educational programs.

Education programs in prison are helping give the power of knowledge to inmates. With this power, overcoming the past and enjoying a better quality of life are two very achievable goals.

## 2. Employment Rehabilitation for Inmates/ Skill Acquisition Programs

Inmates who have the opportunity to engage in **prison work programs** while incarcerated have an easier time getting work once they are released.

The inability to find and maintain work is a main factor in recidivism across the nation. When former inmates re-enter society without marketable skills, a domino effect occurs that often times leads to new offenses.

Breaking the cycle relies on becoming a productive member of society through gainful employment. Being able to support oneself is beneficial financially and mentally.

For a person newly re-entering society, the self-esteem and fulfilment that can come from working hard plays a big role in lessening criminal behaviour.

During prison, many inmates are given an opportunity to participate in work programs. These programs offer a consistent way to prepare for work in society. Punctuality, responsibility, deadlines, accountability and other skills are learned through taking part.

The benefits of prison work programs go much deeper than just job training.

## 3. Counselling Rehabilitation for Inmates

Prison Counsellors play a significant role in rehabilitation for inmates. These criminal justice and mental health professionals provide guidance to inmates throughout the duration of their sentence.

The support a Prison Counsellor provides will range by inmate. Most counsellors can offer hands on counselling covering the following topics:

* vocational
* academic
* social
* personal

The goal is to provide rehabilitation for inmates that will help them consider new skills and new insight into their goals and motivations.

Additionally, inmates can seek counselling on issues like depression, stress or substance abuse. Sometimes this may come in a group form, or one on one.

In addition to the support provided by the staff, counselling for inmates can be obtained through many non-profit organizations.

For example, **The Lionheart Foundation** program offers prison inmates “encouragement and the necessary support to take stock of the life experiences that have propelled them into criminal activity, take responsibility for their criminal behaviour, change lifelong patterns of violence and addiction, and build productive lives.”

This organization trains counsellors, chaplains, volunteers and others to visit prisons and provide counselling services. Their work extends into youth prisons and the community as well.

Taking advantage of the counselling offered during prison is a positive step towards rehabilitation.

## 4. Wellness Rehabilitation for Inmates

Physical and mental wellness bring clarity and purpose to many inmates during their sentence.

Depending on the offerings in an individual facility, an inmate may be able to participate in programs like yoga, tai chi, or meditation. Practicing these kinds of mental and physical exercises are proven to provide long term benefits including stress/anger management among others.

Positivity can be a difficult trait to maintain during a prison sentence, but some prisons are offering programs to help bring a positive light into an inmate’s life. Programs like dog training, culinary classes, gardening and more offer inmates opportunities to practice fulfilling skills that make a measurable difference.

Making good nutrition choices with **meals in prison** can also be difficult. But with effort, a healthy diet can also be maintained.

## 5. Community Rehabilitation for Inmates

Rehabilitation for inmates continues throughout an inmate’s life, even after they have left the system. Re-entering society and taking steps to join the community is a necessary piece of the rehabilitation process.

Adjusting to life after prison successfully has many variables. Having a support system within the community helps an ex-offender stay an ex-offender.

Getting involved in the community creates accountability in the form of communal obligations. Feeling a sense of belonging is invaluable, whether it be through:

* church
* volunteering
* social groups
* Or another form.

The newly built support system relies on the ex-offender as he/she relies on it. This leads to more positive interactions and less opportunity for criminal behaviour.

Additionally, the relationships built within these community groups can lead to job opportunities—a crucial step for re-entry to society and elimination of recidivism.

The use of vocational training and rehabilitation is gaining more impetus in the Nigeria Prison system. By providing offenders with the basic tools of literacy, job seeking skills, and counselling, they can be given the opportunity for an alternative to an offending lifestyle. The theory is to address the reason why a person is in prison and to provide offenders with an opportunity to help themselves participate in in-house prison programs. The primary outcome is to provide skills that will enable the offender to have life style possibilities other than crime. This is not only a benefit for the offender but also to the community.

If these programs are provided to the inmates of the county prisons, it will have a great impact on reducing the recidivism rate and decrease prison populations.

These rehabilitative programs face several draw backs like lack of fund, inadequacy of rehabilitation equipment, lack of trained personnel, and lack of manpower and poor management of rehabilitation programmes among others the main aim of prisons according to The Nigerian Prison Act Of 2000 is to reform and rehabilitate offenders.

**QUESTION 3**

NO, my answer will not be the same if the accused was charged for a simple offence because there are less strict ways to punish a simple offender like; fine, canning, community service etc

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