

Administration Of Justice And Sentencing

Posted on September 4, 2019

In the administration of justice to the victims, the offended, upon being declared guilty by the judge, the offender is then given an appropriate punishment, which is termed sentencing. The punishment which is often given in the sentencing phase depends on the kind of crime committed. This is enhanced by a judge in relation to the factors related to the crime. There are a variety of sentences, such as fines. However, the court provides a variety of alternative sentences. These constitute probation, rehabilitation, retribution and incapacitation (John).

Probation, therefore, refers to a suspended order of imprisonment. In this case, the defendant is released back into the community instead of being imprisoned. The offender may be put in custody and later released freely into the community (Angela). Probation aims at rehabilitating criminals as a way of correcting their behaviour and providing justice to the community. However, the probationer has not the same freedom as the members of the community. In this case, there are set rules and conditions that govern the probation period. During this period, the individual undergoes corrective supervision by undertaking community-based corrections and various rehabilitative activities. The probationer is then supervised to adhere to the terms of the probation release (John). Violation of the set conditions may lead to revocation and modification of the probation.

Consequently, upon request for probationary release by the client, the court, in effect, may grant a probation release by passing a resentencing statement. This is often termed shock probation as it may come to the offender as a shock, giving hope at the start of the imprisonment. In granting the probation release, the court has to consider the type of crime committed and the threat to society. Therefore, probation as an alternative sentencing has been adopted by several courts. This kind of sentencing ensures the maintenance of family and community ties and, therefore, reduces the threat to society.

Parole is a release given to offenders who have served a portion of their sentence period. The offenders are, therefore, released early before the imprisonment period is attained. This is given upon a proper examination of the offenders and their likelihood of committing a crime. Parole, thus, is different from probation as it is a favour granted to the offender upon completion of a portion of the sentence period (Angela). Just as with probation, in parole, there are set conditions that govern the parole release. When the parolees violate these conditions, the parole is revoked, and the parolees are taken back to prison. Such conditions are restrictive and may include home confinement and not being allowed to leave the country, among others. However, not all offenders are eligible for such a favour. For instance, the offenders who have committed first-degree murder, such as rape or murder, cannot be granted a parole release. These ensure that there are no threats to society (Angela). Parole's main objective is to ensure that an individual is restored to their productive lives. Therefore, parole is in favour of indeterminate sentencing, and an offender can earn a parole release

consequently by upholding good behaviour and showing great improvement in oneself (John).

Indeterminate sentencing refers to sentencing passed without giving the actual period with which the sentence is to be taken. However, the court judges may give an estimation of the period of sentence. This type of sentencing gives the judge the authority to pose fines and probations variedly, even to individuals in the same criminal case. Other types of sentences include concurrent and consecutive sentences. In concurrent, the offender may be given two or more sentences, which are often conducted simultaneously. Such sentences may be new cases being imposed on an individual under imprisonment. However, in consecutive, more than one sentence is imposed on an offender at the same time. The sentences are often done recurrently, one after another (Michael).

Community corrections are a set of programs that include both probation and parole, which ensures that the individuals are brought back into the community using the available resources. These programs aim to use the available resources to integrate the offenders back into the community. This program, however, is cost-effective and of productive value as compared to imprisonment (Alarid). The individuals undertaking these activities, therefore, are able to get employment in the programs they participate in, among other benefits. However, the programs may pose a greater risk to the community if they are not thoroughly assessed, and the community may reject such programs in fear. Therefore, proper assessment is expedient in community correction programs. Rehabilitation also helps bring behavioural change to the offender. This ensures that the threats to the society are reduced. These offenders who have undergone the various corrective programs do not pose a threat to society, and therefore, there is justice for the victims (Michael).

In the administration of justice, there are two models of sentencing that are often employed by the various court systems and are restorative and restrictive in nature. Restorative focuses on the victim, while the restrictive focuses on the community. To administer justice, the court may apply other sentences, such as incapacitation and deterrence. Incapacitation is concerned with the well-being of the society at risk. The offenders are, therefore, imprisoned or confined to eliminate the risk to society. Deterrence sentences, however, aim to impose punishment on offenders and reduce the number of offences. Deterrence thus serves to create fear, alarming the community of the dire consequences of committing a crime (John).

Work Cited

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