

Sentencing decisions

Psychology



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Sentencing decisions There are five goals of sentencing in the criminal justice system, which are retribution, incapacitation, deterrence, rehabilitation, and restoration. Of these five goals, the best one to guide sentencing decisions should be incapacitation. Rehabilitation and deterrence are only guaranteed to be successful on people already unlikely to recommit a crime, while restoration and retribution are not always possible depending on the severity of the crime, such as murder or kidnapping. Incapacitation, on the other hand, prevents criminals from recommitting their crimes and reassures civilians that they can do no further harm. Regardless of how many criminals are on the street, the more that are in prison, the fewer that civilians and potential victims have to worry about. As each criminal commits their crime, if they are tried, found guilty, and then incapacitated, they find themselves unable to commit their crime again. The streets slowly but surely become safer. A connection has been found between the amount of early-release prisoners due to prison overcrowding and the spike in crime rates as each criminal is released; for every early-release prisoner, ten more crimes are committed (Zimring & Hawkins, 1997). This reveals that there is a correlation between fewer criminals on the streets and fewer crimes. Crimes cease just as the amount of criminals cease. Furthermore, incapacitation prevents the criminal from returning to an environment that would prompt them to commit crimes. While in prison, they are under the watchful eyes of police officers and prison guards. When they are not in prison, they are free to return to their lives of criminal activity without somebody of authority intervening. If a thief became a thief due to their environment, the last thing that should be done is to send them back to that negatively influenceable environment. When they are sent back to these places, they are given

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everything that they need to continue to commit crimes. When criminals are imprisoned, there is no possible way for them to commit crimes of any sort. As such, incapacitation should be what guides sentencing decisions.

References: Zimring, F. E. & Hawkins, G. (1997). Incapacitation: Penal confinement and the restraint of crime. New York, NY: Oxford University Press, USA. Print.