Corrections Today 4th edition Siegel Test Bank

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TRUE/FALSE

1 : There has been a transfer of power in the courts that has undercut the formal court process with a more informal system shaped by backroom deals and agreements.
A : true
B : false

Correct Answer : A

2 : Political pressure has no real impact on how a judge may choose to impose a criminal sentence.
A : true
B : false

Correct Answer : B

3 : In 1970, about 1 in 12 cases made it to trial; today, fewer than 1 in 40 felony cases are tried in court.
A : true
B : false

Correct Answer : A

4 : The presentence investigation serves as the basis for sentencing and has a significant influence on whether the convicted defendant will be granted community release or sentenced to secure confinement.
A : true
B : false

Correct Answer : A

5 : According to the 8th Amendment, all individuals accused of a crime in the U.S. are entitled to bail.
A : true
B : false

Correct Answer : B

6 : Before sentencing takes place in felony cases, it is common for the prosecutor to personally conduct a presentence investigation.
A : true
B : false

Correct Answer : B

7 : Half of all detainees being held in jail are misdemeanants who could not make bail.
A : true
B : false

Correct Answer : A

8 : Unsecured bail allows release without a deposit or bail arranged through a bondsman.

A : true
B : false

Correct Answer : A

9 : Third-party custody occurs when the court assigns custody of the defendant to an individual or agency that promises to ensure his or her later appearance in court.
A : true
B : false

Correct Answer : A

10 : The Bail Reform Act of 1984 overturned the 1976 Supreme Court case of Burton v. South Carolina, which required that no defendant be kept in pretrial detention simply because he or she could not afford financial bail, and reinstated pretrial detention for indigent offenders.
A : true
B : false

Correct Answer : B

11 : In reference to a type of bail known as percentage bail, the defendant deposits a portion of the bail amount, usually 10 %, with the court clerk.
A : true
B : false

Correct Answer : A

12 : A signature bond is usually given for minor offenses, such as minor traffic offenses, and is based on the defendants written promise to appear in court.
A : true
B : false

Correct Answer : A

13 : A sentence of 1 to 15 years is an example of a determinate sentence.
A : true
B : false

Correct Answer : B

14 : Pretrial detention is the official beginning of the correctional process.
A : true
B : false

Correct Answer : B

15 : Under presumptive sentencing guidelines, the governor sets the penalties for criminal acts.
A : true
B : false

Correct Answer : B

16 : Federal and state sentencing guidelines were created to limit prosecutorial discretion so

that people committing similar crimes received similar terms of incarceration.
A : true
B : false

Correct Answer : B

17 : If a judge wants to depart from the federal sentencing guidelines, he or she must justify that departure in writing.
A : true
B : false

Correct Answer : A

18 : Recent Supreme Court decisions ruled that federal sentencing guidelines are and must always be mandatory in order to ensure equality for all offenders.
A : true
B : false

Correct Answer : B

19 : Under mandatory minimum sentencing policies, the legislature may prohibit defendants convicted of certain violent crimes from being placed on probation.
A : true
B : false

Correct Answer : A

20 : It has been shown that three-strike laws have not contributed to overcrowded prisons in America.
A : true
B : false

Correct Answer : B

21 : Only about 40 % of convicted felons go to prison, the rest receive a jail or community sentence.
A : true
B : false

Correct Answer : A

22 : Sentences given by state and federal courts have traditionally been long in the United States.
A : true
B : false

Correct Answer : A

23 : It is appropriate for judges to consider a defendants race in making their sentencing decision.
A : true
B : false

Correct Answer : B

24 : Research has shown that both Latinos and African-Americans are, in general, sentenced more harshly than are whites.
A : true
B : false

Correct Answer : A

MULTIPLE CHOICE

25 : Sentence types and lengths are typically created by a:
A : police department.
B : governor.
C : panel of judges.
D : legislative body.

Correct Answer : D

26 : The court actor who is responsible for bringing the states case against the accused is:
A : the judge.
B : the prosecutor.
C : the defense attorney.
D : the probation officer.

Correct Answer : B

27 : With the number of plea bargains increasing over the past few years, there seems to be a transfer of power in the courtroom to the prosecutor from the:
A : media.
B : defendant.
C : defense attorney.
D : judge.

Correct Answer : D

28 : During trials without juries, the judge does which of the following?
A : rules on appropriateness of conduct.
B : settles questions of evidence.
C : guides questioning of witnesses.
D : all of these choices.

Correct Answer : D

29 : If a jury trial is waived, the decision of guilt or innocence falls upon the:
A : judge.
B : prosecutor.
C : defense attorney.
D : all of the participants.

Correct Answer : A

30 : Before sentencing takes place in felony cases, it is common for the courts probation staff to conduct a:
A : criminal investigation.
B : background investigation.
C : suitability for probation investigation.
D : presentence investigation.

Correct Answer : D

31 : A_____ bond is a money bond levied to ensure the return of a criminal defendant for trial, allowing the defendant to remain in the community prior to trial.
A : ROR.
B : restitution.
C : bail.
D : forfeiture.

Correct Answer : C

32 : The temporary conditional release of an accused person awaiting trial is referred to :
A : customary release.
B : bail
C : discharge
D : emancipation

Correct Answer : B

33 : One or more sentences imposed at the same time and served one after the other are called:
A : consecutive sentences.
B : concurrent sentences.
C : mandatory minimum sentences.
D : sentencing sanctions.

Correct Answer : A

34 : The various types of sentences that can be awarded by the courts are called:
A : sentencing sanctions.
B : sentencing choices.
C : sentencing alternatives.
D : sentencing options.

Correct Answer : A

35 : Sentencing is the formal beginning of which process?
A : arraignment.
B : pretrial.
C : correctional.
D : judicial.

Correct Answer : C

36 : A deduction of time awarded to inmates for good behavior is commonly referred to as:

A : offender volunteer program.
B : presumptive sentence.
C : mandatory sentence.
D : good time.

Correct Answer : D

37 : Release after serving the required minimum portion of the sentence is a(n):
A : indeterminate sentence.
B : determinate sentence.
C : presumptive sentence.
D : a three strikes sentence.

Correct Answer : A

38 : The most widely used type of sentence today is:
A : mandatory.
B : determinate.
C : indeterminate.
D : presumptive.

Correct Answer : C

39 : In _____, the U.S. Supreme Court found that federal law does not allow rehabilitation to be used as a factor when handing down a sentence.
A : Tapia v. United States
B : Driscoll v. United States
C : Kranitz v. United States
D : Katz v. United States

Correct Answer : A

40 : Sentences with a fixed term of years to serve are called:
A : indeterminate.
B : determinate.
C : predictive.
D : good time.

Correct Answer : B

41 : Which of the following is NOT considered to be a primary goal of structured sentencing?
A : regulating sentence length
B : curbing judicial discretion
C : making sentencing more rational
D : increasing gender disparity

Correct Answer : D

42 : The federal sentencing guidelines originated in October 1984 when Congress passed which federal law---a law that, among other things, abolished parole?
A : Preventive Detention Act
B : Sentencing Retribution Recovery Act
C : Comprehensive Crime Control Act

D : Determinate Sentencing Act

Correct Answer : C

43 : The _____ of 1994 requires a mandatory life sentence for any offender convicted of three felony offenses
A : Federal Crime Act
B : Harrison Narcotic Act
C : Violence Against Women Act
D : Violent Crime Act

Correct Answer : A

44 : Which of the following is NOT a reason federal sentencing guidelines have been criticized?
A : Prosecutors have little use for them because of their harshness and because they shift sentencing authority to judges.
B : They were developed with insufficient attention paid to either ethical considerations of basic justice or basic concerns about their efforts on prison populations.
C : They are biased against African Americans and Hispanics even though they have the goal of removing discrimination from the sentencing process.
D : Defense attorneys believe they result in longer prison terms and prevent judges from considering mitigating circumstances.

Correct Answer : A

45 : Which Supreme Court case held that federal sentencing guidelines can be taken into consideration by federal judges but that they no longer had to be regarded as mandatory?
A : Blakely v. Washington
B : United States v. Booker
C : Briggs v. United States
D : Estep v. United States

Correct Answer : B

46 : The sentence requiring a certain number of years of incarceration for particular crimes is a(n):
A : mandatory minimum sentence.
B : indeterminate sentence.
C : concurrent sentence.
D : consecutive sentence.

Correct Answer : A

47 : Which federal law created the U.S. Sentencing Commission?
A : Anti-Drug Abuse Act
B : Violent Crime Control and Law Enforcement Act
C : Firearm Owners Protection Act
D : Sentencing Reform Act

Correct Answer : D

48 : Mandatory life sentences for repeat offenders are popular in many states. These laws are known as:

A : Truth-in Sentencing laws.
B : Recidivist containment laws.
C : Three-strikes laws.
D : Habitual relief laws

Correct Answer : C

49 : Which federal law authorized funding for additional state prisons and jails in order to ensure that convicted offenders serve a large portion of their sentence?
A : Anti-Drug Abuse Act
B : Violent Crime Control and Law Enforcement Act
C : Firearm Owners Protection Act
D : Sentencing Reform Act

Correct Answer : B

50 : Truth-in-sentencing laws require inmates to serve what percentage of their sentence?
A : 35 %
B : 65 %
C : 85 %
D : 95 %

Correct Answer : C

51 : Which of the following is considered to be an appropriate legal factor for a judge to consider prior to making a final sentencing decision?
A : defendants prior record
B : defendants age
C : defendants race
D : defendants income

Correct Answer : A

52 : Disparities in sentencing often occur due to:
A : social status.
B : race.
C : gender.
D : all of these choices.

Correct Answer : D

FILL IN THE BLANK

53 : In recent years, _____ have gained greater leverage to extract guilty pleas from defendants.

Correct Answer : prosecutors

54 : The _____ formally charges the jury by instructing its members on what points of law and evidence they must consider before reaching a decision of guilty or innocent.

Correct Answer : judge

55 : The _____can become a useful tool when an offender is placed on probation by helping to shape treatment and supervision efforts.

Correct Answer : presentence investigation

56 : A(n) _____sentence is one or more sentences imposed at the same time and served simultaneously.

Correct Answer : concurrent

57 : A(n) _____sentence is when one or more sentences are imposed at the same time and are served one after another.

Correct Answer : consecutive

58 : _____ _____ refers to retaining in jail defendants who are deemed dangers and likely to commit crimes while awaiting trial.

Correct Answer : Preventive detention

59 : _____ _____ refers to a deduction of time awarded to inmates for good behavior.

Correct Answer : Good time

60 : A(An)_____ is usually given for minor offenses, such as minor traffic offenses, and is based on the defendants written promise to appear in court.

Correct Answer : signature bond

61 : When early release occurs after an offender serves a minimum portion of the sentence, the sentence is_____.

Correct Answer : indeterminate

62 : Today, the primary purpose of indeterminate sentences remains an effort to individualize each sentence in the interest of _____ offenders.

Correct Answer : rehabilitating

63 : _____ give judges a recommended sentence based on the seriousness of a crime and the offenders prior background.

Correct Answer : Sentencing guidelines

64 : _____ sentencing imposes a sentence for a definite period of time.

Correct Answer : Determinate

65 : In _____, the Court held that guidelines could be taken into consideration by federal judges but that they no longer had to be regarded as mandatory.

Correct Answer : United States v. Booker

66 : In the case of _____, the Supreme Court found that Washington States sentencing guidelines violated a defendants Sixth Amendment rights because they permitted a judge to consider aggravating factors that would increase the sentence.

Correct Answer : Blake v. Washington

67 : Many states have enacted _____ laws that require offenders to serve a substantial portion of their sentence, usually 85%.

Correct Answer : truth-in-sentencing

68 : Social class, gender, age, and victim characteristics are considered _____ factors in sentencing.

Correct Answer : nonlegal

ESSAY

69 : List and describe at least three actors in the sentencing process.

Correct Answer : The sentencing process rests in the hands of a number of actors. They include the prosecutor, the judge, and the probation staff. The prosecutor is an appointed or elected official who is responsible for bringing the state's case against the accused. In recent years, prosecutors have gained greater leverage to extract guilty pleas from defendants and, as a result, reduce the number of cases that go to trial. New laws have resulted in prosecutors having more power in the courtroom. This in turn has resulted in a transfer of power from judges to prosecutors, which has undercut the formal court process with a more informal system. Judges ultimately decide the sentence and judges typically choose the type of sentence, its length, and in the case of probation, the conditions under which it may be revoked. Before sentencing takes place, it is common for the court's probation staff to conduct a presentence investigation report. This contains information about the defendant's background, prior criminal record, education, previous employment, and family. The presentence investigation serves as the basis for sentencing and has a significant influence on whether the convicted defendant will get community release or secure confinement.

70 : Discuss consecutive and concurrent sentences and give an example of each

Correct Answer : Often times, someone is convicted of two or more charges. There must be a decision made to sentence the offender with concurrent or consecutive sentences. Concurrent sentences are one or more sentences imposed at the same time and served simultaneously. Consecutive sentences are one or more sentences imposed at the same time and served one after the other. If an offender is convicted of rape and possession of a handgun, and can be sentenced to 10 years for the rape and 3 years for the possession of a handgun, he or she will serve 10 years if the sentences are concurrent but will serve 13 years if the sentences are served consecutively.

71 : Discuss good time and how it can affect an offenders sentence.

Correct Answer : The amount of time spent in confinement can be reduced by time off for good behavior. Good time was first used in 1817 and is still found in many jurisdictions, but not all. Some offenders can also earn sentence reductions by participating in educational and vocational programs. The amount of time off one's sentence varies by jurisdiction. An advantage of good time is that prisoners can calculate their release date by subtracting the anticipated good time from their sentence. If prisoners become involved in disciplinary offenses or attempt to escape, they can lose their good time.

72 : How does judicial discretion affect the models of determinate and indeterminate sentencing?

Correct Answer : Judges exert a great deal of discretion in sentencing offenders. Society expects sentences to be appropriate to the seriousness of the criminal act and to incarcerate violent offenders and prevent innocent people from becoming victims of crime. The determinate sentence imposes a sentence for a definite term. Judges have less discretion in this type of sentence. The indeterminate sentence frequently causes sentence disparity. It allows judges little discretion because parole boards decide when to release an individual.

73 : Discuss the various types of structured sentences.

Correct Answer : In states that use determinate sentences, there has been an attempt to develop methods to structure and control the sentencing process and make it more rational. Sentencing guidelines were implemented by many states and the federal government. Guidelines give judges a recommended sentence based on the seriousness of a crime and the background of an offender. Some states use presumptive sentencing guidelines, which is a form of sentencing in which the legislature sets the penalties for criminal acts. Some states have rejected guidelines altogether because they perceive them as an improper interference with the role of the judiciary.

74 : Explain two major Supreme Court cases that impacted the legality of the application of sentencing guidelines in the U.S. Next, discuss some of the major criticisms of sentencing guidelines on the federal level?

Correct Answer : Two recent Supreme Court cases have placed a moratorium on the use of presumptive guidelines. In Blakely v. Washington, the court found that the sentencing guidelines in Washington state violated a defendant's Sixth Amendment rights because they permitted a judge to consider aggravating factors that would increase the sentence. In United States v. Booker, the Court ruled on whether the federal sentencing guidelines were unconstitutional and whether they violate the Sixth Amendment right to trial by jury. The court found that a sentence cannot be increased based on facts that were found by a judge and were not found by a jury or admitted by a defendant. The Court did not strike down the guidelines but ruled they could not be regarded as mandatory. Criticisms include complexity and difficulty of use, limits on the exercise of judicial discretion, harshness, a basis on prior record and offense elements rather than conviction charges, shifts of sentencing authority from judges to prosecutors, dissimilarity to the prior system, ethical considerations being ignored, biases against minorities, longer prison terms, and no consideration of mitigating circumstances.

75 : What are mandatory minimum sentences, and what affect have they had on correctional populations?

Correct Answer : Mandatory minimum sentences were another attempt to limit judicial discretion while getting tough on crime. This type of sentence specifies a certain required number of years of incarceration for specific crimes. The goal is to provide equal treatment for all offenders who

commit the same crime, regardless of sex, age, race/ethnicity, or other personal characteristics. Mandatory minimums are when the legislature prohibits defendants convicted of certain violent crimes, drug offenses, or other crimes from being placed on probation. Also, the legislature may require that certain offenses, such as drug and/or gun possession, carry a mandatory term of imprisonment. Mandatory sentences have increased the size of prison populations to record levels.

76 : What are truth-in-sentencing laws, and why were they enacted?

Correct Answer : Truth-in-sentencing laws require offenders to serve a substantial portion of their sentence. They were enacted to reduce the discrepancy between the sentence imposed and the actual time served in prison. The U.S. Congress authorized funding for additional state prisons and jails. As incentive, states received monetary grants if they met truth-in-sentencing requirements where offenders served at least 85 % of their sentence. Under truth-in-sentencing legislation, parole eligibility and good time credits are greatly restricted or eliminated.

77 : How do each of the following affect sentencing: social class, gender, age, victim characteristics? Discuss fully.

Correct Answer : Social class—lower class individuals get longer terms, lack of a really good attorney.Gender—women receive less punitive sentences, especially those with children.Age—older individuals are treated with more lenience; younger individuals receive more punitive sentences.Victim characteristics—victim impact statements are given much consideration because they include the experiences and ordeals of the crime.