

RE-THINKING IMPRISONMENT

According to the *Penalties and Sentencing Act 1992 (Qld)* imprisonment should be used as a last resort.

Learning outcomes

Students will:

- describe a key term that uses legal terminology – a custodial sentence
- describe a sentencing option – imprisonment
- evaluate, using legal criteria, the effectiveness of imprisonment .

Focus question

Should we re-think the use of imprisonment as a form of punishment?

Key concepts

custodial sentence

evidence-based approach

imprisonment

reform



Getting started

Discuss the use of imprisonment with your students.
Do they think it effectively achieves its purpose?

Curriculum links

This learning resource has been developed for students studying Legal Studies 2019 (General Senior Syllabus) in Year 11.

It ties in with Unit 1: Beyond reasonable doubt, Topic 4: Punishment and sentencing.

Important information

This resource has been designed to be used with QSAC's podcast [Sentencing Matters: Episode 4 – Re-thinking imprisonment: the role of evidence in penal reform.](#)

Further resources

The following websites may further enhance the learning outcomes associated with this resource:

[Australian Bureau of Statistics, Crime and justice](#)

[Institute for Criminal Policy Research, Prison: Evidence of its use and over-use from around the world](#)

[Institute of Public Affairs, The use of prisons in Australia: reform directions](#)

[Queensland Productivity Commission, Issues Paper: Imprisonment and recidivism](#)

[The Conversation, 'America's mass incarceration problem in 5 charts – or, why Sessions shouldn't bring back mandatory minimums'](#)

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Your turn

If you haven't done so already download and listen to QSAC's podcast

[Sentencing Matters: Episode 4 – Re-thinking imprisonment: the role of evidence in penal reform.](#)

While you listen to the podcast, answer the following questions:

1. What is the favoured approach to crime increases or perceived crime increases in Australia according to the interviewer, Helen Watkins? Do you agree or disagree with this statement? Why or why not?
2. What evidence has been essential in shifting the conversation away from more traditional approaches in the US context, according to Todd Clear?
3. How have African-American voices changed the conversation about criminal justice in the US?
4. What does Todd Clear mean when he is talking about 'cycling'? Why is this an issue?
5. What factors have contributed to mass incarceration in America? Do you think these factors also exist in Australia? Why or why not?
6. What does the term 'true safety' mean? Do you think this should be the most important goal of any criminal justice response?