



COMMON MISCONCEPTIONS

Corrections in the Community

Many people believe that probation is a “slap on the hand” and comparable to no punishment when compared with a prison sentence. Yet the reality is that many who are convicted of a crime opt to be sentenced to prison versus to serve their term in the community because the community sentences can be far more onerous.

Take, for example, Mark William Ivey, who was arrested in Texas on DUI. As reported in the *Texas Tribune* (see www.texastribune.org/2010/09/28/many-choosing-jail-time-over-probation), Ivey was arrested with a blood alcohol level more than double the legal limit. His case went to jury and Ivey declined a provision that allows a jury to sentence him to probation. He did not want probation but preferred being sentenced to jail. Ivey was found guilty and the jury sentenced him to 35 days in jail and a \$2,000 fine. The judge felt Ivey needed treatment he would not get in jail, so she suspended the jury's sentence and sentenced Ivey to 2 years of probation, a \$500 fine, 30 days in jail, 60 hours of community service, and mandatory counseling. Ivey

appealed the ruling but lost and the judge's sentence stood.

There are several reasons that some community corrections sentences are viewed as harsher. First, it is more financially costly to the offender. The offender must pay fines, fees, and for mandated counseling and testing. Prison is less expensive for the offender (and more expensive for the taxpayer). Second, there are more expectations regarding the perpetrator's behavior. Often the offender is required to be employed, increase his or her education, and perform community service. These actions are not required while incarcerated. And third, the probationer must frequently submit to alcohol or drug testing. Some offenders wish to continue using drugs or alcohol. In prison they are not tested for these substances and can continue using to the extent they can gain access to these substances.

In summary, while in some cases, jail or prison may be a harsher sentence, increasingly, community corrections is viewed as the harsher penalty.