

# Sentencing Principles and Magistrates' Sentencing Behaviour

Henham, Ralph J.

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# Sentencing Principles And Magistrates Sentencing Behaviour

**Ralph Jean Henham**



## **Sentencing Principles And Magistrates Sentencing Behaviour:**

*Exploring Sentencing Practice in England and Wales* J. Roberts, 2015-02-27 This volume explores the theory and practice of sentencing in England and Wales exploring issues such as the role of previous convictions offender remorse and sentencing female offenders as well as drawing upon a new and unique source of data from the Crown courts

**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

*Sentence Discounts and the Criminal Process* Ralph J Henham, 2017-09-20 This title was first published in 2001 This volume presents the results of an empirical investigation into the operation of sentence discounts for guilty pleas in the Crown Court It focuses primarily on the nature of judicial compliance with the S48 Criminal Justice and Public Order Act 1994 and those variables in sentence decision making which impact on this process It also examines the relative use made of sentence discounts and the nature and relevance of court of appeal guidance In doing so it raises important theoretical issues relating to sentencing research and addresses the implications for sentencing policy and practice With empirical research on the operation of the sentencing process being comparatively rare the book should make an important contribution to the existing literature

**Sentencing Principles and Magistrates' Sentencing Behaviour** Ralph J. Henham, 1990

*Sentencing and Criminal Justice* Andrew Ashworth, 2005-11-03 Providing unrivalled coverage of one of the most high profile stages in the criminal justice process this book examines the key issues in sentencing policy and practice It provides an up to date account of the legislation on sentencing together with the ever increasing amount of Court of Appeal case law The law in relation to elements of the wider criminal justice system is examined including the prison and probation services The aim of the book is to examine English sentencing law in its context drawing not only upon legislation and the decisions of the courts but also upon the findings of research and on theoretical justifications for punishment This new edition has been extensively revised to integrate the new laws introduced by the Criminal Justice Act 2003 which has brought sweeping reforms into English sentencing

*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

**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

The Role of Sentencing Principles in Magistrates Sentencing Behaviour Ralph Jean Henham, 1985

*Transforming International Criminal Justice* Mark Findlay, Ralph Henham, 2005-06

This book sets out an agenda to transform international criminal trials and the delivery of international criminal justice to victim communities through collaboration of currently competing paradigms It reflects a transformation of thinking about the comparative analysis of the trial process and seeks to advance the boundaries of international criminal justice through wider access and inclusivity in an environment of rights protection Collaborative justice is advanced as providing the future context of international criminal trials The book's radical dimension is its argument for the harmonization of restorative and retributive justice within the international criminal trial The focus is initially on the trial process a key symbol of developing international styles of justice It examines theoretical models and political applications of criminal justice through detailed empirical analysis in order to explore the underlying relationship of theory and empirical study applying the outcome in theory testing and policy evaluation in several different jurisdictions The book injects a significant comparative dimension into the study of international criminal justice This is achieved through searching the traditional foundations of internationalism in justice by employing an original methodology to enable a multi dimensional exploration of contexts local regional and global so recognising the importance of difference within an agenda suggesting synthesis The book argues for a concept of international trial within a rights paradigm understood against different procedural traditions and practices and

provides a detailed description of trials and trial decision making in various jurisdictions Transforming International Criminal Justice also sets out to develop effective research strategies as part of its interrogation of specific trial narratives and meanings in contemporary legal cultures Key themes are those of internationalisation fair trial and the exercise of discretion in justice resolutions sentencing in particular and the lay professional relationship and its dynamics Finally the book provides a searching critique of the relevance of existing criminology and legal sociology in relation to international criminal justice and speculates on trial transformation and the merger of retributive and restorative international criminal justice comparative analysis of the criminal trial process internationally argues for harmonization of retributive and restorative justice within the international criminal trial sets out an agenda to transform international criminal trials and the delivery of international criminal justice to victim communities

**Sentencing Policy and Social Justice** Ralph Henham, 2018-02-22 Sentencing Policy and Social Justice argues that the promotion of social justice should become a key objective of sentencing policy advancing the argument that the legitimacy of sentencing ultimately depends upon the strength of the relationship between social morality and penal ideology It sheds light on how shared moral values can influence sentencing policy at a time when relationships of community appear increasingly fragmented arguing that sentencing will be better placed to make a positive contribution to social justice if it becomes more sensitive to the commonly accepted moral boundaries that underpin adherence to the rule of law The need to reflect public opinion in sentencing has received significant attention more recently with renewed interest in jury sentencing stakeholder sentencing and the involvement of community views when regulating policy The author however advocates a different approach combining a new theoretical focus with practical suggestions for reform and arguing that the contribution sentencing can make to social justice necessitates a fundamental change in the way shared values about the advantages of punishment are reflected in penal ideology and sentencing policy Using examples from international comparative and domestic contexts to advance the moral and ethical case for challenging the existing theories of sentencing the book develops the author's previous theoretical ideas and outlines how these changes could be given practical shape within the context of sentencing in England and Wales It assesses the consequences for penal governance due to increased state regulation of discretionary sentencing power and examines the prospects for achieving the kind of moral transformation regarded as necessary to reverse such a move To illustrate these issues each chapter focuses on a particularly problematic area for contemporary sentencing policy namely the sentencing of women the sentencing of irregular migrants sentencing for offences of serious public disorder and sentencing for financial crime

**The Psychology of Crime, Policing and Courts** Andreas Kapardis, David P. Farrington, 2016-04-28 This book brings together an international group of experts to present cutting edge psychological research on crime policing and courts With contributors from the UK Germany Italy Norway Cyprus Israel Canada and the USA this volume explores some of the most interesting and contemporary areas of criminological and legal psychology The Psychology of Crime Policing and Courts is divided into three

parts Part I explores crime and anti social behaviour including the concentration of offending within families juvenile delinquency adolescent bullying cyberbullying violence risk assessment and psychopathy Part II examines policing and the detection of deception with chapters on interrogational practices police interviews of children and modern detection methods Part III focuses on courts and sentencing with chapters exploring wrongful convictions the role of juries extra legal factors in sentencing decisions and an examination of sentencing itself Representing the forefront of research in developmental criminology and criminological and legal psychology this book is a comprehensive resource for undergraduate and postgraduate students studying psychology and criminology with particular value for those studying forensic psychology This book is also a valuable resource for psychologists lawyers social scientists and law enforcement personnel

**Sentencing** Ralph Henham, 2013-10-01 Sentencing is the process through which the legitimacy of punishment is declared and justified However it is increasingly portrayed as a social activity which should be more responsive to the pluralistic needs and values of individuals and communities in contemporary society It will therefore have to adapt to an array of different perceptions of what justice is and how it should be delivered as well as different sensitivities and emotional responses to sentencing processes and outcomes At a time when fundamental questions are being asked about the relevance of existing forms of punishment in contemporary society Sentencing argues for a profound normative understanding of the relationship between sentencing and its perception by citizens vital if we are to fully comprehend the nature and significance of punishment and the particular challenges it faces as a force for social cohesion Henham explores this theme by focusing on key areas of debate within the field the treatment of gender and race in sentencing the future role of sentencing in criminal justice governance the development of new criteria for evaluating sentencing within a more socially inclusive framework Henham suggests that a greater focus on the relationship between penal ideology and the impact of sentencing in the wider community is essential for effective future policy making in this area Sentencing will be useful for both undergraduate and postgraduate students of law criminology criminal justice and sociology as well as for academics and criminal justice policymakers

**Plea Bargaining in National and International Law** Regina Rauxloh, 2012 The book sets out in depth studies of consensual case dispositions in the UK examining how plea bargaining has developed and spread in England and Wales It also goes on to discuss in detail the problems that this practise poses for the rule of law by avoiding procedural safe guards The book draws on empirical research in its examination of the absence of informal settlements in the former GDR offering a unique insight into criminal procedure in a socialist legal system that has been little studied

*Sentencing as a Human Process* John Hogarth, 1971-12-15 Sentencing is not a neutral or mechanical act it is a human process highly charged affectively and motivationally Sentencing decisions take place in a social environment of laws facts ideas and people This study of sentencing behaviour is primarily concerned with the mental processes involved in decision making It is based on intensive interviews and on measures of the information processing ability of seventy one full time judges in Ontario The

work covers such topics as problems of sentencing particularly existing disparities social and economic background of judges and their varying penal philosophies the nature and measurement of judicial attitudes toward crime punishment and related issues prediction of sentencing behaviour based on attitude scales which the author has constructed and also on fact patterns perceived by judges and the impact of social and legal constraints on the sentencing process The study concludes that there exists a very high correlation between a judges definition of situation and the sentence which he imposes and that while sentences meted out for a particular law violation under similar circumstances may differ among judges judges are highly consistent within themselves Using these conclusions the author constructs a model of judicial behaviour and shows how this model can be used to predict and to explain sentencing and breaks new ground in the use of the social and behavioural sciences as sources of data to explain the sentencing process      Research Methods for Law Mike McConville,2007-07-06

Research Methods for Law introduces undergraduate and postgraduate students to available methods of research legalistic empirical comparative and theoretical drawing on actual research projects as examples The book is written by a team of contributors with a broad range of teaching and research experience in law criminal justice and socio legal studies Designed to serve as a handbook for research methods courses with its coverage of the principal research traditions the book will also appeal to students of related disciplines who have an interest in legal issues including those from criminology sociology psychology government politics and social administration The rich mix of general lessons theoretical engagement and practical examples will be of real value to students      **Sentencing and the Penal System** Christopher Harding,Laurence Koffman,1995 Harding and Koffman is the leading collection of materials on penal policy and brings together key extracts from sources including cases and statutes books and articles official documents and reports The second edition takes account of all recent statutory common law and research developments and provides a thought provoking analysis of a complex subject by setting the sentencing and penal system within its contextual framework Contains a diverse collection of materials within one cover Critical contextual approach to further understanding Authors questions assist understanding and provoke further discussion      Mitigation and Aggravation at Sentencing Julian V. Roberts,2011-08-25 This innovative volume

explores a fundamental issue in the field of sentencing the factors which make a sentence more or less severe All sentencing systems allow courts discretion to consider mitigating and aggravating factors and many legislatures have placed a number of such factors on a statutory footing Yet many questions remain regarding the theory and practice of mitigation and aggravation Drawing on legal and sociological perspectives and examining mitigation and aggravation in various jurisdictions the essays provide practical illustrations of specific factors as well as theoretical justifications After the foreword by Andrew von Hirsch a number of contributors address broad conceptual issues raised at sentencing These contributions are followed by several empirical chapters including an exploration of personal mitigation in English courts The authors are leading scholars from a range of common law jurisdictions including England and Wales the United States Canada Australia New

Zealand and South Africa      Decisions to Imprison Rasmus H. Wandall, 2016-05-13 Rasmus Wandall uses quantitative and qualitative methods from studies carried out in Denmark to address the formal and informal norms and ideologies that are used to generate decisions to imprison Focusing on the operations of the courtroom participants his work investigates how court decision making is organized to allow the sentencing procedure to be open to more than its formal legal framework while at the same time keeping the sentencing within the boundaries of law and legal validity The author uses the theory of law s operational closure developed by Niklas Luhmann The theory provides an advantageous point of departure to capture the close and subtle interactions between law s need for validity and for contextual openness in every legal operation including court decision making      Psychology and Law Andreas Kapardis, 2014-01-10 A comprehensive guide to the complex interactions between psychology and criminal law both in and out of the courtroom      **Criminal Justice** Andrew Sanders, Richard Young, Mandy Burton, 2010-07-15 This text concentrates on the apprehension investigation and trial of suspected offenders overlaying its analysis with a critical appraisal of the system and suggesting pointers to improvement



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