

# Sentencing and Corrections

## Chapter 15

# Sentencing

- The **final stage** of the criminal justice system begins with the sentencing of a guilty defendant by either a judge or a jury.
- The sentence is a critical decision in the criminal justice process because it can determine the **defendant's fate** for years or even for life.

# Sentencing Options

- Most criminal **statutes set out** basic **guidelines** for sentencing
- **Judges** may **have considerable say** in determining the appropriate sentence for a defendant.
- But in states with mandatory minimum sentences, judges may be restricted in their options. (See The House I Life In).

# Options for sentencing include

- **suspending** the sentence
  - defendant could serve the sentence at a later time or not at all;
- releasing the defendant to the supervision of a **probation** officer;
- and sentencing the defendant to serve his or her time **at home**.

# A judge may also

- issue a **fine**,
- require the defendant to pay back the victim (**restitution**),
- **Work release** allows the defendant to work in the community during the day but return to prison at night or on weekends.

# The most severe sentences

- a judge may impose are **imprisonment** and **death**.
- In the US, it takes a **jury to decide** whether or not the **death penalty** may be used

# Purposes of Punishment

# Four general reasons for punishment

- retribution,
- deterrence,
- rehabilitation,
- and incapacitation.



# Retribution

- is the idea that punishment should involve some form of **payback** ("an eye for an eye").

# Deterrence

- is the concept that punishment will **discourage others** from engaging in future criminal activities.

# Rehabilitation

- is the idea that time in prison will allow the prisoner to **change his or her ways** and learn how to function as a productive member of society.

# Incapacitation

- removes the individual from society in order to make the community safe from the threat he or she posed.

# Parole

- is the **release** of a convicted person from prison **before** his or her **entire sentence has been served**;
- is a **privilege** granted to those convicts who seem to have reformed and **appear ready** to rejoin society.

# Capital Punishment

- also known as the **death penalty**, is a highly controversial topic.
- The Supreme Court has upheld the **constitutionality** of capital punishment under certain circumstances.

# Corrections

# Options for Corrections

- There are several **options** available to the government for corrections
- These options usually fall into two general categories: **treatment** and/or **punishment**



# Options for Corrections

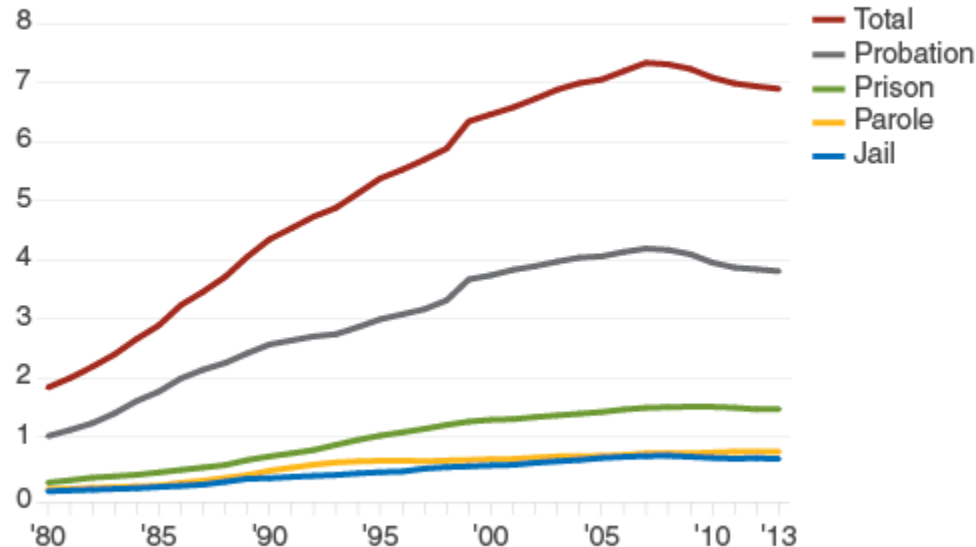
- include halfway houses,
- mental facilities,
- and prisons.

# Rehabilitation

- Some aspects of the correctional system also focus on preparing the prisoner to re-enter society
- This may include educational opportunities, job skill training, substance/sexual/anger abuse or management classes or counseling

## Total adult correctional population, 1980–2013

Number (in millions)

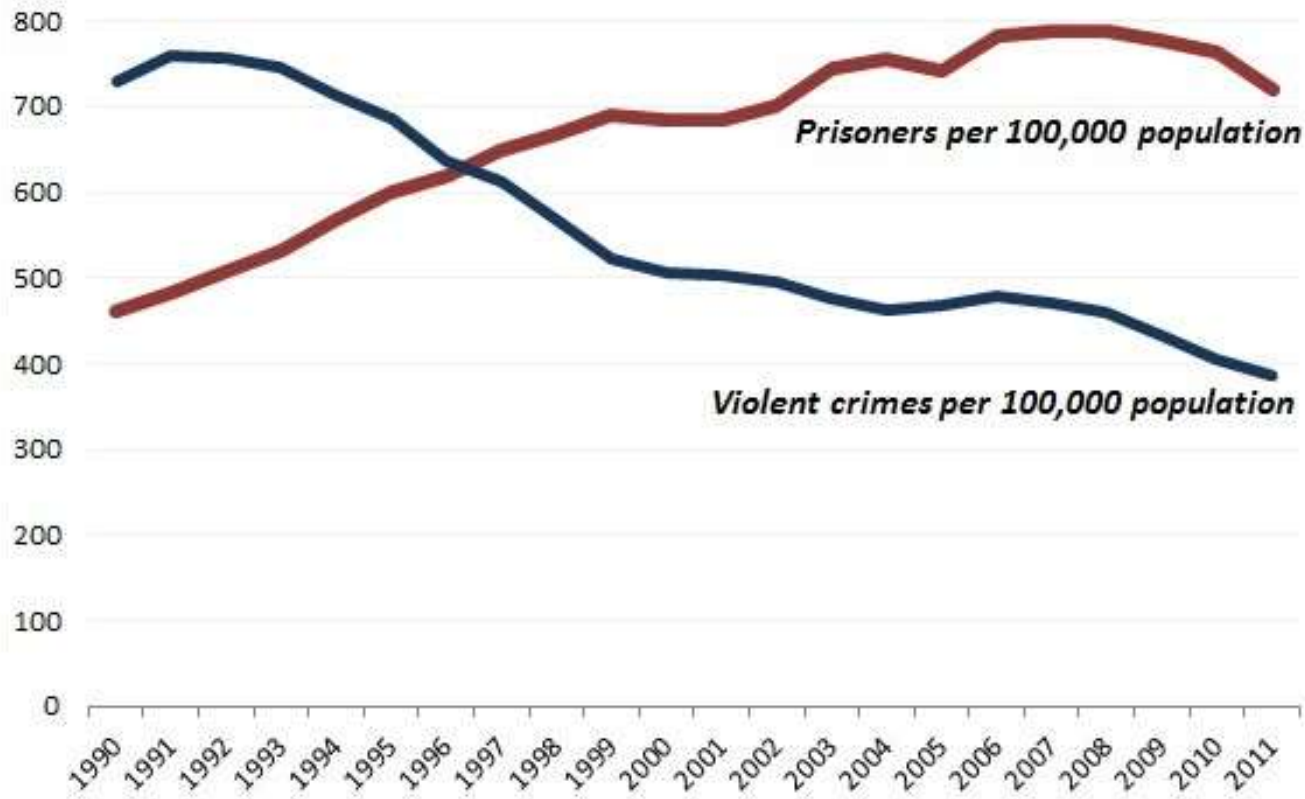


Source: Bureau of Justice Statistics, Annual Survey of Jails, Annual Survey of Parole, Annual Survey of Probation, Census of Jail Inmates, and National Prisoner Statistics, 1980–2013.

**In 2013, 7 million people were under some form of correctional supervision including:**

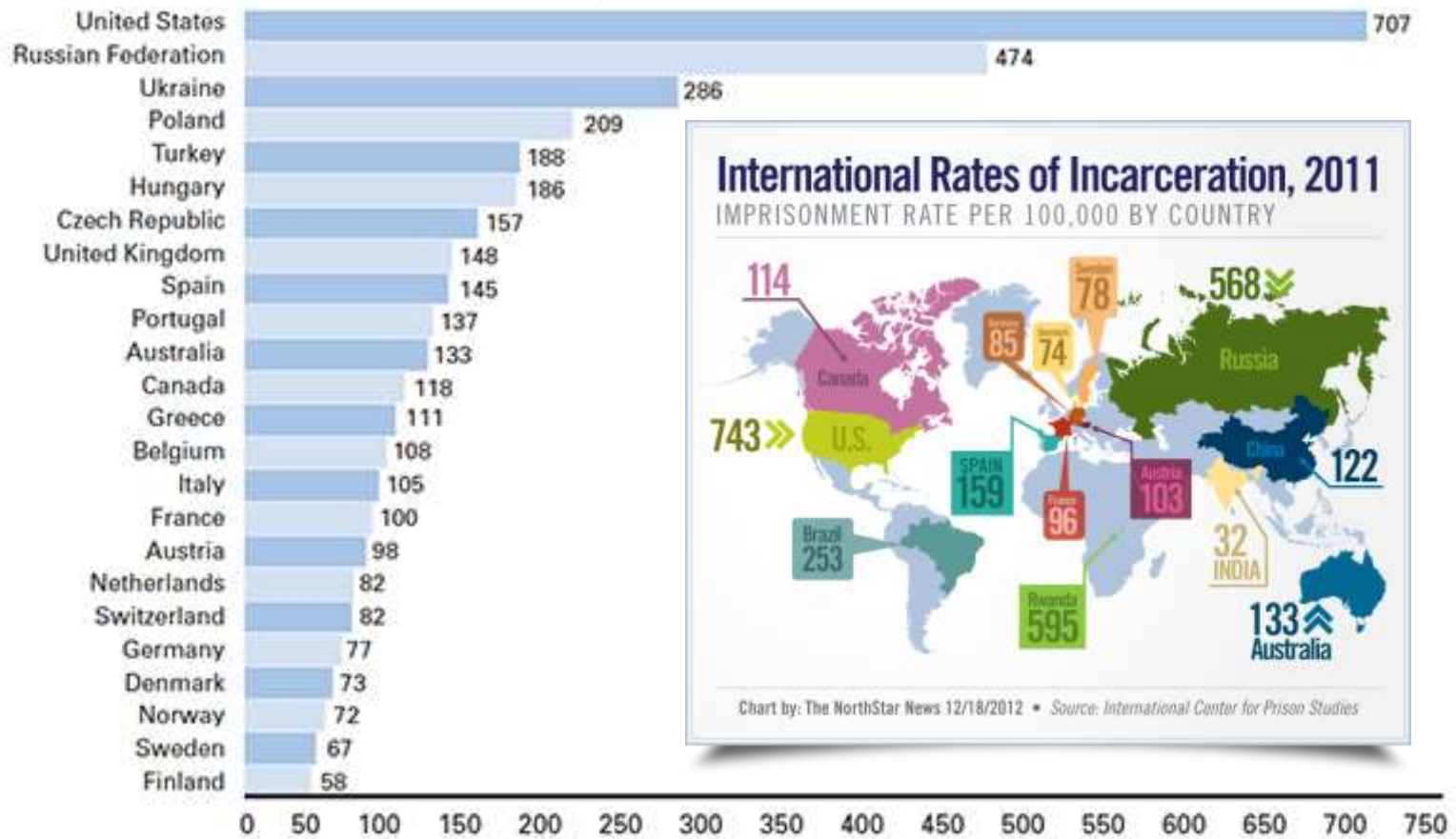
- Probation - court ordered community supervision of convicted offenders by a probation agency. In many instances, the supervision requires adherence to specific rules of conduct while in the community.
- Prison - confinement in a State or Federal correctional facility to serve a sentence of more than 1 year, although in some jurisdictions the length of sentence which results in prison confinement is longer.
- Jail - confinement in a local jail while pending trial, awaiting sentencing, serving a sentence that is usually less than 1 year, or awaiting transfer to other facilities after conviction.
- Parole - community supervision after a period of incarceration. These data include only adults who are on active or inactive parole supervision or some other form of conditional release, including mandatory release, following a term of incarceration.

### US violent crime rate and incarceration rate, 1990-2011

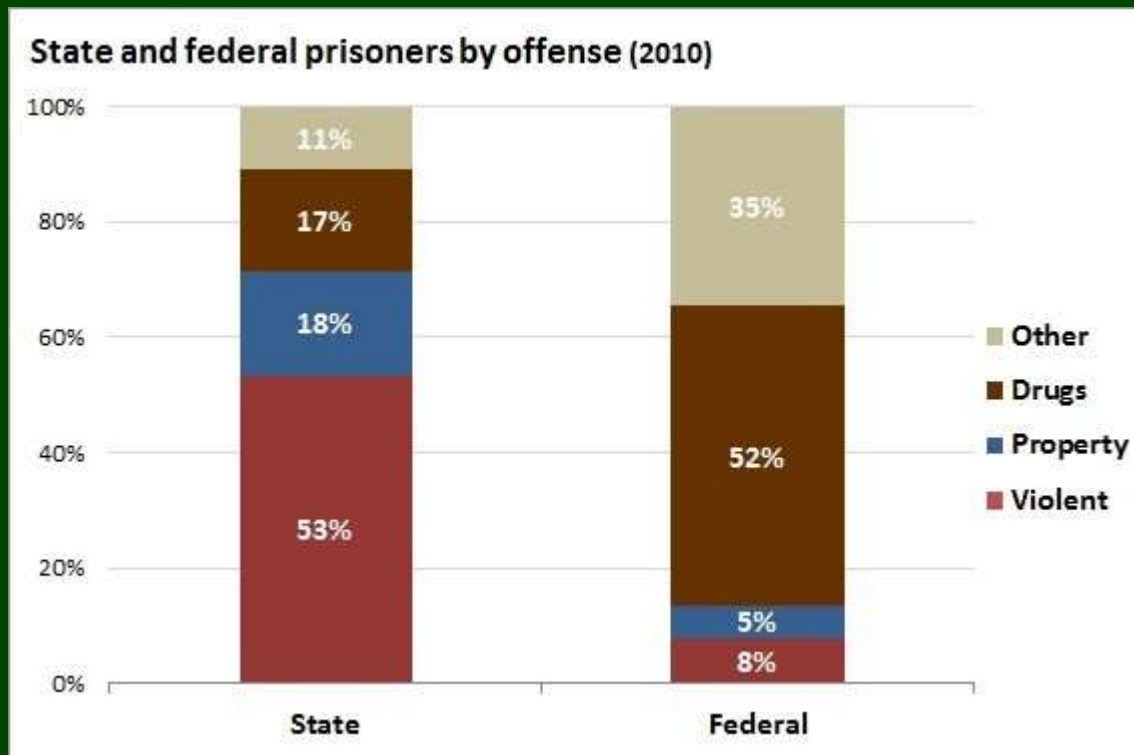


**After sharp increases in the 1980s and 1990s, the incarceration rate has slowed and plateaued, while the number of violent crimes has dropped.**

## Incarceration rates per 100,000

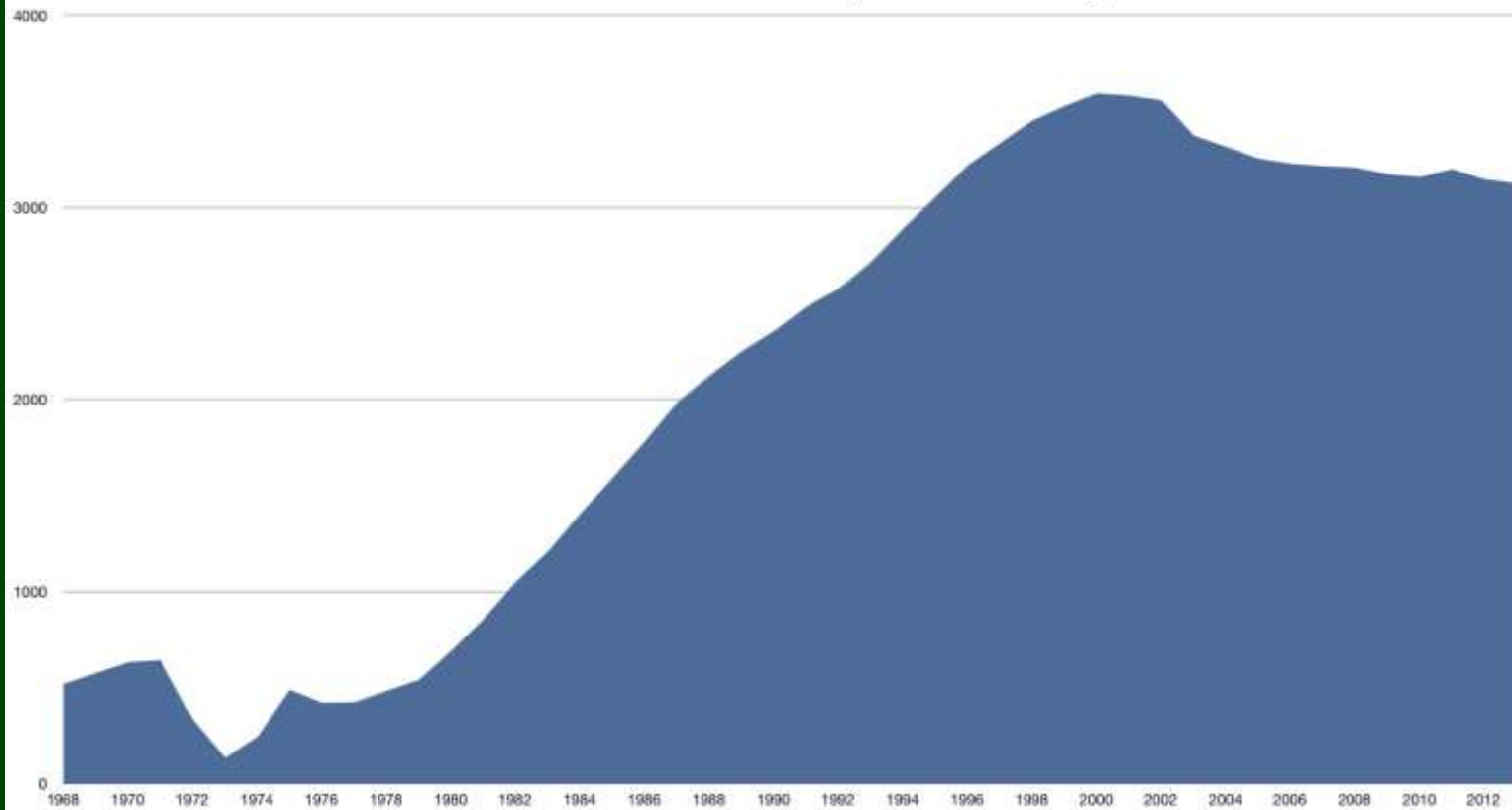


Source: "The Growth of Incarceration in the United States: Exploring Causes and Consequences," The National Research Council, 2014.

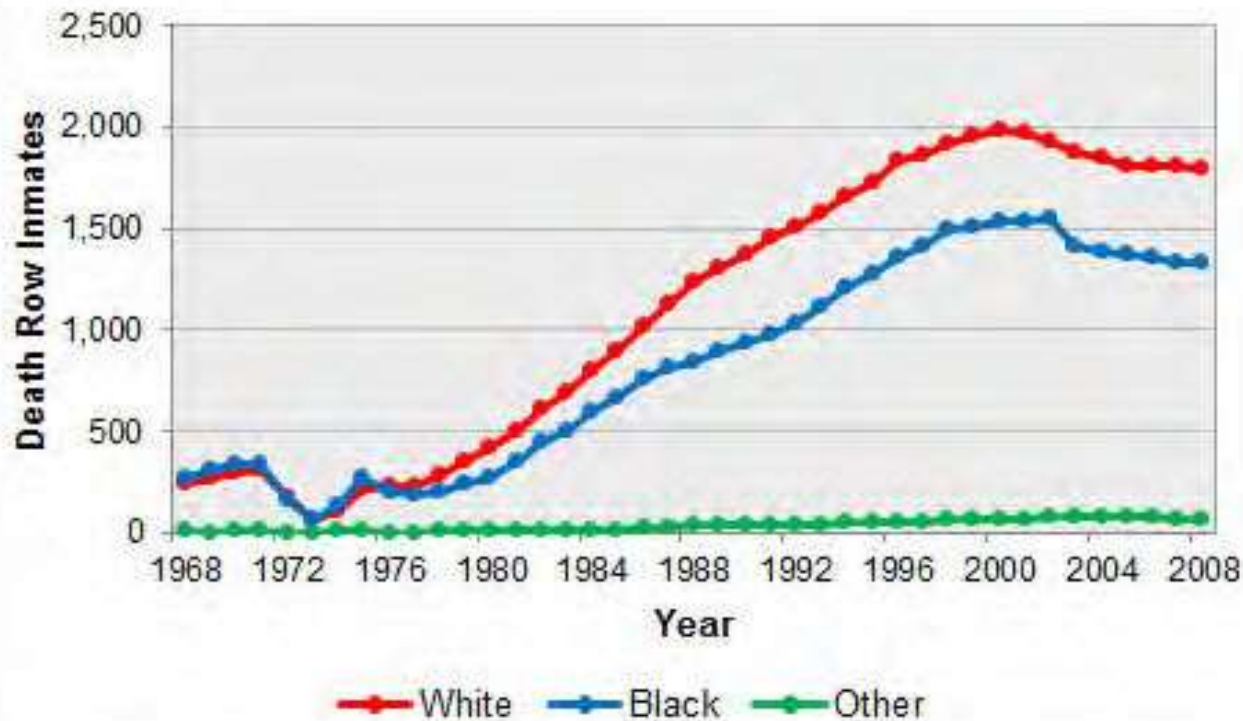


- **Violent offenses** include murder, negligent and nonnegligent manslaughter, rape, sexual assault, robbery, assault, extortion, intimidation, criminal endangerment, and other violent offenses.
- **Property offenses** include burglary, larceny, motor vehicle theft, fraud, possession and selling of stolen property, destruction of property, trespassing, vandalism, criminal tampering, and other property offenses.
- **Drug offenses** include possession, manufacturing, trafficking, and other drug offenses.
- **Other includes public-order offenses** include weapons, drunk driving, escape/flight to avoid prosecution, court offenses, obstruction, commercialized vice, morals and decency charges, liquor law violations, and other public-order offenses.

## Death Row Inmate Population By Year



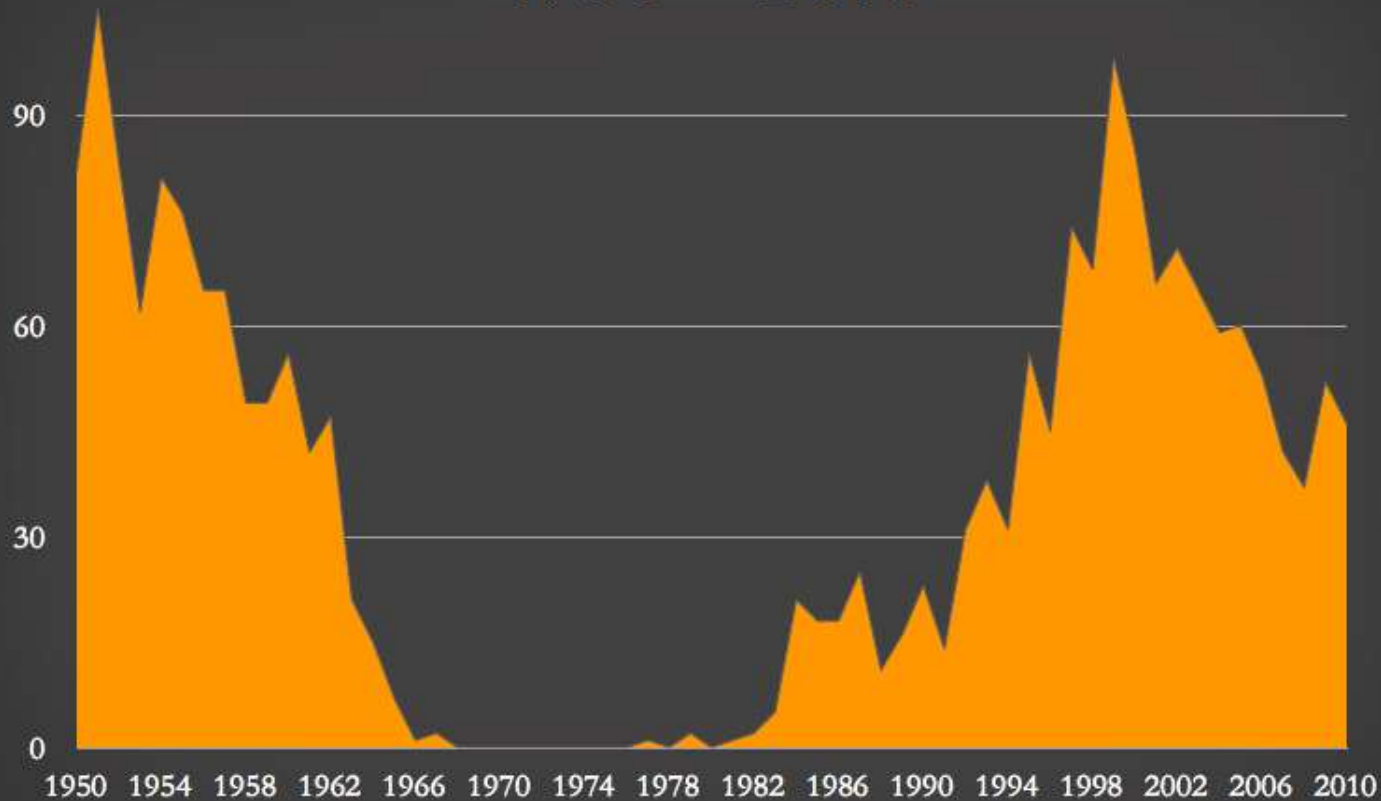
**The number of prisoners under sentence of death has been decreasing slightly. This chart goes to 2012; the number was 3,002 in April 2015**



Since the death penalty was reinstated by the Supreme Court in 1976, more than half of those under sentence of death have been white. However, the percentage of black death row inmates far exceeds their percentage in the general population.



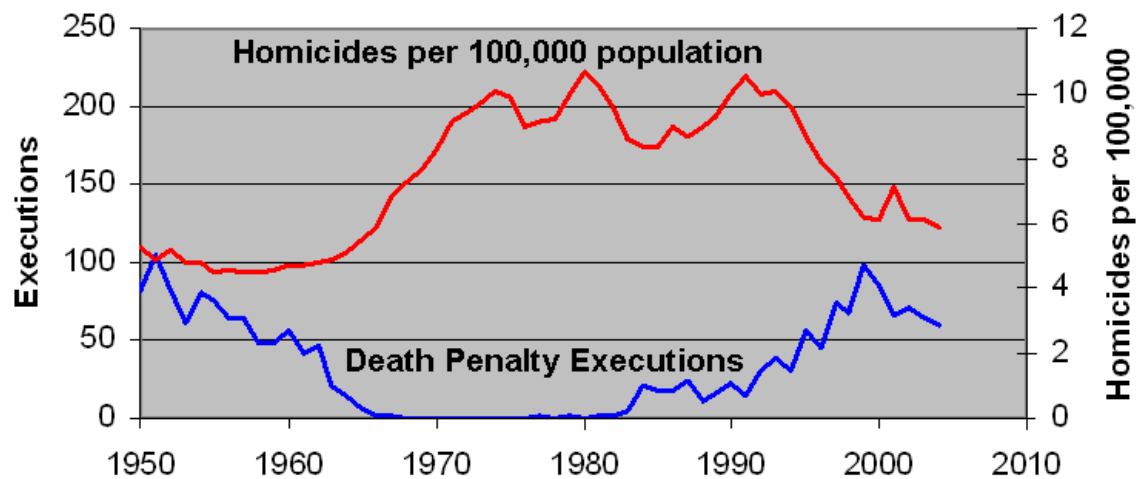
# EXECUTIONS IN THE UNITED STATES 1950 - 2010



Data from BJS, Capital Punishment 2001, Spreadsheet Figure 3  
and Capital Punishment 2010, Spreadsheet Table 9.

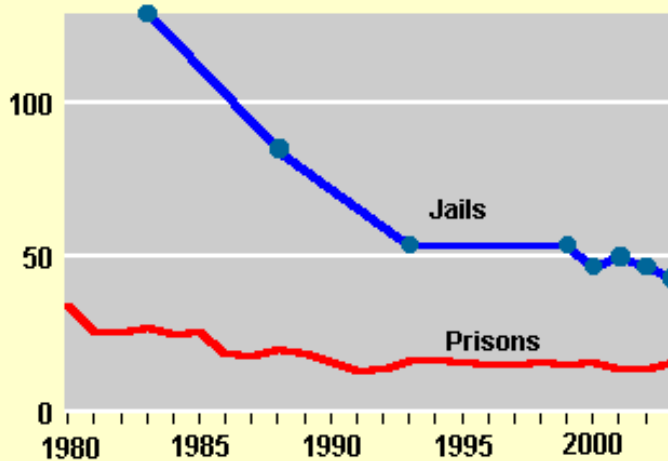
**PRISON**  
POLICY INITIATIVE

## Executions and Homicide Rate



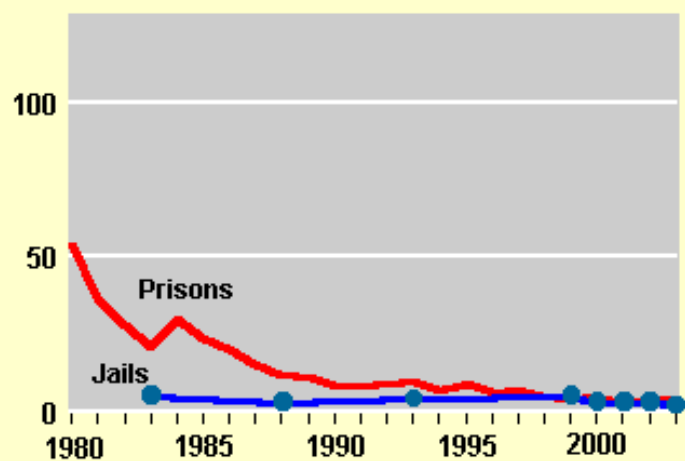
### Suicide rate, 1980-2003

Suicides per 100,000 inmates

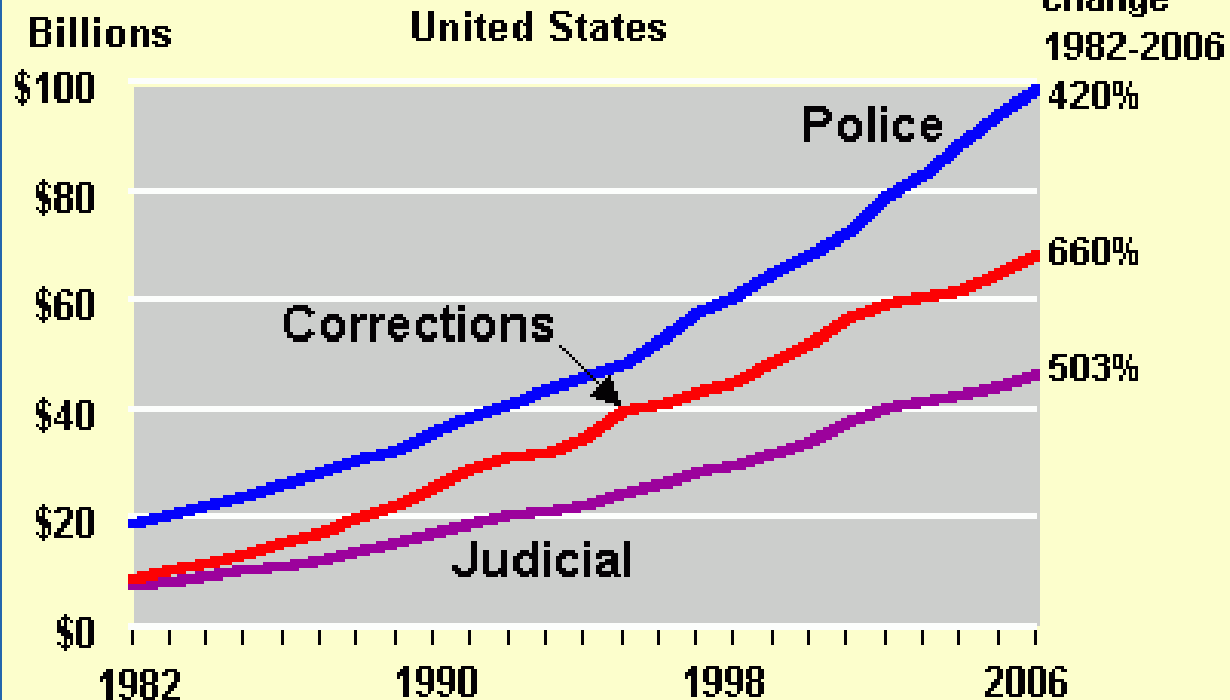


### Homicide rate, 1980-2003

Homicides per 100,000 inmates



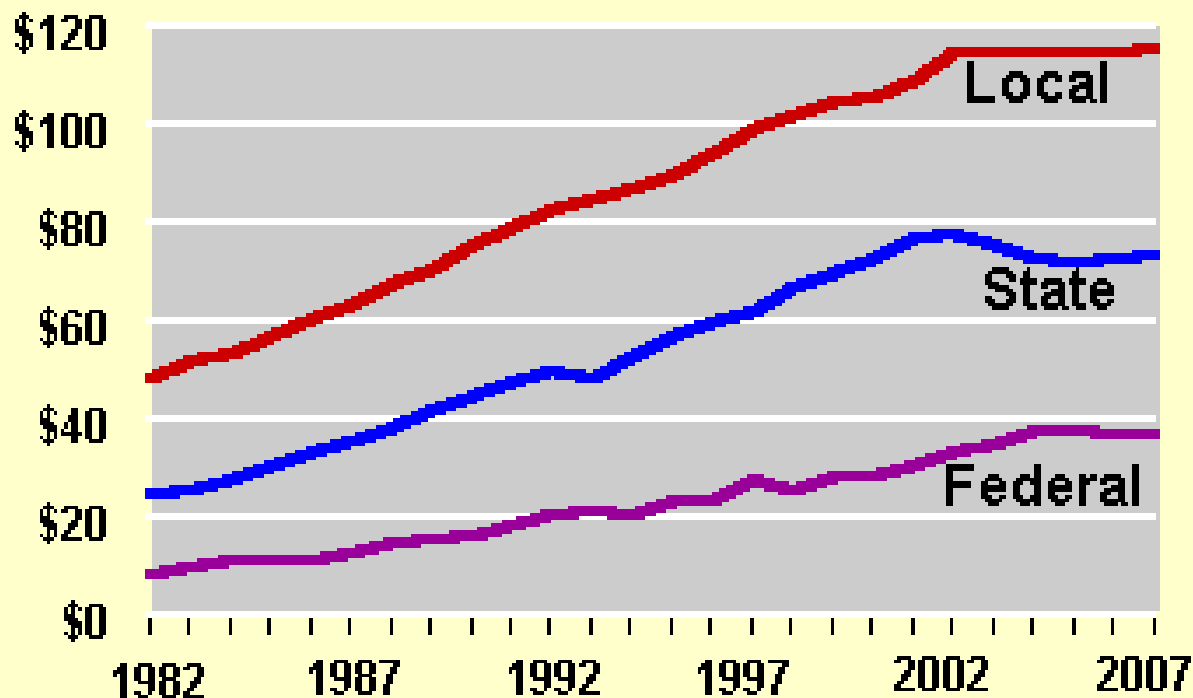
## Direct expenditure by criminal justice function, 1982-2006



Direct expenditure for each of the major criminal justice functions (police, corrections, judicial) has been increasing.

## Direct expenditure by level of government, 1982-2007

Billions



Cities and counties spend more on criminal justice than states or the Federal government.