Corrections An Introduction 5th edition Seiter Test Bank

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Chapter 2: Sentencing and Correctional Process

Chapter Overview

The purpose of this chapter is to explain the trial process and the factors that affect the determination of sentences for offenders.

Chapter Objectives

1. Summarize the pretrial process.

2. Specify the reasons for preventive detention and describe the forms of release from jail pending trial.

3. Discuss how the Manhattan Bail Project was the impetus for change and expanding the number of offenders eligible for release on recognizance.

4. Describe the role of plea bargaining.

5. Summarize the presentence investigation and how the presentence investigation report is used.

6. Summarize the different types of sentences and how sentencing decisions are made.

7. Compare indeterminate and determinate sentencing models.

8. Explain the use of sentencing guidelines.

9. Describe recent efforts to reform sentencing.

10. Suggest how drug and mental health courts are positive developments in the sentencing of criminal offenders.

Lecture Outline

Sentencing

- Sentencing: imposition of criminal sanction by judicial authority
- Felony: crime that is punishable by more than one year in prison
- Misdemeanor: crime that is punishable by less than one year in prison

Pretrial Activities: Pretrial Diversion

- Suspension of criminal process while the offender is provided the chance to participate in treatment programs
    - Minor offenders and misdemeanor crimes
    - Voluntary
    - Ideally results in charge dismissal

Pretrial Activities: Pretrial Detention in Jail

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- Preventative detention: detaining an accused person in jail to protect the community from potential criminal behavior
    - Justified by the 1984 Comprehensive Crime Control Act

Pretrial Activities: Release on Bail

- Bail: pledge of money or property in exchange for promise to return for trial process
- Surety: person is legally liable for conduct of another
- Release on recognizance (ROR): written promise to return for trial process with no pledge of money
    - Used for low-level offenders

Plea Bargaining

- Agreement in which the defendant agrees to a plea of guilty in exchange for a reduced sentence
    - 90% of criminal cases result in pleas
    - Relieves backlogged court system

Presentence Investigation Report

- Presentence investigation (PSI): report detailing the background of a convicted offender, including criminal and personal history
    - Used in sentencing, prison classification, and parole boards
- Information collected through interviews and police and court data
- Victim impact statement and sentencing recommendation are the two most important pieces of information

Sentencing Options

- Economic sanctions/community service
- Probation
- Intermediate sanctions
- Short-term confinement
- Imprisonment
- Capital punishment
- Concurrent sentences: sentences that run at the same time
- Consecutive sentences: sentences that run one after another

Sentencing Models

- Indeterminate sentences: sentences that have a minimum and maximum length, and a release authority has discretion of release date
    - Rehabilitative form of sentence
- Determinate sentencing: sentences of fixed terms
    - Truth in sentencing
    - Good time

Reducing Discretion in Sentencing

- Judicial form of sentencing: judges have primary discretion

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- Administrative form of sentencing: administrative bodies have discretion in good time and early release
- Legislative form of sentencing: legislative bodies create structured sentencing codes
- Mandatory minimums: requires a specific minimum sentence for certain crimes or certain types of offenders
- Three strikes laws: legislative mandate giving third-time felons 25 years to life sentence
- Presumptive sentencing: predetermined range of minimum, average, and maximum terms for a specific crime
- Sentencing guidelines: structured sentences, based on offense severity and criminal history, to determine current sentence

Recommendations for Sentencing Reform

- *United States v. Booker*: struck down requirement of federal sentencing guidelines and asked judges to make decisions based on reasonableness of the case
- Sentencing policies should embody fairness and serve the community while working to rehabilitate the offender

Creative Sentencing Options

- Drug courts: alternative to traditional court models by dealing with addiction issues
    - Successful as an alternative to traditional court and sentencing processes
- Mental health and other specialty courts

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