



Sentencing And Criminal Justice

Kai Ambos



Sentencing And Criminal Justice:

Sentencing and Criminal Justice Andrew Ashworth, Rory Kelly, 2021-07-15 This revised and updated new edition focuses on major developments in sentencing law practice and theory Sentencing in England and Wales is now dominated by Sentencing Council guidelines and scrutiny of those guidelines is central to this book Issues of principle are identified and discussed to include the constitutional position of the Sentencing Council the meaning of and challenges to proportionality and the sentencing of BAME offenders and women offenders The book welcomes the new Sentencing Code introduced as the Sentencing Act 2020 and critically examines the government's plans for sentencing reform set out in the 2020 White Paper A Smarter Approach to Sentencing Throughout the book sentencing is explored in its wider criminal justice context making it essential reading for courses on sentencing criminal justice and criminal law Sentencing Law and Policy Nora V. Demleitner, 2004 Four leading sentencing scholars have produced the first and only text with enough up to date material to support a full course or seminar on sentencing Other texts offer only partial coverage or out of date examples The chapters in Sentencing Law and Policy Cases Statutes and Guidelines present examples from three distinct types of sentencing guideline determinate and capital The materials draw on the full spectrum of legal institutions from the U S Supreme Court To The state court level with close consideration of the role of legislatures and sentencing commissions The only current full course text on sentencing this new title offers an intuitive conceptually based organization that looks at the essential substantive components and procedural steps following the sequence of decisions that typically occurs in every criminal sentencing examples covering three distinct areas of sentencing with chapter materials based on guideline determinate indeterminate and capital sentencing materials from a range of institutions including decision from the U S Supreme Court state high courts federal appellate courts and some foreign jurisdictions along with statutes and guideline provisions and reports from various sentencing commissions and agencies in text notes on sentencing policies that explain common practices in U S jurisdictions then ask students to compare different institutional practices and consider the relationship between sentencing rules politics And The broader aims of criminal justice **Just Sentencing** Richard S. Frase, 2012-11-19 For most of the 20th Century sentencing purposes and procedures were virtually the same in all American jurisdictions The primary sentencing goal was rehabilitation to be accomplished mostly in prison To achieve this goal judges and parole boards were given broad discretionary powers In the 1970s legal scholars and critics began to question such unfettered discretion and to advocate for a system of prison as punishment not as moral reeducation Lawmakers began to experiment with mandatory penalties and other limits on sentencing discretion These changes broke the previously uniform standard of sentencing in America Today sentencing purposes and procedures vary wildly between different state and federal jurisdictions Our fragmented sentencing system has contributed to unprecedented increases in prison and jail inmate populations disproportionately affecting racial minorities and creating a staggering drain on state budgets The systems in most

jurisdictions are disorganized expensive and unfair We need a new vision and a new way forward In Just Sentencing Richard S Frase offers a hybrid sentencing model that combines clearly stated normative principles with procedures that have proven successful in practice Frase advocates an expanded version of the theory of limiting retributivism recognizing desert based and other limits on sentence severity while accommodating crime control and other non retributive punishment purposes These principles are implemented with procedures based on the best state sentencing guidelines systems including mandatory resource and demographic impact assessments appellate review that preserves substantial trial court discretion and abolition of parole release discretion This book also shows how the core principles and procedures of the proposed model have been successfully implemented in several states and endorsed in model sentencing codes and standards America currently lacks a comprehensive understanding of the purposes and limits of punishment Just Sentencing offers us a cogent and urgently needed solution for the incoherent and unsustainable American sentencing system **Principled Sentencing**

Andrew Von Hirsch, Andrew Ashworth, 1992 Sentencing Fragments Michael H. Tonry, 2016 Cover Contents Preface Acknowledgments 1 Sentencing Matters 2 Sentencing Fragments 3 Federal Sentencing 4 Sentencing Theories 5 Sentencing Principles 6 Sentencing Futures References Index *Crime and Justice, Volume 45* Michael Tonry, 2017-02-22 Sentencing Policies and Practices in Western Countries Comparative and Cross national Perspectives is the forty fifth addition to the Crime and Justice series Contributors include Thomas Weigend on criminal sentencing in Germany since 2000 Julian V Roberts and Andrew Ashworth on the evolution of sentencing policy and practice in England and Wales from 2003 to 2015 Jacqueline Hodgson and Laurie Soubise on understanding the sentencing process in France Anthony N Doob and Cheryl Marie Webster on Canadian sentencing policy in the twenty first century Arie Freiberg on Australian sentencing policies and practices Krzysztof Krajewski on sentencing in Poland Alessandro Corda on Italian policies Michael Tonry on American sentencing and Tapio Lappi Seppälä on penal policy and sentencing in the Nordic countries *Prescription for Justice* Jack M. Kress, 1980 **Changing Attitudes to Punishment** Julian V. Roberts, J. M. Hough, 2002 Throughout the Western world public opinion plays an important role in shaping criminal justice policy At the same time opinion polls demonstrate that the public knows little about crime or justice This title addresses the problem by drawing upon research from a number of different countries Sentencing Multiple Crimes Jesper Ryberg, Julian V. Roberts, Jan Willem de Keijser, 2018 Sentencing Multiple Crimes confronts the practical and theoretical challenges for the criminal justice system when punishing multiple crime offenders including the proportionality of the crimes committed the temporal span between the crimes and the relationship between theories about the punitive treatment of recidivists and multiple offenders It provides a comprehensive examination of the dynamics involved with sentencing multiple offenders from the perspective of several legal theories

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

Predictive Sentencing Jan W de Keijser, Julian V Roberts, Jesper Ryberg, 2019-05-16 Predictive Sentencing addresses the role of risk assessment in contemporary sentencing practices Predictive sentencing has become so deeply ingrained in Western criminal justice decision making that despite early ethical discussions about selective incapacitation it currently attracts little critique Nor has it been subjected to a thorough normative and empirical scrutiny This is problematic since much current policy and practice concerning risk predictions is inconsistent with mainstream theories of punishment Moreover predictive sentencing exacerbates discrimination and disparity in sentencing Although structured risk assessments may have replaced gut feelings and have now been systematically implemented in Western justice systems the fundamental issues and questions that surround the use of risk assessment instruments at sentencing remain unresolved This volume critically evaluates these issues and will be of great interest to scholars of criminal justice and criminology

Fundamentals of Sentencing Theory Andrew Ashworth, Martin Wasik, 1998 The Oxford Monographs On Criminal Law And Justice series aims to cover all aspects of criminal law and procedure including criminal evidence the scope of the series is wide encompassing both practical and theoretical works Series Editor Professor Andrew Ashworth Vinerian Professor of English Law All Souls College Oxford This volume is a thematic collection of essays on sentencing theory by leading writers The essays fall into three groups Part I considers the underlying justifications for the imposition of punishment by the State and examines the relationship between victims offenders and the State Part II addresses a number of areas of sentencing policy that have given rise to particular difficulty such as the sentencing of drug offenders the rationale for discounting sentences for multiple offenders the existence of special sentencing for young offenders and cases where the injury done to the victim is of a different magnitude from what might have been expected Part III raises various questions about the unequal impact on offenders of different sentencing measures and examines the extent to which sentences should be adjusted to take account of these different impacts and of broader social inequalities This volume is dedicated to Professor Andrew von Hirsch whose continuing work on sentencing theory provided the stimulus for the

collection The Social Contexts of Criminal Sentencing Martha A. Myers, Susette M. Talarico, 2012-12-06 Historically the announcement and invocation of criminal penalties were public spectacles Today fear of crime and disaffection with the criminal justice system guarantee that this public fascination with punishment continues In the past decade virtually every legislature in the country has undertaken sentencing reform in the hope that public concern with crime would be allayed and disparities in criminal sentences would be reduced if not eliminated Scholars have intensified their longstanding preoccupation with discrimination and the sources of disparate treatment during sentencing issues that continue to fuel contemporary reform efforts As documented in Chapter 1 empirical research on sentencing has concentrated much of its attention on the offender Only recently have attempts been made to embed sentencing in its broader organizational and social contexts Our study extends these attempts by quantitatively analyzing the relationship between the offender and the social contexts in which he or she is sentenced We use data on felony sentencing in Georgia between 1976 and 1985 to ask three questions The first addresses an issue of perennial concern during sentencing how important are offender attributes both those of explicit legal relevance and traits whose legal relevance is questionable or nonexistent The second question directs attention to the social contexts of sentencing and asks whether they directly affect sentencing outcomes **Sentencing and Artificial Intelligence** Jesper Ryberg, Julian V. Roberts, 2022 This book is the first collective work devoted exclusively to the ethical and penal theoretical considerations of the use of artificial intelligence at sentencing Jesper Ryberg and Julian V. Roberts bring together leading experts in the field to investigate to what extent and under which conditions justice and the social good may be promoted by allocating parts of the most important task of the criminal court that of determining legal punishment to computerized sentencing algorithms Sentencing Matters Michael H. Tonry, 1997 *The U.S. Sentencing Guidelines* Dean J. Champion, 1989-11-03 A distinguished group of noted criminal justice specialists here examines the impact of the new U S sentencing guidelines imposed in 1987 on law enforcement the prosecution and courts and corrections Although these guidelines were created with the expressed purpose of increasing judicial fairness and reducing prison overcrowding the contributors argue that their long range effects will be to aggravate present overcrowding problems to intolerably high levels To make their case contributors address individually such issues as plea bargaining the new role of parole and corrections officers the likely effects of the scheduled abolition of the parole board in 1992 and more Both students of criminal justice and practicing parole and corrections officers will find these chapters enlightening reading Following an introductory overview that puts the U S sentencing guidelines in perspective two chapters discuss their impact on law enforcement officer discretion and crime control and deterrence Turning to an exploration of the courts the contributors address prosecutorial discretion in plea bargaining judicial discretion and sentencing disparities case processing and sentencing alternatives and how predictions of dangerousness affect the sentencing process In their analysis of the relationship between the sentencing guidelines and corrections trends the contributors examine issues such as community

based corrections and privatization inmate litigation and constitutional issues and recidivism Finally editor Dean Champion offers a perceptive synthesis of the volume by summarizing the serious problems posed by imposition of the U S sentencing guidelines Four appendices provide additional related information for the student and researcher

Prisons and Punishment in America Michael O'Hear, 2018-09-14 Synthesizing recent scholarship in law and the social sciences on criminal sentencing and corrections this book provides a thorough balanced and accessible survey of the major policy issues in these fields of persistent public interest and political debate After three decades of explosive growth the American incarceration rate is impracticably high Drawing on leading research in law and the social sciences this book covers a range of topics in sentencing and corrections in America in a manner that is accessible and engaging for general readers Tackling high level issues in the criminal justice system it outlines the scale and causes of mass incarceration in the United States To complement this it details the roles and relative power of judges and prosecutors the severity of punishment for drug offenders and white collar offenders the abuse of prisoners and the enforcement of prisoner rights and repeat offending by released prisoners Readers will better understand the challenges that come with a high incarceration rate such as the management of mental illness in the criminal justice system the management of sex offenders and the impact of parental incarceration on children Looking ahead this timely resource also considers prospects for reducing current incarceration levels the availability and effectiveness of alternatives to incarceration and the future of capital punishment

The Oxford Handbook of Sentencing and Corrections Joan Petersilia, Kevin R. Reitz, 2012-04-06 This handbook surveys American sentencing and corrections from global and historical views from theoretical and policy perspectives and with attention to a number of problem specific issues

Strafzumessung Kai Ambos, 2020 In September 2018 the criminal law section of the 72nd Deutscher Juristentag DJT German Assembly of Jurists debated the question Sentencing Guidelines vs Free Judicial Discretion Is German Sentencing Law in Need of Reform Despite the expert opinion provided by Johannes Kaspar and the accompanying scholarly commentaries ensuing proposals for fundamental reform met with rejection The comparative perspective was limited to the US Federal sentencing guidelines The intention of this volume is therefore on the one hand to draw a more nuanced picture of Anglo American sentencing law focusing on three legal systems England Wales USA and Canada accompanied by commentaries from a German perspective on the other hand we want to make the German perspective better known within the Anglo American legal world by reproducing important DJT documents in English language To ensure the widest possible distribution we opted for a bilingual open access publication

Determinate Sentencing Pamala L. Griset, 1991-01-01 This book discusses in depth the rise and fall of the determinate ideal once heralded as a replacement to the old order of criminal justice Using new materials and combining political empirical and theoretical perspectives Griset examines the attempt in New York State to establish determinate sentencing punishment for its own sake to replace the existing policy of rehabilitation In portraying New York s experience against the backdrop of a

national reform agenda she analyzes the development and ultimate failure of a major social movement

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