

Chapter 1 : Goals and Objectives

Criminal sentencing was designed to achieve five general goals: societal retribution, prevention of further criminal acts through incapacitation, deterrence of further crimes, rehabilitation of the offender and victim restoration, which is also called reparation.

Judicial Activism Sentencing Guidelines Sentencing guidelines provide a system for handing down uniform or consistent sentences for similar crimes in various jurisdictions. To explore this concept, consider the following sentencing guidelines definition. Definition of Sentencing The punishment given to a person convicted of a crime by a court of law. Prior to , judges handed down sentences at their own discretion, which resulted in judges around the country imposing very different sentences for similar crimes. In an attempt to impose consistency in sentencing, Congress passed the Federal Sentencing Guidelines, requiring judges to hand down sentences for each individual case that fall within the specific guidelines. The Federal Sentencing Guidelines accomplished the goal of imposing consistency in sentencing, but many legal professionals felt they were too rigid. In , the guidelines were challenged, and the U. Supreme Court ruled that the mandatory sentencing guidelines were unconstitutional. As a result, judges occasionally assign sentences that are either harsher or more lenient than the recommended punishment, though most sentences still fall within the recommended range. State Sentencing Guidelines Individual state legislatures establish sentencing commissions to review state sentencing guidelines. Such reviews begin with sentencing standards imposed by the Federal Sentencing Guidelines, and include reviewing current laws, policies, and procedures. The sentencing commission is tasked with making recommendations to the state legislature and state supreme court regarding changes that should be made to the criminal code, criminal procedures, state sentencing guidelines, and other practices specific to that state. While it is important to ensure public safety by providing immediate and clear response to crime, sentencing commissions must also help ensure that fair sentences are handed down. The goals of criminal sentencing that must be considered by sentencing commissions include: Protecting the public Promoting respect for the law Imparting adequate punishment for the crime committed Discouraging future criminal conduct Imposing sanctions consistent with the need to protect the public, and the seriousness of the crime Mandatory Minimum Sentencing Guidelines Mandatory minimum sentencing guidelines require judges to hand down sentences for a fixed minimum length of imprisonment to people convicted of certain crimes. This means that, for certain crimes, criminal sentencing guidelines give the judge no discretion to issue a less severe punishment no matter what mitigating factors might exist. Mandatory minimum sentences apply to many violent and drug-related crimes, as well as for habitual offenders. Consecutive and Concurrent Sentences In circumstances where an individual is convicted of more than one offense in the same case, the judge often has the option to decide whether the defendant should serve his sentences for each offense at the same time, or consecutively. Concurrent sentences run concurrently, the defendant serving all of his sentences at the same time. Consecutive sentences run one after another, the defendant being required to finish each sentence before the next begins. For a person convicted of several crimes, the difference between concurrent and consecutive sentencing can be a very long time. For example, John is convicted of 10 separate counts of selling prescription medications to others. Each individual count has a maximum sentence of 5 years in prison. If the judge orders the sentences to run concurrently, the total sentence would only be 5 years. If John had a long history of criminal activity, a sentence of 50 years may seem reasonable to keep him off the streets. On the other hand, if John has no criminal history, and sold the medications during a brief period of time after losing his job and falling on financial hardship, a 50 year sentence may be seen as cruel and unusual punishment. Related Legal Terms and Issues Criminal History “A record of crimes for which a person has been previously accused or convicted.

Chapter 2 : Goals of Sentencing - New York Essays

Criminal law is designed to punish wrongdoers, but punishment takes different forms and has varying goals. This lesson explores the types and goals of contemporary criminal sentencing.

Types of sentences include probation, fines, short-term incarceration, suspended sentences, which only take effect if the convict fails to meet certain conditions, payment of restitution to the victim, community service, or drug and alcohol rehabilitation for minor crimes. More serious sentences include long-term incarceration, life-in-prison, or the death penalty in capital murder cases. Criminal law theorists believe that sentences serve two purposes. First, they serve the goal of deterring future crime by both the convict and by other individuals contemplating a committal of the same crime. Second, a sentence serves the goal of retribution, which posits that the criminal deserves punishment for having acted criminally. When sentencing, a judge must impose the least severe sentence that still achieves both goals, while also considering the need for societal protection.

Federal Sentencing Guidelines Prior to the s, the federal courts used an indeterminate sentencing system, which allowed trial judges to impose sentences entirely at their discretion. Research, however, revealed that this system created sentencing disparities in which different criminals received very different sentences for the same crime. In a bi-partisan reform effort, Congress passed the Comprehensive Crime Control Act of , which included provisions that make up the Sentencing Reform Act. Congress charged the USSC with writing and promulgating the new determinate sentencing code. The system devised by the USSC required federal judges to ensure that the sentence reflects the gravity of the crime, that the punishment furthers the goal of deterrence, that the sentence protects the public from further crimes by the criminal, and that the criminal receives any necessary treatment, medical care or education to further the goal of rehabilitation.

United States, U. Congress established the United States Sentencing Commission to produce federal sentencing guidelines , prescribing specific sentence minimums and maximums for specific federal crimes. The prescribed sentences take into account the particular criminal conduct and whether the convicted defendant had any previous criminal history. Although intended to have binding force, the U. Supreme Court in *United States v.* This decision came on the heels of the Supreme Court having struck down a similar Washington state sentencing scheme in *Blakely v. Booker* rendered the Federal Guidelines merely advisory and has in the process created a flurry of further questions. The Supreme Court in *Irizarry v. Constitution and Federal Statutes.*

Chapter 3 : Five Sentencing Goals – Criminal Justice Law International

Goals of Sentencing There are five goals of sentencing: punishment, deterrence, incapacitation, rehabilitation, and retribution. Retribution is society's way of getting revenge on a criminal for the harm they have caused.

Sentencing Goals The five goals of sentencing are punishment, deterrence, incapacitation, rehabilitation, and restitution. Punishment is based on the concept of an eye for an eye where the punishment must be equal or fair to the crime that was committed. Punishment is to return a criminal to what is morally acceptable to society, basically saying the crime committed was wrong and is not morally acceptable. Because the criminal committed a crime, he needs to do the time through retribution Seiter p. Although most of society agrees that punishment is a logical result for someone who commits crimes, there are issues with the punishment fitting the crime because of plea bargaining, being judged by past offenses, and even bias based on race Worrall p. **Deterrence** Source Deterrence focuses on future rather than the present. It hopes to stop crime from happening again. It is seen as two fold in that it can help deter persons from committing more crime due to what they just felt specific deterrence and to also deter others from committing crime in the first place general deterrence because the pain outweighs the pleasure Seiter p. Although deterrence can be seen as favorable in regards that it is trying to prevent more crime from happening, it is asking for all criminals to be able to weigh out the pros and cons and make the right decision to not commit the crime. Another unfavorable thing is that criminals have substance abuse problems, which lead to them committing crime again. Lastly, it is easy to get away with crime. Statistics show that more people get away with crime than are caught, hence leading criminals to think they can get away with it Worrall p. **Incapacitation** is to put criminals behind bars in an effort to hold them from possibly committing more havoc in the community. The logic is if a criminal is taken out of society, they cannot commit more crimes within the community Seiter p. Incapacitation is ideal for the community because it removes the problem. But this goal is very costly if kept humane. Tax payers have to pay to house them and feed them. It lowers the cost that crime would cost society, but still causes society to pay for their incarceration. **Rehabilitation** Source Rehabilitation focuses on returning the criminal back into the community by helping them change into a productive member; and therefore, the logic says they will not commit crime again Seiter p. I like to think that all people are capable of change. Rehabilitation gives them that option, but many people either choose not to change or are incapable of it Worrall p. Which sentencing goal do you believe is the best way to lower crime?

Chapter 4 : Five Philosophical Reasons For Sentencing Criminals by Bridgette Anderson on Prezi

Goals of Sentencing There are five goals of sentencing: punishment, deterrence, incapacitation, rehabilitation, and restitution. Punishment, also called retribution is society's way of getting revenge on a criminal for the harm they have caused.

By Donna Lyons State lawmakers are reforming sentencing laws and correction policies across the country. They have two key objectives: Quickly cut state spending on corrections and ensure public safety is protected in the future. With one in American adults behind bars and one in 31 under correctional supervision, many lawmakers are questioning traditional assumptions about prison and rehabilitation. Recent studies and reforms show states can be smarter on crime and easier on taxpayers. Many new policies not only look to hold offenders accountable, reduce crime and victimization, but also to be sensitive to corrections costs. A recent NCSL work group looked at this issue and developed seven principles of effective state sentencing and corrections policies. Make sentencing and corrections policies fair, consistent, proportionate and with the opportunity for rehabilitation. States have modified drug sentencing laws, including allowing many nonviolent offenders to be under community supervision and receive substance abuse treatment. Over several years, the New York Legislature has revised the penalties for nonviolent drug crimes, expanded eligibility for treatment, and, most recently, allowed some offenders sentenced under the Rockefeller laws to apply for resentencing. This year in Kentucky, the General Assembly established new drug quantity thresholds to distinguish drug users from more serious drug traffickers. Increasingly, state policies call for broadly screening felony defendants for substance abuse, diverting some to community supervision and sending others to secure treatment. Have a sentencing rationale that is clear and purposeful, and make related policies logical, understandable and transparent. States that have successfully reduced the growth in prison populations and its associated costs have worked specifically on reducing the high rates of recidivism. More than 40 percent of parolees nationwide return to prison within three years for new crimes or violating the terms of their release, according to the Pew Center on the States. Make available a continuum of options, including prison space and community programs. States are increasing the options available for suitable offenders, both to get more for their money and to ensure prison space is available for the most dangerous criminals. Community supervision options—electronic monitoring, residential programs and problem-solving courts—are far less costly than putting someone in jail or prison and usually provide more supervision than traditional probation or parole. Substance abuse and mental health treatment, both residential and in the community, often can address issues that lead people to commit crimes. In , state leaders in North Carolina, concerned about a 10 percent increase in prisoners forecast by , considered how to improve community supervision and make the best use of treatment resources. The resulting Justice Reinvestment Act passed by the General Assembly this year requires supervision for everyone released following a felony conviction. The legislation was designed, he says, to balance the dual goals of increasing public safety and reducing spending on corrections. The law allows rule violations—such as missing appointments or drug tests—to be addressed with sanctions such as electronic monitoring or strict curfews rather than prison time. The law also calls for focusing supervision and treatment on people with the highest risks and needs. It offers incentives for prisoners to participate in programs and supports diverting some people convicted of drug felonies to community treatment. Require policies to be resource sensitive, and costs and benefits to be measurable. Lawmakers want proof that programs to reduce crime actually do. To help guide policy and budget decisions, Oregon, a pioneer in evaluating the success of corrections programs, has data on nearly all of its prison programs and almost two-thirds of its community-based programs. The Illinois Crime Reduction Act of similarly requires the gradual move to evaluating all policies to be sure resources are used only for services and programs that effectively reduce recidivism and improve the success of parolees when they are released from prison. In Kansas, officials set a goal in of reducing by at least 20 percent probation rule violations that often send offenders back to prison. Local probation agencies established intensive supervision of offenders who are at the greatest risk of not complying with requirements. Use justice information as a foundation to guide decision

making. Good policy requires good information. States have been improving their data collection, analysis and technology on criminal justice trends and costs to craft policies that produce results and lower costs. They believe the reforms will reserve prison space for the most dangerous criminals, strengthen community supervision, and distinguish drug users from career criminals. New reporting requirements, data collection and performance reports also were required under the act. Allow policies to reflect current circumstances and needs. In many states, felonies are based on outdated definitions. Since , nearly half the states have adjusted monetary thresholds for theft. In Colorado, recent changes require the Division of Criminal Justice to consult with state economists and recommend changes to the threshold amount to the General Assembly every five years. In particular, states have eliminated or narrowed life without parole penalties and replaced mandatory sentences with sentencing ranges. South Carolina last year eliminated mandatory minimums for drug offenses below trafficking, but added certain violent crimes to those that require the inmate to serve 85 percent of the sentence. We recognize other nonviolent, lower-level offenders also fill our prisons and that there are other, more effective approaches for dealing with them. Include strategies to reduce crime and victimization, and use available resources. Efforts to reduce crime do not necessarily begin and end in criminal justice systems. They also can include prevention, family services, health, labor, and other state policies and agencies. Florida lawmakers require local communities to provide services for housing, health care, education, substance abuse treatment and employment for recently released offenders. The policy also prohibits an employer from requiring information on criminal records on initial job application forms. Pew reports 91 percent of those surveyed agreed or strongly agreed with the statement: What really matters is the system does a better job of making sure that when an offender does get out, he is less likely to commit another crime.

Chapter 5 : The 5 Goals of Sentencing by Travis Galloway on Prezi

Sentencing Goals The five goals of sentencing are punishment, deterrence, incapacitation, rehabilitation, and restitution. Punishment is based on the concept of an eye for an eye where the punishment must be equal or fair to the crime that was committed.

Five Sentencing Goals It has long been recognized that there are five distinct goals when sentencing a person convicted of a crime. Ideally, the judge considers the facts of a case then renders a judgment which reflects some of all of these 5 goals. By C J Oakes At every level of the criminal justice system it seems that law-makers have bound the hands of those who can make the biggest difference. Mandatory minimums, three strikes laws, and similar structures often limit the judiciary in rendering reasonable judgments. These laws also raise the stakes for police, who must apprehend repeat offenders intent on avoiding capture. Prison officials are at the mercy of rules and regulations which provide guidelines which often fail to account for these goals; this forces many in corrections to cut corners, violating rights while decreasing the security of the facility. Wikipedia Throughout history, rulers and judges have seen that not every situation is the same. Not all are really equal in the eyes of the law, much as we would like to believe otherwise. Disparities in sentencing well-demonstrate this fact. For this reason, although there are five sentencing goals which must be considered when rendering a judgment and confining someone to prison, these are not always applied as they should. This is one of the problems facing our criminal justice system today. In any case, two key elements of every alleged crime are or should be considered. These are known as the Mens rea and Actus reus. These two Latin expressions mean simply, the mental state Mens rea and the actual conduct Actus reus of the crime in question. In other words, for a crime to have occurred, the action must align with the motive. For instance, if a man kills another man who is burglarizing his home, in most states the killing is considered justified. Especially so is the killing justified if the burglar has a weapon, more so if the burglar attacks the homeowner. Thus, there is no crime again, in most states—some states do count the killing a crime. In most states, the prosecutor would simply drop the matter and not prosecute. In the eyes of the state, no crime was committed. This example permits us to see that the justice system has tools in place to consider the elements of a crime so as to determine the wisest course to follow. Likewise, when the matter is taken to the court, the judiciary has in many cases the ability to consider what course would be best to follow for each defendant if found guilty. These are the sentencing goals of any case: Restoration seeks to help the victim be restored in mind and spirit. The goal of sentencing in this case would be to sentence the guilty in such a way that the victim feels a sense of relief and can move forward with life. An example of this would be to convict a rapist for a long duration of time such that the victim can recover from the crime, feeling some measure of safety. Another example would be to rule in favor of community service in certain offenses so that any victims including the community would benefit. When rehabilitation is the goal, a judge chooses the best avenue for the convicted. The Juvenile Justice system was structured largely to provide for such sentencing goals. Deterrence has come under fire in recent years because research has shown it to have little, if any, effect on future crime. Still, the goal of this type of sentence is to send a message to other potential law-breakers. The worse the crime, the tougher the penalty which is administered with the reasoning that others may think twice about committing the same crime. The idea is sound, but the evidence does not appear to bear witness that the goal is effective. This is also one of the most argued reasons for sentencing. Few can argue, however, that some criminals simply need to be eliminated from society, often permanently. Incapacitation does just that—it removes criminals from the streets so that they can no longer commit crimes. In fact, most who argue against the death penalty argue in favor of Incapacitation as an alternative. Life without parole is one such. Incapacitation is also the purpose behind three-strikes and mandatory minimum legislation. This is view by most as the best goal when sentencing hardened criminals. Retribution is another sentencing goal which is hotly debated. The goal here is as it states—retribution for crime, simple vengeance. According to some studies, simple retribution is one of the key reasons most death sentences are handed out. Some also believe that this is a key motive leading to wrongful convictions because this involves strong emotions which can blur prosecutors, police, judges, and

juries to facts. The key reason this sentencing goal is so hotly debated is that retribution largely fails to achieve any form of rehabilitation. But then, that is a separate goal. If we take a brief look back at the history of prisons as punishments for crimes, we find the past is much the same as the present. The only the exceptions are the sentencing goals rehabilitation and deterrence. As a sentencing goal, rehabilitation started in the Monasteries, where efforts were made to transform errant individuals for the sake of salvation. Deterrence as a sentencing goal came along in the 18th Century when early social scholars began developing theories about criminal behavior and how best to stop it. Incapacitation has existed as long as there have been political enemies which may be useful later; another form of incapacitation which is ageless, is exile. Finally, restoration as a sentencing goal cannot be dated because it traces to ancient Nordic culture. In fact, restoration is making a strong return in modern Nordic societies. A Note on Exile Exile is really nothing new. Throughout the ages, exile has been used as a means by which society has rid itself permanently of criminals. These exiled criminals composed the bulk of new settlers in those lands for decades. Why Sentencing Goals Are Important Sentencing goals as a concept did not develop from a single source. Rather, sentencing goals simply developed over time as those in the criminal justice field noted that there are various reasons to sentence a convict. As research in the field developed, the reasons why a person might be incarcerated, sentenced to death, given probation, and so forth were condensed into these five basic goals. For any discussion related to transforming or reforming global penal systems, it is important to understand sentencing goals and how they impact society. To better understand how sentencing goals impact society, readâ€¦ Go Directly to Jail Certainly, sentencing impacts society. Just as individuals, businesses, and organizations set goals, so too must society, via our governing criminal justice structures, set goals when sentencing citizens convicted of crime. Yet, there does not appear to be a clear goal set for the criminal justice system other than to reduce crime. Much has been written on goals in recent decades. Zig Ziglar, Tony Robbins, Steven Covey, and many more have built empires helping people learn more about goal-setting in business and their personal lives. The reason is simple: Setting goals helps achieve both success and joy in whatever a person sets out to do. Governments do understand the need to set goals, which is why JFK set a goal in to reach the moon before the end of the decade. Businesses understand the need to set goals, which is why they develop business plans including key indicators to show them when smaller goals leading to the bigger end goal are reached. So setting goals is not a new conceptâ€¦though in most ways, it is when it comes to criminal justice. Appendix B shows the various mission statements for state government correctional systems throughout the United States. Such Mission Statements ideally help guide corrections officials toward a goal. The goals are both laudable and necessary, but the only problem is that the system is not designed to reach the goals. Police departments likewise have goals, generally along the lines of those set by the lawsâ€¦to capture law-breakers. Exactly what a law-breaker is may change, but police are clearly very effective in reaching their goals because most court systems are severely backlogged. So there ARE goals. What is missing is a single, cohesive goal for all three elements of the criminal justice system. What is needed is a single, unifying mission which the entire system will embrace and enforce. The current situation is more akin to three brothers each determined to get rich while working separately and at times even fighting the efforts of the others. It does not take a genius to figure out that if the three brothers were to combine their efforts and work together, their collective goal would be realized much quicker and more efficiently. The current criminal justice system is much like this. For this reason, to reform the penal system so it will align with the various sentencing goals used by the courts and society, a total transformation of all three branches of the system is necessary. This concept fills in a hole in the system in much the same way as one would fill a large empty section of a jigsaw puzzle with a larger, already completed portion. The best part is that this new concept in corrections is not only necessary and effective, it is viable and Constitutional. At this point it would be useful to examine how the criminal justice system was intended to function but, how the reality often appears quite different. We recommend readingâ€¦ The Intent and Reality of the U. The only power any government has is the power to crack down on criminals. One declares so many things to be a crime that it becomes impossible for men to live without breaking laws. Who wants a nation of law-abiding citizens? But just pass the kind of laws that can neither be observed nor enforced or objectively interpreted â€” and you create a nation of law-breakers â€” and then you cash in on

guilt. Understandably, the cause of these issues is proving elusive. Could it be that the foundation of the criminal justice system is flawed? Could it be that all that is missing is a single, cohesive mission for the entire process? In other words, could the problems in the U. In consideration of these questions and with a view to building a new form of corrections which will better align with the entire criminal justice system, let us no return to the five sentencing goals. This time, we will realign these goals with a view to the goals which society may wish to set for the system. Recall that the five sentencing goals areâ€ English: Courtroom sketch showing an accused person center flanked by his attorneys at sentencing, drawn in about eight minutes. Wikipedia Restoration Stage 1.

Chapter 6 : Seven Sentencing Principles

The five goals of contemporary sentencing are retribution, incapacitation, deterrence, rehabilitation and victim restoration, according to the Rio Hondo College Public Safety Division. Traditional sentences are jail time, fines, probation or the death penalty. Contemporary alternative sentencing.

To develop and maintain a monitoring system that allows for comprehensive evaluation of the sentencing guidelines. The Commission receives presentence investigation PSI reports, probation revocations and journal entries for all persons who are sentenced for felony crimes committed on or after July 1, Sentencing information extracted from the PSIs and journal entries is maintained in two databases -- one for prison dispositions and one for non-prison dispositions -- from which the Commission staff can then monitor, evaluate, and analyze sentences imposed pursuant to the sentencing guidelines. The Commission staff also provides sentencing information to individual counties, judicial districts, and the federal government, upon request. In response to complaints and concerns from users of the sentencing guidelines journal entry forms, the Sentencing Commission revised the forms in FY to a more simplified format which is more user-friendly, and which will facilitate more valid and reliable information pertaining to guidelines sentences imposed. Process journal entries, probation revocations, and PSI reports on an ongoing basis in an efficient manner with sufficient data entry support to eliminate the potential for backlog. Determine the number of guidelines sentences imposed, the characteristics of offenders and the offenses committed, the number and types of departure sentences, and the overall conformity of sentences to the sentencing guidelines. Analyze the overall distribution of guidelines sentences by race, ethnic origin, gender, age, education level and geographic location to determine whether the sentencing guidelines have reduced or eliminated the biases which were found to be inherent in the pre-guidelines sentencing system. Issue an Annual Report detailing the above characteristics and analyses of guidelines sentencing during each fiscal year. With the PROPHET model, population and movement through the prison system can be forecasted annually, for as far as ten years into the future. As of FY , the Sentencing Commission is the provider of the official offender population projections for the State of Kansas. The juvenile detention module will enable staff researchers to analyze juvenile offenders housed in urban and regional detention facilities throughout the state and to project and monitor detention center populations in a similar manner as the state prison population. In March, , the Sentencing Commission was awarded a contract to conduct the state youth center population projections as part of the needs assessment study commissioned by the Youth Authority. These population projections will be the basis for the implementation of the Juvenile Justice Reform Act HB , which became effective July 1, Objectives of Goal Delivery of the official prison population projections to the Department of Corrections and Legislative Committees on or before August 18, Delivery of the official regional juvenile detention center populations to Douglas County on November 1, Delivery of official juvenile correctional facility population projections on or before January 15, Preparation of population impacts of proposed legislation upon request by the Kansas Legislature or the Division of Budget. Development of database for extended juvenile jurisdiction and projected tracking and analysis. To assist in the process of educating and training To assist in the process of educating and training judges, attorneys, court services officers, state parole officers, correctional officers, law enforcement officials and other criminal justice groups in the understanding and application of sentencing guidelines. Since , the Sentencing Commission staff has initiated and conducted training seminars on sentencing guidelines across the stat in accordance with its duties under K. An updated edition of the Manual is issued each year by the Commission following the Kansas legislative session, as a resource for judges, attorneys, court services officers, clerks of court, corrections and parole officers, law enforcement, and other criminal justice groups or interested individuals throughout the state. To keep judges, attorneys, and criminal justice officials and entities updated on sentencing guidelines through education and training seminars, and through quarterly updates on appellate court interpretation of the Kansas sentencing guidelines. To serve as an information resource for the legislature and various state criminal justice agencies. At the request of the legislature, the Commission has conducted various research projects and has published a variety of reports. In

addition, the Commission provides ongoing legal consultation with respect to issues involving sentencing guidelines upon request from judges, attorneys, and court services officers. The Commission also responds to frequent legislative requests for data or information relevant to sentencing and other criminal justice issues. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided.

Goals and Objectives To develop and maintain a monitoring system that allows for comprehensive evaluation of the sentencing guidelines. The Commission receives presentence investigation (PSI) reports, probation revocations and journal entries for all persons who are sentenced for felony crimes committed on or after July 1,

Crime Goals of Sentencing There are five goals of sentencing: In society a crime not only harms the victim of a crime, but society as well. This creates the longing for revenge, and punishing the criminal is a way to satisfy that want. Historically, punishment was immediate, often without due process, and was given little thought as to whether the punishment fit the crime. Death and exile were commonly imposed sentences. Punishment has both favorable and unfavorable consequences. We punish our children to teach them right from wrong, because we want to raise law abiding citizens. We punish criminals to teach them what law abiding behavior is and what are criminal behaviors in our society; also, that these behaviors will not go unpunished. It is through the painful consequences of punishment that these behaviors are deterred. By punishing criminals other members of society see that the ones that commit crimes will get what is coming to them in the form of punishment. As a society punishment is not only acceptable but encouraged; as long as it is not abusive. A right protected by the American Constitution: I can only think of a couple of reasons punishment might be unfavorable and it is because I am thinking about the children of these criminals who will have to be without their parent because the parent committed a crime and is now being punished by serving a prison term. Also, because when society has to put a criminal to death because their sentence is the death penalty; this sentence goes against the religious beliefs of many citizens who read and worship according to the Bible. There are no exceptions written in this statement, just an order from a higher power saying not to do it. Religion is where punishment may seem unfavorable, but other than that I believe punishment is favorable because it is what makes all the other goals of sentencing and crime prevention attainable; and it is the only way to protect the innocent from the criminal. Incapacitation is the second goal of criminal sentencing, and is meant to protect society from criminals who may harm them if not prevented from doing so. Historically, mutilation, and amputation of the extremities were used to keep criminals from repeating their crimes. In society today, offenders are separated from the community to reduce their opportunities to commit more crimes. Incapacitation is favorable because helps keep criminals behind bars and away from society, as a way to protect the innocent from criminals. Incapacitation requires only restraint, not punishment like retribution. Incapacitation is the answer when it comes to violent offenders who commit heinous crimes against other members of our society. These criminals have many victims and their crimes are such that the public is outraged and wants them to pay for the harm they have caused. The main unfavorable consequence about incapacitation is the bill to the tax payers to house and feed them for as long as they are held in prison, some until their natural death, and others until the day of their execution. We have to think of the cost to keep building more and more prisons because there are more and more criminals being given prison sentences each and every day. Deterrence uses the threat of punishment to keep people from committing criminal acts. Specific deterrence helps reduce repeat offenses by prisoners. Deterrence is a more rational goal of sentencing because it is possible to investigate the amount of punishment needed to deter certain behaviors. Harsh punishments can eliminate many types of criminal acts. Deterrence goes along with the goal of incapacitation, as deterrence is achieved by incapacitating offenders and giving them time to rethink their lives and their behavior, and hopefully prevent any future criminal behaviors. Deterrence is always favorable because it means less victims of crime and less crime being committed in society. Rehabilitation is a process used to change criminal behavior. The goal of rehabilitation is to reduce crime. While deterrence instills the fear of consequences of committing a crime, rehabilitation is designed to educate the criminal and through psychological treatment reduce the probability of committing crimes in the future. There are many rehabilitation programs for criminals like: Rehabilitation is always favorable if the criminal that is given the opportunity to change their behavior takes full advantage of the opportunity and turns their life around to become law abiding. Restoration is the goal of sentencing that tries to make the crime victim whole again.

Crime victims are frequently traumatized by these experiences, leaving lasting physical and emotional scars. The world is not seen as a safe place for them, and they may live in constant fear of being assaulted again. Although, the criminal is in jail, the victim may still have night terrors and fears of leaving their home. The idea behind retribution is that punishment is justified when it is deserved. Those that suffer from PTSD feel like they will never recover and be normal again.

Chapter 8 : Goals of Sentencing | HubPages

Generally, the primary goals of sentencing are punishment, deterrence, incapacitation, and rehabilitation. In some states, juries may be entitled to pronounce sentence, but in most states, and in federal court, sentencing is performed by a judge.

Chapter 9 : Sentencing Guidelines - Definition, Examples, Processes

The legislation was designed, he says, to balance the dual goals of increasing public safety and reducing spending on corrections. The law allows rule violations—such as missing appointments or drug tests—to be addressed with sanctions such as electronic monitoring or strict curfews rather than prison time.