

Unit 5 Assignment: Traditional Options for Sentencing

[Name of Writer]

[Name of Institute]

Unit 5 Assignment: Traditional Options for Sentencing

Introduction

A person facing the unpleasant situation of being sentenced is often quite aware of what the judge can do and is almost always intensely interested in what the judge will do. So is the victim and the victim's family. Although, many sentencing options have evolved with time, traditional ones remained same despite of the passage of decades. Four traditional sentencing options are briefly described in this paper.

Discussion

Imprisonment

The primary purpose of imprisonment is to reduce the use of incarceration by providing an alternative mechanism to the courts (Manson, 2001). Some complain that some offenders receive sentences of imprisonment for crimes of serious violence, sexual assault and related offenses, cases of impaired driving causing death or bodily harm and theft in the context of a breach of trust. Most people believe it is good to offer a reprieve for people who have not committed serious or violent crime and are not dangerous to society, but would otherwise incarcerated, while others think that there are cases where incarceration is necessary because of the nature of the offense and the type of offender (Stemen & Rengifo, 2011).

Fines

It is a financial penalty; affects the offender's assets because it imposes the obligation to pay the sum of money specified by the court in its decision, according to the parameters that the law says. Of course this institute would blur the boundaries today, including fines and compensation for damages (Zhong & Lin, 2013).

The fine brings substantial benefits to the detriment of the deprivation of liberty and, adding to the restriction of rights, constitutes a punitive framework of real effectiveness, if well applied and perfectly executed (Manson, 2001). The fine penalty is an important tool of contemporary criminal law to be used with the purpose of avoiding incarceration of perpetrators of minor offenses by short-term, with the potential efficacy when applied in property crimes to agents who do not have social dangerousness. Also aims to make the individual liable to internalize behavior patterns demanded by society (Zhong & Lin, 2013).

Probation

Probation is an alternative to incarceration available in the judiciary sentence. The parole officers supervise juveniles and adults in their community settings. They are followed to ensure that they follow court orders, and report a problem and progress to court (Pearse, 2012).

It is the last phase of execution of sentence. It is like the “fourth grade”. Assumes output released until full completion of the sentence; Conditional liberty that no offense is committed or the rules of conduct imposed by Judge Prison security breach during this time the person is under supervision (monthly reporting) (Manson, 2001). the “Autonomous Body of Work and Prison Performance ‘Currently, probation is considered a necessary for achieving the resocialization purposes of imprisonment instrument, should have the category of subjective right of the prisoner, but is regarded as profit (Pearse, 2012).

Death

Without doubt, the death penalty is the most severe sanction old history. Unlike absolute theories, responding to the question of why punish Theories Relating respond at why punish. Indeed, one of the answers to this question gives grounds for the death penalty. Specifically, within the theories concerning, are the Theories of General Prevention and specifically the General Refusal Prevention (Manski & Pepper, 2013). These are based on the

idea of creating some contra motivations on potential offenders. That is, give the penalty a deterrent and intimidating character. Undoubtedly, if the individual is rational, and makes an assessment of the pros and cons of committing a crime, the death penalty would prevent the crime had any benefit (Manson, 2001).

Conclusion

Each of the above discussed sentencing option has its merits and demerits. Arguments in the favor and against every option have been widely debated; however, all of the sentencing options have their importance, considering severity of the offense.

References

- Manski, C. F., & Pepper, J. V. (2013). Deterrence and the death penalty: Partial identification analysis using repeated cross sections. *Journal of Quantitative Criminology*, 29(1), 123-141.
- Manson, A. (2001). *The law of sentencing*. Irwin Law.
- Pearse, M. (2012). The effectiveness of Probation and Parole supervision in NSW. *Judicial Officers Bulletin*, 24(7), 53.
- Stemen, D., & Rengifo, A. F. (2011). Policies and imprisonment: the impact of structured sentencing and determinate sentencing on state incarceration rates, 1978–2004. *Justice Quarterly*, 28(1), 174-201.
- ZHONG, J., & LIN, X. M. (2013). Viewpoint Overview on Significant Controversy Problems in Fine Penalty. *Journal of Linyi University*, 1, 008.