

# R11: Alternatives to conviction or punishment

## Purpose of collecting these data:

This module aims at measuring the extent of alternative measures to conviction or punishment, including the number of persons benefiting from the different alternatives at all stages of the administration of the criminal justice process and the share of alternatives that include a treatment element.

These questions will be asked as an extended version of the DRC module, thus qualitative questions are not list here to avoid duplication

Items	Type	Description	Response options	Definitions / specific instructions	Disaggregation	Metadata	Justification
<b>New developments on alternatives to conviction or punishment</b>	I	Major developments during the reporting period in relation to alternatives to conviction or punishment at the three stages: persons brought into formal contact with the police, prosecution, conviction.	Free text	Glossary	Stage: persons brought into formal contact with the police, prosecution, conviction.	<ul style="list-style-type: none"> <li>Adults: 18 and above</li> <li>Juveniles: under 18</li> <li>Time frame used: Reporting period</li> <li>Possession: [ICCS 06011] Unlawful possession, purchase, use, cultivation or production of controlled drugs for personal consumption</li> </ul>	<b>UNGASS:</b> 4.j
<b>Formal contact</b>	I	Number of persons brought into formal contact with the police in connection with drug offences	Statistical data	<ul style="list-style-type: none"> <li>“Formal Contact” with the police may include persons suspected, or arrested or cautioned, for a criminal offence</li> <li>See Annex 1 for definitions of alternatives</li> </ul>	<ul style="list-style-type: none"> <li>Total / Possession / Trafficking</li> <li>Sex</li> <li>Adults / Juveniles</li> <li>Own citizens/ foreigners</li> </ul>	<ul style="list-style-type: none"> <li>Trafficking: [ICCS 06012] Unlawful trafficking, cultivation or production of controlled drugs or precursors not for personal consumption</li> <li>Geographical coverage: national / sub-national, specify</li> </ul>	
	II	Number of persons brought into formal contact with the police in connection with drug offences, who received alternative to conviction or punishment: <ul style="list-style-type: none"> <li>Total</li> <li>Caution / warning / no action</li> <li>Diversionary measure</li> <li>Suspension of investigation</li> <li>Other (specify)</li> </ul>	Statistical data		<ul style="list-style-type: none"> <li>Total / Possession / Trafficking</li> <li>Sex</li> <li>Adults / Juveniles</li> </ul>		
	III	Number of persons who received alternatives which involves treatment element, out of total brought into formal contact	Statistical data		<i>Not applicable</i>		
<b>Prosecution</b>	I	Number of persons prosecuted in connection with drug-related criminal offences	Statistical data	<ul style="list-style-type: none"> <li>“Persons Prosecuted” means alleged offenders against whom <b>prosecution commenced</b> in the reporting period. Persons may be prosecuted by the public prosecutor or the law</li> </ul>	<ul style="list-style-type: none"> <li>Total / Possession / Trafficking</li> <li>Sex</li> <li>Adults / Juveniles</li> </ul>		

	II	<p>Number of persons prosecuted in connection with drug offences, who received alternatives to conviction or punishment</p> <ul style="list-style-type: none"> <li>• Total</li> <li>• Suspension of prosecution</li> <li>• Suspension of court proceedings</li> <li>• Probation</li> <li>• Community services</li> <li>• Court-supervised treatment / drug treatment court programmes (drug courts)</li> <li>• Bail</li> <li>• Other (specify)</li> </ul>	Statistical data	<p>enforcement agency responsible for prosecution, at the national level, irrespective of the case-ending decision.</p> <ul style="list-style-type: none"> <li>• See annex 1 for definitions of alternatives</li> </ul>			
	III	<ul style="list-style-type: none"> <li>• Number of persons who received alternatives which involves treatment element, out of total prosecuted</li> </ul>	Statistical data	Glossary	<i>Not applicable</i>		
<b>Conviction</b>	I	Number of persons convicted in connection with drug offences	Statistical data	<ul style="list-style-type: none"> <li>• “Persons Convicted” means <b>persons found guilty</b> by any legal body authorized to pronounce a conviction under national criminal law, whether or not the conviction was later upheld.</li> <li>• See annex 1 for definitions of alternatives</li> </ul>	<ul style="list-style-type: none"> <li>• Total / Possession / Trafficking</li> <li>• Sex</li> <li>• Adults / Juveniles</li> </ul>		
	II	<p>Number of persons convicted in connection with drug offences, who received alternatives to punishment:</p> <ul style="list-style-type: none"> <li>• Total</li> <li>• Suspended sentence</li> <li>• Suspension of court proceedings</li> <li>• Probation</li> <li>• Community services</li> <li>• Court-supervised treatment / drug treatment court programmes (drug courts)</li> <li>• Restriction of liberty</li> <li>• Furlough (home leave) and halfway housed</li> <li>• Parole or early conditional release</li> <li>• Other (specify)</li> </ul>	Statistical data				
	III	<ul style="list-style-type: none"> <li>• Number of persons who received alternatives which involves treatment element, out of total convicted</li> </ul>	Statistical data	Glossary	<i>Not applicable</i>		

## Annex 1

Categorization	Definition
Caution / warning / no action	A caution is an alternative to prosecution and could be given by a police officer, and may include specific conditions such as drug treatment or attendance at an education session. A warning includes a (written) notice by a police officer, for example given on the street. No action for example includes the police refraining from further action such as a warning.
Diversionary measure	This includes measures aimed to divert people from the criminal justice system, mainly but not only at the (pre-) arrest stage where the police refer the offender into other services such as drug treatment
Suspension of investigation/ prosecution	During the investigation or prosecution stage, the relevant professional (e.g. prosecutor) decides to suspend the case (suspension could depend on specific conditions)
Suspension of court proceedings	During the court stage, the prosecutor or the judge decides to suspend the case/proceedings (suspension could depend on specific conditions)
Suspended sentence	A sentence of imprisonment that is pronounced but its implementation is suspended for a period on conditions set by the court. There are two types of suspended sentences. A judge may unconditionally discharge the defendant of all obligations and restraints. An unconditionally suspended sentence ends the court system's involvement in the matter and the defendant has no penalty to pay. However, the defendant's criminal conviction will remain part of the public record. A judge may also issue a conditionally suspended sentence. This type of sentence withholds execution of the penalty as long as the defendant exhibits good behaviour or complies with any other obligations imposed. [See Tokyo Rules and UNODC Handbook on prison overcrowding]
Probation	Supervision of offenders in the community by probation services
Community service	A sentence served in the community during which offenders undertake unpaid work which is of benefit to the community, under supervision. [See Tokyo Rules and UNODC Handbook on prison overcrowding]
Restriction of liberty	This entails restricting the offender's movement, such as home arrest and electronic monitoring
Furlough (home leave) and halfway houses	Prisoners who are granted furloughs, that is, short periods of leave from prison in the course of terms of imprisonment, or who live in halfway houses before being released into the community, remain prisoners in terms of the law and subject to the rules of prison discipline. [See Tokyo Rules and UNODC Handbook on alternatives to imprisonment]
Parole or early conditional release	The early release of sentenced prisoners under individualized post-release conditions. It can be mandatory when it takes place automatically after a minimum period or a fixed proportion of the sentence has been served, or it can be discretionary when a decision has to be made whether to release a prisoner conditionally after a certain period of the sentence has been served. Conditional release or parole is always accompanied by a general condition that the prisoner should refrain from engaging in criminal activities. However, this is not always the only condition imposed. Other conditions may be imposed on the prisoner (such as attendance of a treatment programme). [See Tokyo Rules and UNODC Handbook on prison overcrowding]
court-supervised treatment / drug treatment court programmes	Drug treatment under judicial supervision is provided in several countries under the name of "drug courts" or "drug treatment courts". This includes post-adjudication/sentencing programmes that require defendants to plead guilty and pre-conviction programmes requiring no guilty plea that only lead to adjudication/sentencing if the defendant fails to complete the programme. [See UNODC Handbook on prison overcrowding and WHO-UNODC publication on treatment as an alternative];
Bail	A legal mechanism used so that a person accused of a crime can be released from detention prior to the conclusion of their case if certain conditions are met. These conditions are designed to ensure that the accused returns to court for trial. They usually involve placing an amount of money as security with the court, which can be forfeited to the state should the accused fail to return to court at the appointed time and place
Other	Alternatives to conviction or punishment that could not be included in other classifications