

Evaluation of sentencing laws and the impact on prison populations



Sentencing Laws

Many of the sentencing laws used today and in the past are reasons why our correctional facilities are so full. Truth in sentencing law is one of the laws that do not promote early release. Instead the truth in sentencing law required that the prisoner is required to complete at least 85 percent of the time ordered by the courts. Other laws that are similar and carry lengthier sentence are mandatory sentences and three strike law. All three of these laws carry maximum sentencing.

Depending on the severity of the actions done by the offender will show what form of punishment/sentencing is required for said crime (US Legal, 2014).

Mandatory sentences and three strike law both carry a sentence of 25 to life. Depending on the severity of the actions by the offender he/she could be facing life in prison without parole or probation. For offenders to be facing sentences of this kind their crime would have to call for a harsh punishment. Many offenders who have been charged this way are ones who have committed crimes repeatedly. Even if the crime is not harsh but a repeated crime the offender has done more than twice by the third time they are facing mandatory sentences for repeat offenders.

There are programs within the correctional facility that allows prisoners to reduce the amount of time they are required to spend in the correctional facility. Some of the programs are set up within the correctional facility to help reduce the prisoner's time. This is known as good time served. Good time serve means basically as long as the prisoner does as he/she is told and does not get into any trouble at all while he/she is in correctional. Then

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he/she would be eligible for time to be reduced. Another one is earned time, earned time is another form that reduces the amount of time required for the offender spends in jail by deducting time served (US Legal, 2014).

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All offenders who are incarcerated have a right to these programs available to reduce their sentences. Repeat offenders still have rights for re-deuced sentences but are required to fulfill more of their time due to the fact that many of these offenders are repeat offenders. Obviously they did not learn the first time that is why they are now pulling longer sentences for repeating said crime.

Determinate Sentencing

Determinate sentencing is a fixed amount of time that is set by the courts. This fixed time is not to be broken and no probation, parole, and/or good time can be allowed while the offender is doing determinate sentencing. Now this cannot go past the maximum sentence of the law but does have a set amount of time that is decided by the court that the offender must pull before he/she can be allowed to get good time, probation or parole.

Determinate sentencing allows judges to take in the individual circumstances behind the case to determined if said case should be determinate or not. In many of these cases that deal with first time offenders the judge can determined to lighten the sentence are not. Where determent sentencing is guided by what the courts and judge's discretion, Mandatory minimums on the other hand does not allow for discretion with the judge's or courts.

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Another one that doesn't allow it as well is enhanced sentences. These two forms of sentencing require minimum sentencing to be fulfilled.

Some of the examples that a judge would use to lighten a sentence of someone who looking at spending quality amount of time could be for the testimony against an offender who

Determinate Sentence

Would do harder time because of the testimony given by the other offender.

“ Repeat offenders who have information that is useful to the police sometimes use these lighter sentences than do nonviolent, first - time offenders, in return for the testimony” (Determinate Sentence, 2014).

As you can see the determinate sentence can be changed by a court of law judge but as well as they can be changed they can also be given a maximum amount of time before an offender can be allowed released. Any offender who has been convicted of any felony for the third time can face determent sentences, three strikes law, enhanced sentencing, and mandatory sentences. These sentences could carry a sentences time of 25 years to life depending on the amount of times an offender has been convicted of said crime.

States abolishing parole

Since 1970 there have been 15 states that abolished parole boards. These states believe that the parole boards are not doing their jobs the way they should. Many offenders who were seen before these parole boards have re-

offended and are back in prison, meaning that the parole board failed in their research of the offender's capability of reoffending.

These 15 states understand the cost of keeping an offender in prison is more financially than if to allow them to reenter society on parole. Many of the findings regarding re-offenders are believed to be the failure of the parole officer's lack of communicating and following up with their parolees. Many of these issues are due to the fact that many parole officers today have overloaded case numbers to follow up on daily. Not being able to reach each parolee on a regular basis leaves room for parolee to reoffend (National Center For Policy Analysis, 1999)

States Abolishing Parole

" States that have eliminated their parole boards are Arizona, California, Delaware, Illinois, Indiana, Kansas, Maine, Minnesota, Mississippi, Ohio, Oregon, New Mexico, North Carolina, Virginia, and Washington" (National Center for Policy Analysis, 1999)

These states believe by them abolishing parole boards they are actually deterring offenders from re-offending. They also believe and have shown that it cost more for prisoner to be incarcerated than for them to be on parole.

States that use parole boards and parole officers have claimed it cost less for an offender to be on parole then incarcerated. They feel that it benefits all parties for the offender is rehabilitated and contributing. And that society need not fear the offender, due to the fact that the parolee's officer is in

steady contact with said parolee. Parole officers are to follow up with all parolees place of employment and housing the parolee is living in. If the parolee breaks any laws or orders set by the parole board will be in violation of their parole and a warrant would be issued for their arrest. Unfortunately due to the lack of parole officers on duty has shown an increase in parolees being re-offenders.

There are 52 states, and only 15 of them have abolished parole boards. The other 37 states still have parole boards deciding on whether an offender is rehabilitated enough to be allowed back into society. Some of the states are charging fees to the offender for being on parole. These fees that are charged to the parolee are to help with the cost of having parole officer supervision and to help keep the cost down on society. These fees are not high fees so that the parolee is capable of paying. If fees are not paid then the parolee is in violation of his

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probation and could be sent back to prison. Even this decision on the parolees violation to pay is still a decision that has to be made by the Parole Board to revoke are not to revoke. To be able to go in front of a parole board, the offender has gotten to complete at least 70-85 percent of their sentences. Cases of lesser offenses that go in front of the parole board are still concerned what the interest's society today.

Our book states: " sentencing guidelines- a grid system of determining the time that should be served; the system utilizes factors related to the crime,

but also factors related to the criminal” (Blackburn, Fowler, and Pollock, 2014).

The sentencing guidelines are prepared by the United States sentencing commission. Who was created by Comprehensive Crime control Act in 1984. The commission establishes what sentencing policy and practice should be followed within any federal courts. This sentencing policies and practice are to establish guidelines of what form of punishment and severity of punishment should be given to any offender committed a federal crime. These policies are to be effective policy and efficient policy of sentencing criminal behavior. In other words these policies must fit the crime.

The reasoning behind since and guidelines is to make sure that the punishment fits the crime. In the past judges have given out sentences that were too harsh or not harsh enough. By setting guidelines for sentencing's that depends on what the offender has done and to what degree it has been done will help structure the kind of punishment that is required for said crime. By doing so it helped judges be more certain about the amount of punishment that should be given for said offense. Offenders who commit serious crimes will be given harsher sentences

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than someone with a lesser crime. Even though the guidelines have been set by the sentencing commission, these guidelines the judge still have the right to choose within the guidelines what sentence is appropriate for said crime.

The guideline is like a range from one offense to another depending on the degree of the offense would depend on the range of the sentencing.
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Prison Population Increasing

From what we have learned regarding sentencing laws it is easy to understand why our correctional facilities are so full. Many of the offenders who are incarcerated these days are repeat offenders. Repeat offenders as we had read at the beginning carry harsher punishments because they are repeat offenders. Many of the offenders are drug related offenders. Who have been brought in from crackdowns done to known drug areas? Many states have gotten tougher on the trafficking of drugs within the United States.

There are more offenders in prison today for harsher crimes and/or repeating offenders than for lesser crimes. Many believe it would be easier to place offenders with lesser crimes on probation or parole to make room for harsher offenders. The biggest contributor factor to overcrowded correctional facilities is the war on drugs. For example there are several states that have made medical marijuana legal to smoke, due to the enormous amount of offenders who have been incarcerated for little amounts of marijuana. But even though these states have made it legal to smoke medical marijuana the federal government still considers it a schedule 1 narcotic. Which means it is illegal to possess or smoke any form of marijuana. In the states where marijuana is allowed some cities allow it and their neighboring communities do not allow.

Prison Population Increasing

If you are in possession of any form of marijuana and you are stopped and found to be in possession of marijuana you can be incarcerated, another reason why our correctional facilities are so full.

Believe it or not the United States of America has the highest number of incarcerated offenders in the world. The statistics done by the United States Bureau of Justice statistics claimed by the end of 2011 there were 2, 266, 800 adults incarcerated within the United States federal and state prisons (Wikipedia, 2014). This does not count the number of juveniles who are incarcerated in juvenile detentions, which according to this report were 70, 792. When you look at this kind the numbers is hard to disagree that the United States has the highest incarceration offenders (Wikipedia, 2014).

Tough on crime has been one of the programs that have put more offenders in jail for breaking the law because of drugs. The war on drugs has gone on for centuries; new programs are being developed every year to fight the war on drugs. More crackdowns are being done in urban areas to get the drugs off the street. But just as fast as they crackdown in one area another area opens up or a new drug dealer hits the street.

As well as drugs incarcerations increase within the United States, so does the form of punishment. Harsher punishments are set to help deter offenders from breaking the law. Sentencing guidelines change over the years as well. Example would be: an offender who was arrested for . 5 grams of marijuana would be incarcerated for up to five years 10 years ago. Today . 05 grams of marijuana can get you incarcerated for up to 10 years. Another factor to add

to this is that we have more juveniles and women and correctional facilities than we have had in years.

Prison Population Increasing

Prison population increasing is not just from more arrest being done daily, but also from the guidelines being changed yearly to help keep harsher offenders in prison. Sentencing guidelines has to get tough with the form of punishment given out to deter criminal behavior. Mandatory sentencing, three strike law, truth in sentencing are the top policy that make sure criminal behavior is punished to the word of the law. Making sure offenders who do the crime also does the time. Because of the tougher policies being enforced and in some cases enhanced the prison population is increasing. Correctional facilities are overcrowded and underfunded to be able to open new facilities with the proper space needed to hold so many offenders today. California is one of the states in the United States that has the largest number of incarcerated offenders. California is already opening two new correctional facilities to be able to house the number of offenders with harsher punishments. If other states would take the same steps as California has been may be there would not be so much overcrowding within the correctional system

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