

Canadian
Studies in
Criminology

Sentencing as a Human Process

John Hogarth

Sentencing As A Human Process Canadian Studies In Criminology 1

Ralph Henham



Sentencing As A Human Process Canadian Studies In Criminology 1:

The Ordering of Justice Patricia M. Baranek, Richard V. Ericson, 1982-01-01 From the point of his arrest through to the final disposition of his case the authors follow the accused as he proceeds through the criminal control system They draw a picture of one who is dependent upon the orders and decisions of the police crown attorney defence lawyer and judge and not a defendant with significant autonomy Substudies conducted under a program of the Centre of Criminology provide empirical material on patrol police detectives crown attorneys and defence lawyers and are complemented by the authors own interviews of accused persons They produce a unique picture of the person who stands accused unlike the official agents who are regular and experienced participants in the criminal process the accused is a one shot player As a defendant he is subject to the orders and decisions of the official criminal control agents he fails to exercise what appear externally as his formal rights because the apparent costs exceed the advantages He complies with police searches fails to remain silent fails to call a third party gives a statement often does not obtain a lawyer routinely accepts his lawyer s advice rarely demands a trial often remains silent in court and very rarely considers an appeal The ordering which the accused meets out of court is reproduced in the public forum of the court Through the display of formal legal rationality there and in the belief that matters could have been a lot worse he experiences the majesty justice and mercy of the criminal process and in turn accords legitimacy to the actions taken against him The authors discuss prospects for changing the criminal process and conclude that the range of reforms that have been advocated and sometimes implemented does not lead to an alteration of the accused s position within the ordering of justice because the system is not truly adversarial Rather it serves the interests of the state in ordering the population as well as professional interests of those who man the system **Reproducing Order** Richard V. Ericson, University of Toronto. Centre of Criminology, 1982-01-01 Professor Ericson and his colleagues followed the work of patrol officers in a large Canadian regional police force From their direct observations comes a wealth of information quantitatively assembled and qualitatively discussed with insights into the nature of policing This book reveals that the police are not mere referees of our legal lives blowing the whistle on our infractions They are censors of certain types of possibly wrong actions They are selective in their invocation of criminal law and use the law artfully to restore settings to orderliness Ericson emphasizes the routine manner in which the patrol officer intervenes and gains compliance from the citizenry He demonstrates that when the criminal process is invoked the police maintain fundamental control over the court outcome Using these findings he addresses basic questions about the role of police in relation to crime and how it is produced literally by the patrol officer Crime is also seen as the primary basis of police legitimacy which in turn enables the police to engage in broad surveillance and information gathering The author s conclusions about the nature of policing and his discussion of the implications of proposals for reform of police will generate better informed deliberation in political and public decision making and in the general study of sociological theory **Canadian Journal of Criminology and Corrections** ,1971

Canadiana, 1974 *Rapport Du Groupe D'etude Sur la Mise en Liberte Des Detenus* Canada. Task Force on Release of Inmates, 1973 **The Publishers Weekly**, 1972 **The Life-Course of Serious and Violent Youth Grown Up** Evan McCuish, Patrick Lussier, Raymond Corrado, 2021-06-30 The Life Course of Serious and Violent Youth Grown Up addresses significant gaps in the literature on youth involved in chronic serious and violent offending Through longitudinal research and a long follow up into adulthood it challenges common perceptions about offending outcomes Using theoretically grounded methodologically sophisticated and empirically driven research this book culminates 20 years of data emerging from the Incarcerated Serious and Violent Young Offender Study ISVYOS Initiated in 1998 to understand the origins of serious and violent youth offending it follows 1 719 formerly incarcerated youth through adulthood and offers a contemporary perspective to questions about chronic offending in adolescence and social and offending outcomes in adulthood The authors provide a theoretically framed examination of new findings from the ISVYOS regarding participants justice system involvement from onset to persistence to desistance Most participants experienced continued involvement in the justice system in adulthood However contrary to past literature ISVYOS findings challenge static descriptions of chronic offending and notions of the youth super predator ISVYOS findings also challenge assertions that experiences and risk factors in childhood and adolescence are not informative of adult justice system involvement Together the findings call for a more humanistic approach that recognizes that the complex lives of individuals formerly incarcerated in adolescence implies that desistance does not happen by default This book will be of great interest to scholars researchers and students of forensic psychology developmental and life course criminology youth justice and violent crime Sentencing, Public Opinion, and Criminal Justice, 2025-01-16 This volume celebrates the achievements of Julian V Roberts KC Hon Emeritus Professor of Criminology at the University of Oxford over forty years of scholarship To mark his extraordinary influence on sentencing and criminal justice on the global stage the contributors a mix of international scholars and members of the judiciary present a collection of themed essays in his honour Roberts is a leading academic authority on sentencing theory policy and practice in common law jurisdictions and his work has made a landmark contribution to the analysis and development of sentencing worldwide His work is innovative and inspired known for identifying core challenges and defining research needs before they become central to criminal justice agendas A distinguished group of authors engage in an interdisciplinary appreciation of Roberts work in three distinct domains fundamentals of sentencing and penal theory sentencing policy and penal practice and public opinion and criminal justice Drawn from seven jurisdictions the authors offer fresh insight into Roberts past accomplishments as well as the future of the field that he continues to shape Together they demonstrate a collective commitment to advancing Roberts lifelong project of normative comparative and empirical engagement with questions of crime and justice *Contemporary Challenges to Criminal Justice* Paul Behrens, 2023-12-28 This study provides a critical examination of seminal issues within the main areas of criminal justice its theoretical framework domestic and comparative

criminal justice transnational and international criminal law Exploring some of the most interesting challenges arising in these fields it examines the impact of public morality on sentencing policy murder and the mandatory life sentence genocide and the notion of magnitude and incitement to terrorism Taking an approach that is fully integrated in contemporary criminal justice scholarship it offers a diverse and expert perspective With a comprehensive introduction and conclusion drawing the various strands together it offers a rigorous coherent overview of the key issues in play in contemporary international criminal justice This diversity and expertise ensures its appeal to a large audience of students scholars and practitioners of criminal justice around the world **Punishment and Process in International Criminal Trials** Ralph

Henham,2017-03-02 International sentencing has become significant given the numerous events on the world stage which have focused attention on the justifications and adequacy of punishment for heinous crimes such as genocide and crimes against humanity In addition to providing a detailed evaluation of the philosophical and theoretical difficulties raised by this rapidly developing area of international criminal justice this book provides an integrated socio legal analysis of the law and process of international sentencing It considers the rationale and development of international sentencing structures and processes the nature and scope of legal and procedural constraints on decision making as well as access to justice and rights issues The book discusses sentencing within the context of international criminal law and examines internationalized trial processes and alternative mechanisms for resolution In seeking to comprehend the punishment of international crimes through the comparative contextual analysis of trial processes it challenges our present understanding of how and why particular sentencing outcomes are produced and the perceived legitimacy of international trial justice *Public Opinion, Crime, And Criminal Justice* Julian Roberts,2018-10-08 Taking on one of the most popular issues of the day crime and the way we make sense of it Julian Roberts and Loretta Stalans reveal the mismatch between the public perception of crime and the reality of crime statistics Discussing such issues as public knowledge of crime sources of crime information information processing by the public public attitudes about crime and the effectiveness of punishment this book considers the role that public opinion plays in the politics of criminal justice issues Based on extensive data from the United States with comparisons with Canada and the United Kingdom Roberts and Stalans reveal the truth behind how the public perceives crime and how this perception compares to actual criminal activity Class, Race, Gender, and Crime Paul Leighton,Gregg Barak,Allison Cotton,Carrie L. Buist,K. Sebastian León,2024-10-14 Inequality and injustice have long been part of the structure of our society including law crime and the criminal justice system Class Race Gender and Crime sixth edition explores the continuing impact of class race gender sexuality and their intersections and how the justice system can recreate those oppressions Broken into three parts the book opens with an overview of the criminal justice industrial complex and introspection about the biases in criminology Part II Inequality and Privilege contains chapters to provide a foundation for understanding class race gender and sexuality and intersectionality Part III The Administration of Law and Criminal Justice

covers criminal law policing prosecution and courts and punishment with headings in each chapter for class race gender and sexuality and intersectionality to provide systematic coverage The text also highlights how immigration crimmigration child welfare healthcare and other systems are intertwined with criminal justice in the lives of different minority populations Real world examples of how class race and gender and sexuality unfold in sentencing and punishment bring theory to life while chapter opening vignettes illustrate key issues and discussion questions encourage critical thinking New to This Edition New and expanded coverage of immigration enforcement highlights its connection to criminal justice and its importance for understanding social control in our society Chapter 1 Chapter 4 Chapter 8 Chapter 9 Entirely revised Chapter 5 Understanding Gender Sexuality and Male Heterosexual Privilege offers modern and comprehensive understandings of gender and sexuality including queer theory and queer criminology that carries through later chapters Expanded Chapter 8 Law Enforcement and expanded Chapter 9 Prosecution Plea Bargains and Deportation offer new explorations such as policing of abortions and miscarriage and immigration courts respectively New conclusion discusses prison abolition so readers can understand the debate and think for themselves about how deep the need for reform goes

Sentencing and Society Cyrus Tata, Neil Hutton, 2017-03-02 Combining the latest work of leading sentencing and punishment scholars from twelve different countries this major new international volume answers key questions in the study of sentencing and society It presents not only a rigorous examination of the latest legal and empirical research from around the world but also reveals the workings of sentencing within society and as a social practice Traditionally work in the field of sentencing has been dominated by legal and philosophical approaches Distinctively this volume provides a more sociological approach to sentencing so allowing previously unanswered questions to be addressed and new questions to be opened This extensive collection is drawn from around one third of the papers presented at the First International Conference on Sentencing and Society Almost without exception the chapters have been revised cross referenced and updated The overall themes and findings of the international volume are set out by the opening Introduction and the closing Reflections chapters Research findings on particular penal policy questions are balanced with an analysis of fundamental conceptual issues making this international volume essential reading for sentencing and punishment scholars criminal justice policy makers and graduate students

Birthplace, Migration and Crime Ronald D. Francis, 2014-03-26 An historical and contemporary account of migrant crime in Australia this book explores a range of issues from mental health and victimology to immigration policy and legal analysis arguing that it is birthplace not race which impacts upon crimes committed by migrants

How Do Judges Decide? Cassia Spohn, 2008-12-17 How are sentences for federal state and local crimes determined Is this process fairly and justly applied to all concerned How have reforms affected the process over the last 25 years Offering a comprehensive overview of the sentencing process in the United States *How Do Judges Decide The Search for Fairness and Justice in Punishment* explores these questions and more Author Cassia Spohn first discusses the overall concept of punishment and

then analyzes individual aspects of it including the sentencing process the responsibility of the judge and disparity and discrimination in sentencing This Second Edition offers new information on the impact of sentencing reforms including recent research and case law updated statistics in tables and figures and new boxed highlights Key Features Helps students understand patterns in the wide discretion and latitude given to judges when determining penalties within the framework of the U S judicial system Engages the reader with Focus on an Issue sections which analyze key issues such as gender and sentencing Ch 4 and the impact of race on sentencing for drug offenses Ch 5 Examines sentencing reforms and their impact providing students with up to date information on how punishment is meted out in U S courts Contains boxed excerpts in each chapter from books and articles with a variety of case studies on topics such as the O J Simpson murder trial judicial surveys and comparison of sentences in different jurisdictions by gender Offers new material on specialty courts and the prosecutor s role in sentencing Concludes each chapter with discussion questions How Do Judges Decide is an ideal text for upper division undergraduate and graduate courses on the judicial system criminal law and law and society

Criminal Sentencing as Practical Wisdom Graeme Brown, 2017-06-01 How do judges sentence In particular how important is judicial discretion in sentencing Sentencing guidelines are often said to promote consistency but is consistency in sentencing achievable or even desirable Whilst the passing of a sentence is arguably the most public stage of the criminal justice process there have been few attempts to examine judicial perceptions of and attitudes towards the sentencing process Through interviews with Scottish judges and by presenting a comprehensive review and analysis of recent scholarship on sentencing including a comparative study of UK Irish and Commonwealth sentencing jurisprudence this book explores these issues to present a systematic theory of sentencing Through an integration of the concept of equity as particularised justice the Aristotelian concept of phronesis or practical wisdom the concept of value pluralism and the focus of appellate courts throughout the Commonwealth on sentencing by way of instinctive synthesis it is argued that judicial sentencing methodology is best viewed in terms of a phronetic synthesis of the relevant facts and circumstances of the particular case The author concludes that sentencing is best conceptualised as a form of case orientated concrete and intuitive decision making one that seeks individualisation through judicial recognition of the profoundly contextualised nature of the process

Everyday Practices and Trouble Cases Austin Sarat, 1998 Everyday Practices and Trouble Cases asks how law helps to constitute the worlds in which we live every day and how law responds to disruptions and disputes that arise in various realms Leading scholars explore the dichotomy between everyday practices and trouble cases and the way various kinds of research have addressed that dichotomy illuminating the pervasive role of law in social life as well as the capacity of law to respond to social conflict

Canadian Books in Print ,1973 *Sentencing in International Criminal Law* Silvia D'Ascoli, 2011-04-01 This book deals with sentencing in international criminal law focusing on the approach of the UN ad hoc Tribunals for the former Yugoslavia ICTY and Rwanda ICTR In contrast to sentencing in domestic jurisdictions and in spite of

its growing importance sentencing law is a part of international criminal law that is still under construction and is unregulated in many aspects International sentencing law and practice is not yet defined by exact norms and principles and as yet there is no body of international principles concerning the determination of sentence notwithstanding the huge volume of sentencing research and the extensive modern debate about sentencing principles Moreover international judges receive very little guidance in sentencing matters this contributes to inconsistencies and may increase the risk that similar cases will be sentenced in different ways One purpose of this book is to investigate and evaluate the process of international sentencing especially as interpreted by the ICTY and the ICTR and to suggest a more comprehensive and coherent system of guiding principles which will foster the development of a law of sentencing for international criminal justice The book discusses the law and jurisprudence of the ad hoc Tribunals and also presents an empirical analysis of influential factors and other data from ICTY and ICTR sentencing practice thus offering quantitative support for the doctrinal analysis This publication is one of the first to be entirely devoted to the process of sentencing in international criminal justice The book will thus be of great interest to practitioners academics and students of the subject

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