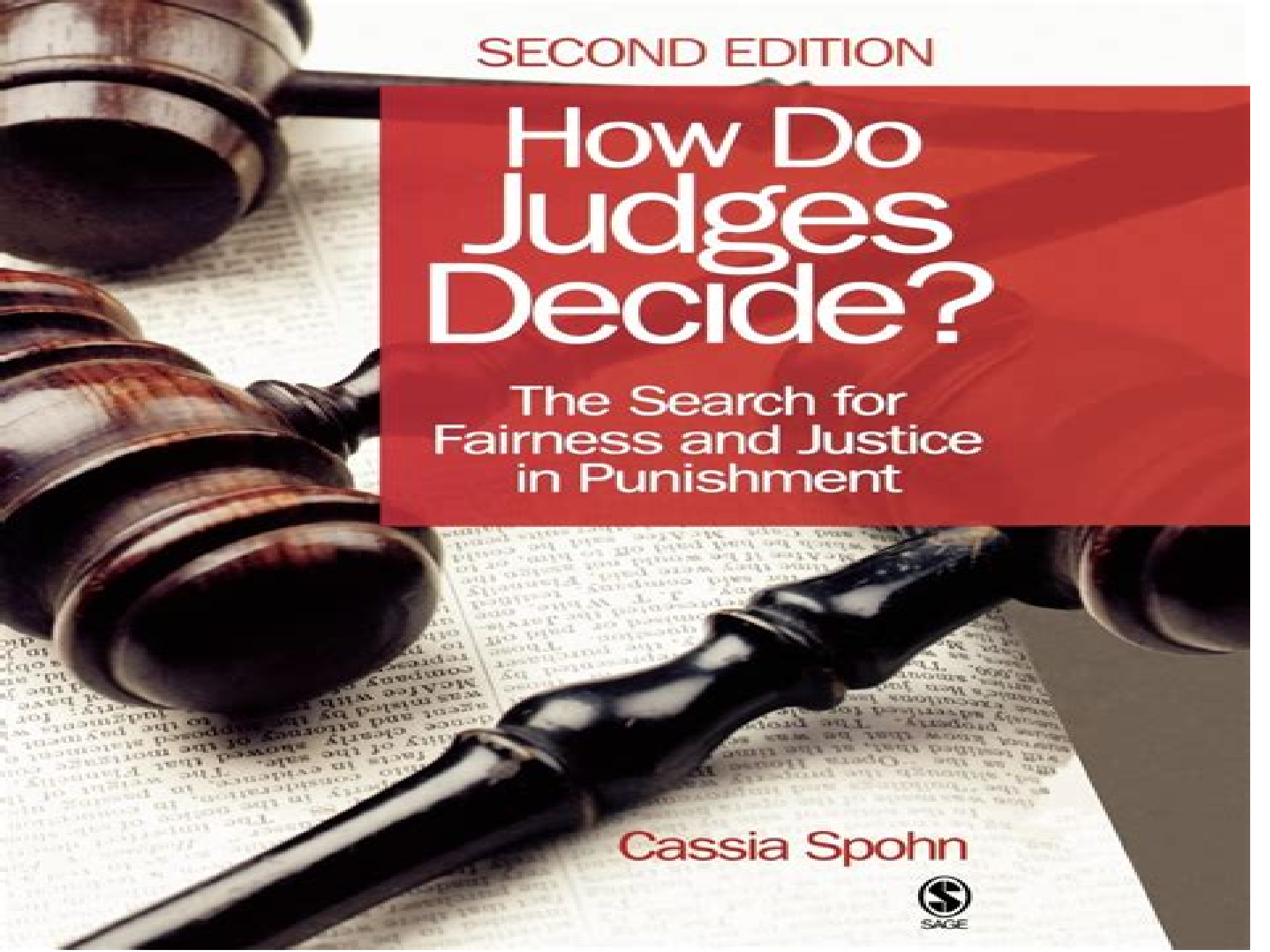


A close-up photograph of a wooden gavel with a dark handle and a light-colored head, resting diagonally across a document filled with printed text. The gavel's head is in the upper left, and the handle extends towards the bottom right. The document text is partially obscured by the gavel and a red overlay.

SECOND EDITION

How Do Judges Decide?

The Search for
Fairness and Justice
in Punishment

Cassia Spohn



How Do Judges Decide The Search For Fairness And Justice In Punishment

AN Whitehead



How Do Judges Decide The Search For Fairness And Justice In Punishment:

How Do Judges Decide? Cassia Spohn, 2009 How are sentences for Federal State and Local crimes determined in the United States Is this process fairly and justly applied to all concerned How have reforms affected the process over the last 25 years This text for advanced undergraduate students in criminal justice programs seeks to answer these questions How Do Judges Decide? Cassia Spohn, 2002-01-28 The appropriate amount of punishment for a given crime is an issue that has been debated by scholars philosophers and legal professionals since the beginning of civilizations This book seeks to address this issue in all of its complexity by providing a comprehensive overview of the sentencing process in the United States The book begins by discussing the overall concept of punishment and then proceeds to dissect individual aspects of punishment Topics include the sentencing process responsibility of the judge disparity and discrimination in sentencing and sentencing reform This book is an ideal text for introductory courses on the judicial system criminal law law and society It can be an essential resource to help students understand patterns in the wide discretion and latitude given to judges when determining punishments within the framework of the United States judicial system **Handbook on Punishment Decisions** Jeffery T. Ulmer, Mindy S. Bradley, 2017-10-16 Handbook on Punishment Decisions Locations of Disparity provides a comprehensive assessment of the current knowledge on sites of disparity in punishment decision making This collection of essays and reports of original research defines disparity broadly to include the intersection of race ethnicity gender age citizenship immigration status and socioeconomic status and it examines dimensions such as how pretrial or guilty plea processes shape exposure to punishment how different types of sentencing decisions and or policy structures sentencing guidelines mandatory minimums risk assessment tools might shape and condition disparity and how post sentencing decisions involving probation and parole contribute to inequalities The sixteen contributions pull together what we know and what we don't about punishment decision making and plow new ground for further advances in the field The ASC Division on Corrections Sentencing Handbook Series publishes volumes on topics ranging from violence risk assessment to specialty courts for drug users veterans or people with mental illness Each thematic volume focuses on a single topical issue that intersects with corrections and sentencing research *Crime and Justice, Volume 50* Michael Tonry, 2022-07-01 Since 1979 the Crime and Justice series has presented a review of the latest international research providing expertise to enhance the work of sociologists psychologists criminal lawyers justice scholars and political scientists The series explores a full range of issues concerning crime its causes and its cures In both the review and the thematic volumes Crime and Justice offers an interdisciplinary approach to address core issues in criminology **Exploring Criminal Justice** Robert M. Regoli, John D. Hewitt, Anna E. Kosloski, 2016-09-13 The ideal introductory criminal justice text book Exploring Criminal Justice The Essentials Third Edition examines the relationships between law enforcement corrections law policy making and administration the juvenile justice system and the courts **EU Criminal Justice, Financial & Economic Crime** Marc

Cools,2011 This fifth volume of the Governance of Security GofS Research Paper series addresses a wide variety of topical issues focusing on European criminal justice and financial and economic crime The first cluster of articles is concerned with European criminal justice matters particularly relating to EU mutual recognition such as conceptualization unwanted effects in the context of prisoner transfer and sentence execution impact for cross border gathering and use of forensic expert evidence and interrogational fairness standards A second cluster of articles addresses the subjects of financial and economic crime ranging from informal economy among street children to formal informal economy vulnerability of the hotel and catering industry to crime and white collar crime phenomena like transnational environmental crime and corruption A final cluster groups together a variety of selected topical issues including juvenile offending and mental disorders desistance theories and sexually transmitted infections *Psychological Science and the Law* Neil Brewer,Amy Bradfield

Douglass,2019-03-05 Psychological research can provide constructive explanations of key problems in the criminal justice system and can help generate solutions This state of the art text dissects the psychological processes associated with fundamental legal questions Is a suspect lying Will an incarcerated individual be dangerous in the future Is an eyewitness accurate How can false memories be implanted How do juries experts forensic examiners and judges make decisions and how can racial and other forms of bias be minimized Chapters offer up to date reviews of relevant theory experimental methods and empirical findings Specific recommendations are made for improving the quality of evidence and preserving the integrity of investigative and legal proceedings **Youth Justice and Migration** Olga Petintseva,2018-08-16 This book examines the implications of the professional and judicial discourses on migrant youth in the Belgian youth justice system Drawing on a detailed study of 55 court case files and in depth interviews with over forty youth justice professionals the book explores the problematisations of migrant Roma and Caucasian young people in the youth justice system to argue that they result in discursive harms It discusses the assumptions and the effects of explanations of deviant behaviour ambiguities in representations of young people s agency and responsibility differing assumptions about the moral potential of Roma and Caucasian families and the reframing of assessments in school based reports as signals of delinquency The book reflects on how to address the discursive harms identified and calls for a review of protection practices and ideals from a fundamental rights perspective This book contributes to a topic that will have increasing significance for youth justice practice in Belgium as well as the rest of Europe *Handbook on Sentencing Policies and Practices in the 21st Century* Cassia Spohn,Pauline

Brennan,2019-06-14 Sentencing Policies and Practices in the 21st Century focuses on the evolution and consequences of sentencing policies and practices with sentencing broadly defined to include plea bargaining judicial and juror decision making and alternatives to incarceration including participation in problem solving courts This collection of essays and reports of original research explores how sentencing policies and practices both in the United States and internationally have evolved explores important issues raised by guideline and non guideline sentencing and provides an overview of recent

research on plea bargaining in the United States Australia and the United Kingdom Other topics include the role of criminal history in sentencing the past and future of capital punishment strategies for reducing mass incarceration problem solving courts and restorative justice practices Each chapter summarizes what is known identifies the gaps in the research and discusses the theoretical empirical and policy implications of the research findings The volume is grounded in current knowledge about the specific topics but also presents new material that reflects the thinking of the leading minds in the field and that outlines a research agenda for the future This is Volume 4 of the American Society of Criminology's Division on Corrections and Sentencing handbook series Previous volumes focused on risk assessment disparities in punishment and the consequences of punishment decisions The handbooks provide a comprehensive overview of these topics for scholars students practitioners and policymakers

How Judges Judge Brian M. Barry, 2020-11-26 A judge's role is to make decisions This book is about how judges undertake this task It is about forces on the judicial role and their consequences about empirical research from a variety of academic disciplines that observes and verifies how factors can affect how judges judge On the one hand judges decide by interpreting and applying the law but much more affects judicial decision making psychological effects group dynamics numerical reasoning biases court processes influences from political and other institutions and technological advancement All can have a bearing on judicial outcomes In *How Judges Judge* Empirical Insights into Judicial Decision Making Brian M Barry explores how these factors beyond the law affect judges in their role Case examples judicial rulings judges own self reflections on their role and accounts from legal history complement this analysis to contextualise the research make it more accessible and enrich the reader's understanding and appreciation of judicial decision making Offering research based insights into how judges make the decisions that can impact daily life and societies around the globe this book will be of interest to practising and training judges litigation lawyers and those studying law and related disciplines

The Dark Side of the Criminal Justice System Ronald L. Morris, 2022-02-25 The high rates of Black arrests and incarceration from 1960 1990 were a direct result of deliberate government policies and a zealous criminal justice system under the patriotic umbrella of the War on Crime This stateside war shared a lot of similarities with the Vietnam war happening simultaneously racism and extreme cruelty towards those seen as the enemy deprecation of the others culture forceful use of a militarized police with combat experience repeated failure to observe human rights and mass incarceration Unfortunately this conflict continued long after the Vietnam war ended Ronald L Morris reviews those dark times analyzing their causes short and long term effects and calls for change

Avenging Child Sex Abuse Joshua Long, Jason Vukovich, 2023-07-21 This book explores the subjects of child sex abuse flaws in the justice system cultural support for vigilantism prison violence and the socio legal philosophy of punishment Child sex abuse leaves a scar that lasts a lifetime Can any legal punishment balance the scales of justice Can sex offenders ever repay their debt to society or more importantly to the victim For some victims of this traumatic abuse the debt remains unpaid and it accrues interest Vigilantes

seek to avenge child victims by hunting down sex offenders in the community Sometimes prisoners in correctional facilities conspire with rogue correctional officers to mete out their own form of convict justice on people who hurt children While their motives and methods differ these outraged citizens seek retribution through violence because they are disgusted with a justice system they believe shows extraordinary leniency toward child sex abusers Whether this violence occurs in the community or in jail cells across the country the message these vigilantes broadcast is the same if the government won't seek retribution they will The story is told through a series of case studies based on interviews with real life vigilantes most of whom are serving life sentences for their crimes For the first time vigilantes have been given a chance to tell their own stories Patrick Drum Steven Sandison Joseph Druce Jeremy Moody Jon Watson James Fairbanks and others have shared their personal insights to help us get inside the vigilante mind For some readers these accounts will humanize people considered to be simply murderers For others it will demystify the popular portrayals of vigilantes in our society Routledge

International Handbook of Restorative Justice Theo Gavrielides, 2018-07-27 This up to date resource on restorative justice theory and practice is the literature's most comprehensive and authoritative review of original research in new and contested areas Bringing together contributors from across a range of jurisdictions disciplines and legal traditions this edited collection provides a concise but critical review of existing theory and practice in restorative justice Authors identify key developments theoretical arguments and new empirical evidence evaluating their merits and demerits before turning the reader's attention to further concerns informing and improving the future of restorative justice Divided into four parts the Handbook includes papers written by leading scholars on new theory empirical evidence of implementation critiques and the future of restorative justice This companion is essential reading for scholars of restorative justice criminology social theory psychology law human rights and criminal justice as well as researchers policymakers practitioners and campaigners from around the world

Sentencing and Criminal Justice Andrew Ashworth, 2010-02-04 Andrew Ashworth expertly examines the key issues in English sentencing policy and practice including the mechanisms for producing sentencing guidelines He considers the most high profile stages in the criminal justice process such as the Court of Appeal's approach to the custody threshold the framework for the sentencing of young offenders and the abiding problems of previous convictions in sentencing Taking into account the Criminal Justice and Immigration Act 2008 and the Coroners and Justice Act 2009 the book's interdisciplinary approach places the legislation and guidelines on sentencing in the context of criminological research statistical trends and theories of punishment By examining the law in relation to elements of the wider criminal justice system including the prison and probation services students gain a rounded perspective on the relevant principles and problems of sentencing and criminal justice

Race and Crime Helen Taylor Greene, Shaun L. Gabbidon, 2011-04-18 Race and Crime A Text Reader includes a collection of recent articles on race and crime published in a number of leading criminal justice journals along with original textual material that serves to explain and unify the readings Through discussion of selected articles numerous

topics are explored including the historical social economic and political contexts of race and crime such as class gender comparative perspectives justice issues theories and statistics

Sentencing in International Criminal Law Silvia D'Ascoli, 2011-04-01 This book deals with sentencing in international criminal law focusing on the approach of the UN ad hoc Tribunals for the former Yugoslavia ICTY and Rwanda ICTR In contrast to sentencing in domestic jurisdictions and in spite of its growing importance sentencing law is a part of international criminal law that is still under construction and is unregulated in many aspects International sentencing law and practice is not yet defined by exact norms and principles and as yet there is no body of international principles concerning the determination of sentence notwithstanding the huge volume of sentencing research and the extensive modern debate about sentencing principles Moreover international judges receive very little guidance in sentencing matters this contributes to inconsistencies and may increase the risk that similar cases will be sentenced in different ways One purpose of this book is to investigate and evaluate the process of international sentencing especially as interpreted by the ICTY and the ICTR and to suggest a more comprehensive and coherent system of guiding principles which will foster the development of a law of sentencing for international criminal justice The book discusses the law and jurisprudence of the ad hoc Tribunals and also presents an empirical analysis of influential factors and other data from ICTY and ICTR sentencing practice thus offering quantitative support for the doctrinal analysis This publication is one of the first to be entirely devoted to the process of sentencing in international criminal justice The book will thus be of great interest to practitioners academics and students of the subject

Intersectional Experiences and Marginalized Voices Sarah B. Donley, Melencia Johnson, 2024-02-15 Intersectional scholarship represents a significant cornerstone to the study of the social inequality This book makes visible the contribution of social scientists to intersectional research analysis and praxis in a diverse sampling of scholarship from across the sociological spectrum highlighting various quantitative and qualitative methodologies The contributions to this volume show how multiple dimensions of identity intersect with dimensions of power and privilege to shape the opportunities and obstacles that people encounter in their day to day lives Utilizing a variety of quantitative and qualitative methods scholars included in this book center Methods of intersectional research Marginalized faculty s experiences in the neoliberal university Victim characteristics of transgender Americans The effect of immigration and gender status on PhD engineers earnings How social capital access is shaped by race and gender status Latinas experiences in sports Trans men s pathways to incarceration Intersectional scholarship holds significant importance in providing a nuanced understanding of oppression and power dynamics as well as functioning as critical praxis for doing social justice work This insightful volume will be useful for scholarly readers and researchers in the subject areas of sociology gender and sexualities studies race and ethnicity feminist pedagogy and criminology The chapters in this book were originally published in the journal Sociological Spectrum

Law and Society Steven Vago, Steven E. Barkan, 2017-09-22 In the 11th edition of Law and Society Steven E Barkan preserves Dr Vago s voice while making this

classic text more accessible for today's students Each chapter now includes an outline learning objectives key terms and chapter summaries A new epilogue chapter examines law and inequality in the United States as it moves into the third decade of this century The 11th edition reflects new developments in law and society literature as well as recent real life events with legal relevance for the United States and other nations Law and Society is for one semester undergraduate courses in Law and Society Sociology of Law Introduction to Law and a variety of criminal justice courses offered in departments of Sociology Criminal Justice and Political Science

Sentencing in the Age of Information Katja Franko Aas, 2005 Applying media and communication studies to sentencing and penal culture Franko Aas offers a lucid and innovative account of how punishment is adjusting to a new cultural climate

American Law Lawrence M. Friedman, Grant M. Hayden, 2016-11-21 This book provides an introduction to the American legal system for a broad readership Its focus is on law in practice on the role of the law in American society and how the social context affects the living law of the United States It covers the institutions of law creation and application law in American government American legal culture and the legal profession American criminal and civil justice and civil rights Clearly written the book has been widely used in both undergraduate and graduate courses as an introduction to the legal system it will be useful too to a general audience interested in understanding how this vital social system works This new edition follows the same basic structure as applied in the previous editions providing a thorough revision and reworking of the text This edition reflects upon what has happened in the years since the second edition was published in 1998 and how these events and evolutions have shaped our fundamental comprehension of the workings of the American legal system today

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