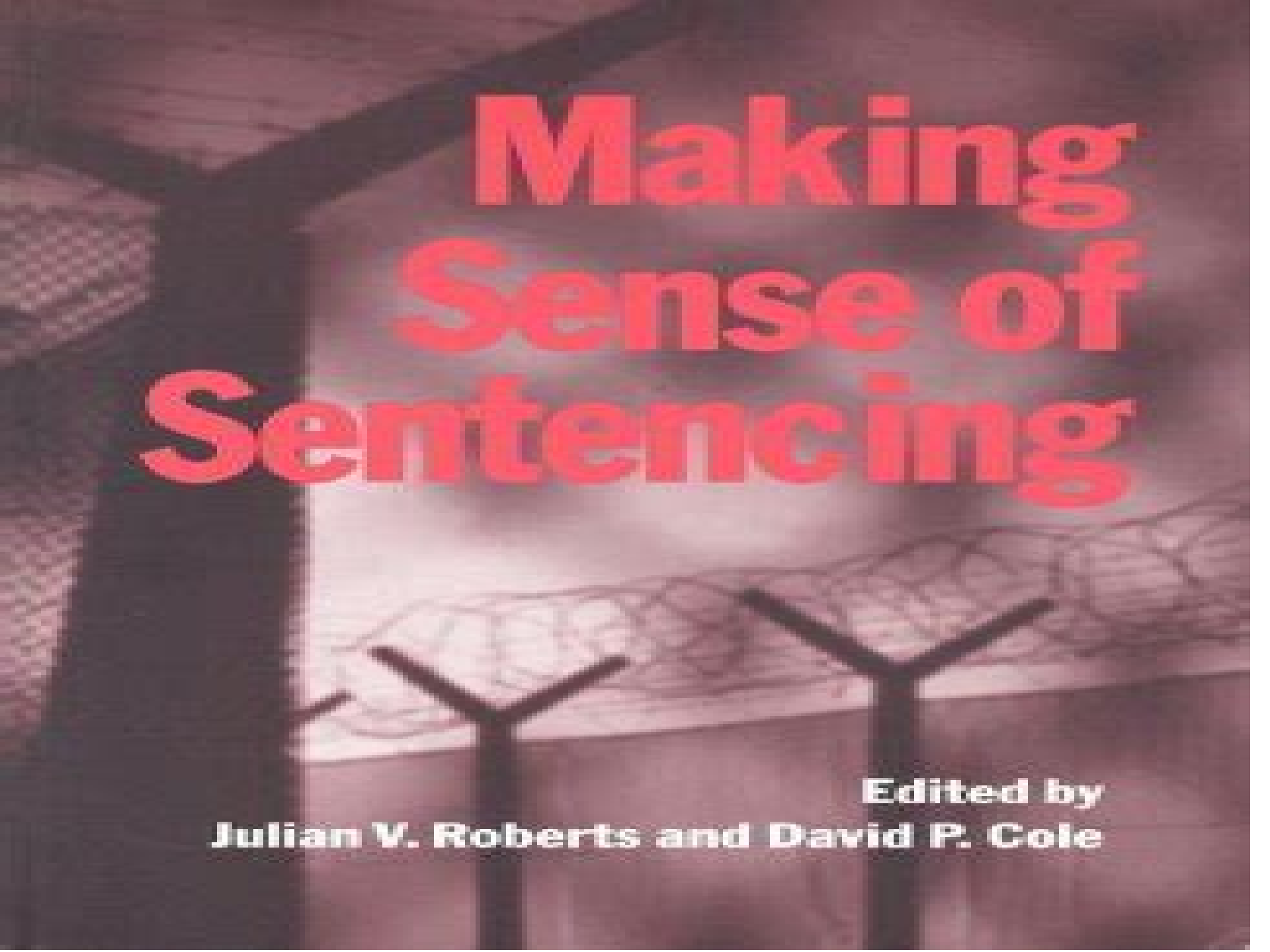


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Making Sense of Sentencing

Edited by
Julian V. Roberts and David P. Cole

Making Sense Of Sentencing

Geraldine Mackenzie



Making Sense Of Sentencing:

Making Sense of Sentencing Julian V. Roberts, David P. Cole, 1999-01-01 On 3 September 1996 Bill C 41 was proclaimed in force initiating one significant step in the reform of sentencing and parole in Canada This is the first book that in addition to providing an overview of the law effectively presents a sociological analysis of the legal reforms and their ramifications in this controversial area The commissioned essays in this collection cover such crucial issues as options and alternatives in sentencing patterns revealed by recent statistics sentencing of minority groups Bill C 41 and its effects conditional sentencing and the structure and relationship between parole and sentencing are clearly presented An introduction editorial comments beginning each chapter and a concluding chapter draw the essays together resulting in a timely comprehensive and extremely readable work on this critical topic Broad in scope and perspective this major new socio legal study of the law of sentencing will be illuminating to students members of the legal profession and the general reader Solving California's Corrections Crisis Commission on California State Government Organization and Economy, 2007 Calif s correctional system is in a tailspin that threatens public safety raises the risk of fiscal disaster State prisons are packed beyond capacity Inmates sleep in classrooms gyms hallways Fed judges control inmate med care oversee mental health use of force disabilities act compliance dental care parolee due process rights most aspects of the juvenile justice system Thousands of local jail inmates are let out early every week as a result of overcrowding court ordered pop n caps A fed judge has given the State 6 months to make progress on overcrowding or face the appoint of a panel of fed judges who will manage the prison pop n This report makes recommend to the Calif State Leg on how to resolve these problems Illus *Nothing Has to Make Sense* Sherene H. Razack, 2022-04-19 How Western nations have consolidated their whiteness through the figure of the Muslim in the post 9 11 world While much has been written about post 9 11 anti Muslim racism often termed Islamophobia insufficient attention has been given to how anti Muslim racism operates through law and is a vital part of law s protection of whiteness This book fills this gap while also providing a unique new global perspective on white supremacy Sherene H Razack a leading critical race and feminist scholar takes an innovative approach by situating law within media discourses and historical and contemporary realities We may think of law as logical but argues Razack its logic breaks down when the subject is Muslim Tracing how white subjects and majority white nations in the post 9 11 era have consolidated their whiteness through the figure of the Muslim Razack examines four sites of anti Muslim racism efforts by American evangelical Christians to ban Islam in the school curriculum Canadian and European bans on Muslim women s clothing racial science and the sentencing of Muslims as terrorists and American national memory of the torture of Muslims during wars and occupations Arguing that nothing has to make sense when the subject is Muslim she maintains that these legal and cultural sites reveal the dread phobia hysteria and desire that mark the encounter between Muslims and the West Through the prism of racism *Nothing Has to Make Sense* argues that the figure of the Muslim reveals a world divided between the deserving and the disposable where people of

European origin are the former and all others are confined in various ways to regimes of disposability Emerging from critical race theory and bridging with Islamophobia critical religious studies it demonstrates that anti Muslim racism is a revelatory window into the operation of white supremacy as a global force *Making Sense of Sexual Consent* Mark Cowling,Paul Reynolds,2017-03-02 The issue of sexual consent has stimulated much debate in the last decade The contributors to this illuminating volume make sense of sexual consent from various conceptual standpoints socio legal post structural philosophical and feminist The volume comprises a range of studies all based around consent within a specific context such as criminal justice homosexuality sadomasochism prostitution male rape learning disabilities sexual ethics and the age of consent It is the first collection to publish exclusively on issues of sexual consent and both makes sense of sexual consent in contemporary society and guides debate towards better consent standards and decisions in the future Making Sense of Sexual Consent will excite considerable discussion amongst academics professionals and all those who think that freedom to make decisions about our sexual selves is important It will set the agenda for debate on sexual consent into the 21st Century

How Judges Sentence Geraldine Mackenzie,2005 How do judges sentence This question is frequently asked but infrequently explored What factors are taken into account How do judges see their role How do they apply the aims and purposes of sentencing How are factors such as public opinion taken into account How Judges Sentence explores these questions through interviews with Queensland judges The judges explain how they come to their decisions when sentencing how they view judicial discretion and how they exercise it The book carefully examines their comments within the legislative and theoretical contexts of sentencing The analysis yields valuable insights into judicial methodologies perceptions and attitudes towards the sentencing process How Judges Sentence provides a major contribution to debates on sentencing

The Virtual Prison Julian V. Roberts,2004-11-18 The last twenty five years have seen dramatic rises in the prison populations of most industrialised nations Unable to keep up with increased numbers of convicted offenders governments and criminal justice systems have been seeking new ways to control and punish offenders One sanction adopted in Canada and some parts of Europe and the US is community custody which attempts to recreate the punitive nature of prison but without incarceration This book analyses the effectiveness of this approach and explores its implications for offenders and society as a whole It demonstrates that if properly conceived and administered community custody can reduce the number of prison admissions and at the same time promote multiple goals of sentencing So that offenders given community custody orders are punished yet also given the opportunity to change their lives in ways that would be impossible if they were in prison **The Federal Sentencing Guidelines** United States Sentencing Commission,1991 **Sentencing Guidelines** United States. Congress. House. Committee on the Judiciary. Subcommittee on Criminal Justice,1988 **International Handbook of Penology and Criminal Justice** Shlomo Giora Shoham,Ori Beck,Martin Kett,2007-10-08 At the outset of the twenty first century more than 9 million people are held in custody in over 200 countries around the world from the essay

Prisons and Jails by Ron King The first comparative study of this increasingly integral social subject International Handbook of Penology and Criminal Justice provides a comprehensive and balanced review **How Do Judges Decide?** Cassia Spohn, 2002-01-28 The appropriate amount of punishment for a given crime is an issue that has been debated by scholars philosophers and legal professionals since the beginning of civilizations This book seeks to address this issue in all of its complexity by providing a comprehensive overview of the sentencing process in the United States The book begins by discussing the overall concept of punishment and then proceeds to dissect individual aspects of punishment Topics include the sentencing process responsibility of the judge disparity and discrimination in sentencing and sentencing reform This book is an ideal text for introductory courses on the judicial system criminal law law and society It can be an essential resource to help students understand patterns in the wide discretion and latitude given to judges when determining punishments within the framework of the United States judicial system 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 *Penal Populism, Sentencing Councils and Sentencing Policy* Arie Freiberg, Karen Gelb, 2014-03-05 Public outcries and political platforms based on misinformation and misconceptions about the criminal justice system and current sentencing practice occur all too often in democratic societies Penal Populism Sentencing Councils and Sentencing Policy attempts to address this problem by bringing together important contributions from a number of distinguished experts in the field Penal Populism presents theoretical perspectives on the role of the public in the development of sentencing policy It places particular emphasis on the emerging role of sentencing commissions advisory councils or panels in a number of English speaking countries Australia New Zealand the United States the United

Kingdom Scotland and South Africa The book explains expands and develops the existing literature that looks at public attitudes to justice and the role that the public can play in influencing policy Written in a scholarly yet accessible style Penal Populism asks the critical questions should public opinion or preferably public judgment be relevant to court decision making to institutional decision making and to the political process And if so how

Research on Sentencing National Research Council, Division of Behavioral and Social Sciences and Education, Commission on Behavioral and Social Sciences and Education, Committee on Research on Law Enforcement and the Administration of Justice, Panel on Sentencing Research, 1983-02-01

Handbook on Punishment Decisions Jeffery T. Ulmer, Mindy S. Bradley, 2017-10-16 Handbook on Punishment Decisions Locations of Disparity provides a comprehensive assessment of the current knowledge on sites of disparity in punishment decision making This collection of essays and reports of original research defines disparity broadly to include the intersection of race ethnicity gender age citizenship immigration status and socioeconomic status and it examines dimensions such as how pretrial or guilty plea processes shape exposure to punishment how different types of sentencing decisions and or policy structures sentencing guidelines mandatory minimums risk assessment tools might shape and condition disparity and how post sentencing decisions involving probation and parole contribute to inequalities The sixteen contributions pull together what we know and what we don't about punishment decision making and plow new ground for further advances in the field The ASC Division on Corrections Sentencing Handbook Series publishes volumes on topics ranging from violence risk assessment to specialty courts for drug users veterans or people with mental illness Each thematic volume focuses on a single topical issue that intersects with corrections and sentencing research

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

Young Killers Kathleen M. Heide, 1999 Why is the number of homicides committed by youths rising in the United States An escalating problem in this country Juvenile Homicide has been considered an epidemic by mental health

professionals as well as practitioners in the juvenile justice and criminal systems In her book *Young Killers* Kathleen M Heide blends compelling case studies with an empirical assessment of male adolescent murderers creating a readable and interesting scholarly text This book explores several factors that contribute to the rise of juvenile homicide including home and family environments role models the witnessing of violence access to weapons the availability of drugs and alcohol personality characteristics and the cumulative effect of having little to lose Although this book focuses on male juvenile offenders Heide also addresses the changing percentage of juvenile females arrested for homicide and examines gender issues in juvenile homicide She discusses the reasons girls may be more likely to kill family members than boys are and examines the effects of the women s movement on girls and crime Heide also addresses psychological assessment treatment issues and prevention strategies aimed at reducing the incidence of juvenile homicide *Young Killers* is written with clarity making it accessible to a wide ranging audience This definitive work on juvenile homicide will benefit both undergraduate and graduate students and professionals in criminal justice criminology sociology social work counseling and clinical psychology

Rights of the Child, Mothers and Sentencing Alice Macharia, 2021-02-22 This book draws international attention to the autonomy of the child accompanying incarcerated mothers and those they leave behind in the community despite being dependent on the convicted caregiver Adopting a child rights perspective the study explores how courts could go about sentencing mothers of young children for the commission of criminal offences whilst protecting the rights of the child as envisaged under the United Nations Convention on the Rights of the Child UNCRC Drawing on the author s experience as a sentencer in the Kenyan court and with reference to domestic regional and international law the book argues that children s rights are presently left in abeyance when their mothers are sentenced to imprisonment and that greater efforts should be made to recognize and give effect to the child s existence as an autonomous equal holder of human rights despite being dependent on the convicted caregiver It explores the application of precedence as well as the court s discretion in view of the dependent child and concludes that policy reform in this respect calls for change in attitude and approach on women and children s issues Observing that internationally most women imprisoned with their children fall beneath the custodial threshold set by law the research examines how current sentencing practices could be reformed and suggests harnessing the Power of Mercy Committee the Sentencing Guidelines and progressive practices from developed countries in protecting the child s rights by imposing non custodial sentences for the offending mothers It is concluded that in all jurisdictions strict accountability for the dependent child should be situated with the judiciary and that the same should be pronounced as a mandatory legal requirement The book will be a valuable resource for academic researchers and policy makers working in the area of international children s rights law and criminal law

Introduction to Psychology and Law James R. P. Ogloff, Regina A. Schuller, 2001-01-01 Leading Canadian scholars cover a wide range of topics spanning the applications of psychology in both criminal and civil areas of law An authoritative introduction to law and psychology for a

Canadian audience Research Into Criminal Sentencing United States. Congress. House. Committee on Science and Technology. Subcommittee on Domestic and International Scientific Planning, Analysis, and Cooperation, 1978 **Remorse, Penal Theory and Sentencing** Hannah Maslen, 2015-04-30 This monograph addresses a contested but under discussed question in the field of criminal sentencing should an offender's remorse affect the sentence he or she receives Answering this question involves tackling a series of others is it possible to justify mitigation for remorse within a retributive sentencing framework Precisely how should remorse enter into the sentencing equation How should the mitigating weight of remorse interact with other aggravating and mitigating factors Are there some offence or offender characteristics that preclude remorse based mitigation Remorse is recognised as a legitimate mitigating factor in many sentencing regimes around the world with powerful effects on sentence severity Although there has been some discussion of whether this practice can be justified within the literature on sentencing and penal theory this monograph provides the first comprehensive and in depth study of possible theoretical justifications Whilst the emphasis here is on theoretical justification the monograph also offers analysis of how normative conclusions would play out in the broader context of sentencing decisions and the guidance intended to structure them The conclusions reached have relevance for sentencing systems around the world

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