

The effects of punishment and sentencing

[Law](#), [Capital Punishment](#)



The effects of punishment and sentencing The four fundamental philosophies surrounding the purpose of sentencing are; retribution, this philosophy is the belief that those who commit criminal acts should be punished according to the seriousness of the crime and that no other circumstances are considered, deterrence, this strategy is the thought that if the punishment given is severe enough that it will stop the potential criminal from committing the crime or to be a repeat offender. Incapacitate is the third philosophy that is a belief that if the criminal is detained for a crime, thereby being separated from the community reduces the criminal activity and once released will not be as likely to be a repeat offender. Rehabilitation is the fourth and final philosophy that surrounds the purpose of sentencing, some believe that society is best served when those who break the law are not simply punished but are provided with resources needed to eliminate the need or want to engage in criminal behavior activity. The factors that go into determining sentencing are broke into three steps. The Legislature passes sentencing Laws; this specifies the terms of indeterminate sentencing. An Indeterminate term of incarceration is in which a judge determines the minimum and maximum terms of imprisonment. Only a jury can hand down the decision of the death penalty. When the minimum term is reached the prisoner becomes eligible to be paroled. Then there is determinate sentencing, this is a period of incarceration that is fixed by a sentencing authority and cannot be reduced by judges or other corrections officials. A factor that can change incarceration time is that of " good time", this is when a reduction in time served by a prisoner is based on good behavior and other positive actions. This is said to promote discipline and reduce overcrowding.

However, in murder convictions and other serious crimes an inmate must complete at least 85% of his or her sentence and no time is taken off for good behavior. This is called, truth in sentencing. Generally on an average a prisoner receives a reduction of one day for every one day of “ good time”. The last step is an Executive; they set the dates of release for inmates. If for example a criminal is sentenced to 3-5 years in prison, once the inmate reaches year three, the prisoner becomes eligible for parole. Parole is a condition of early release from a correctional facility however is not freed from legal custody and supervision of the state. The everlasting debate surrounding capital punishment has been evident for years and will be ongoing for many more. Many look upon this topic as a religious moral issue. The National Coalition against Death Penalty states that “ the death penalty devalues all human life- eliminating the possibility for transformation of human spirit. ” This organization also states that the death penalty “ is fallible and irrevocable” , their studies show that over 100 inmates have been released from death row after new technological testing regarding their cases found them to be innocent.(1) On the reverse side of this religious outlook, there are those such as J. Melton that believe, the death penalty was started by God, himself when wrote in the bible, “ He that killeth by the sword must be killed by the sword. ”(Revelations 13: 10). (2) There have been studies by Emory University professors, in 2003, state that each execution deters an average of 18 murders. A similar study in 2004 stated that it is believed that speeding up execution would strengthen deterrent effect. For every 2. 75 years cut from time spent on death row it is said that 1 murder would be prevented. Another aspect of the death penalty is that of

those who believe that rehabilitation is ineffective and capital punishment is the only punishment that is equivalent to some of the violent offenses committed and think that it is a way for closure for the families of the victims.(3) In my opinion, I believe that it is not just a moral issue for some; I think that if one has ever been or knew someone that has been a victim of sorts, one may tend to favor on the side of capital punishment. There are many different factors that lead to ones opinion rather it be religion or personal moral issues, this debate will go on for eternity. National Coalition against Death Penalty. Retrieved January 12, 2008, from Devoted to abolishing capital punishment Web site: <http://www.ncadp.org> (1) Melton, James L (1997). Three Reasons for the Death Penalty. Retrieved January 12, 2008, Web site: <http://biblebelievers.com/jmelton/punish.html> (2) (2004). Deterrent Effect of Capital Punishment. Retrieved January 12, 2008, Web site: <http://wesleylowe.com/cp.htm#deter> (3)