

CHAPTER 9

PUNISHMENT AND SENTENCING

Learning Objectives

1. Recognize the goals of punishment
2. Identify the types of sentences judges can impose
3. Understand what really happens in sentencing
4. Analyze whether the system treats wrongdoers equally

Outline

- I. The goals of punishment
 - Criminal sanctions in the United States have four main goals:
 - Retribution
 - Deterrence
 - Incapacitation
 - Rehabilitation
 - A. Retribution
 - Punishment inflicted on a person who has infringed on the rights of others and so deserves to be penalized
 - Since the late 1970s, retribution as a justification for the criminal sanction has aroused new interest, largely because of dissatisfaction with results of rehabilitation
 - B. Deterrence
 - There are two types of deterrence:
 - General deterrence
 - Specific deterrence
 - C. Incapacitation
 - Deprives the ability of an offender to commit crimes against society by detaining him/her in prison
 - Selective incapacitation targets individuals whose incapacity will do the most to reduce crime in society
 - D. Rehabilitation
 - The goal of restoring a convicted offender to a constructive place in society
 - Was widely accepted as a goal from the 1940s to the 1970s
 - Most Americans still support at least the concept of rehabilitation
 - E. Restorative justice
 - Supporters would add restorative justice to the list of goals of the criminal justice system
 - Requires a three-way approach that involves the offender, the victim, and the community
 - Utilizes mediation among the three actors to devise ways to repair the harm

The Americans Chapter 9 Outline

Karin Nielsen-Saines



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