

Cambridge Criminology Series

**The framework of
judicial sentencing**

**A STUDY IN
LEGAL DECISION MAKING**

Austin Lovegrove

Framework Of Judicial Sentencing A Study In Legal Decision Making

Britta Kyvsgaard



Framework Of Judicial Sentencing A Study In Legal Decision Making:

The Framework of Judicial Sentencing Austin Lovegrove, 1997-05 Austin Lovegrove examines the sentencing of offenders appearing on multiple offences and how judges having fixed a prison sentence for each offence determine an overall sentence for each offender. Analysing judges' verbal protocols for sentencing problems and sentences for fictitious cases, he is able to offer first a model of judicial sentencing in the form of a decision strategy comprising working rules deduced from the given responses of judges as they attempted to apply sentencing law, and second a numerical guideline in the form of an algebraic model quantifying the application of the working rules. On the basis of this empirical data, Dr Lovegrove furthers understanding of the nature and place of intuition in sentencing and of how the cumulation of sentence can be integrated into a system of proportionality related to the seriousness of single offences.

Sentencing and Society Cyrus Tata, Neil Hutton, 2017-03-02 Combining the latest work of leading sentencing and punishment scholars from twelve different countries, this major new international volume answers key questions in the study of sentencing and society. It presents not only a rigorous examination of the latest legal and empirical research from around the world but also reveals the workings of sentencing within society and as a social practice. Traditionally, work in the field of sentencing has been dominated by legal and philosophical approaches. Distinctively, this volume provides a more sociological approach to sentencing, so allowing previously unanswered questions to be addressed and new questions to be opened. This extensive collection is drawn from around one third of the papers presented at the First International Conference on Sentencing and Society. Almost without exception, the chapters have been revised, cross-referenced and updated. The overall themes and findings of the international volume are set out by the opening Introduction and the closing Reflections chapters. Research findings on particular penal policy questions are balanced with an analysis of fundamental conceptual issues, making this international volume essential reading for sentencing and punishment scholars, criminal justice policy makers and graduate students.

Sentencing and the Legitimacy of Trial Justice Ralph Henham, 2013-03-01 This book discusses the under-researched relationship between sentencing and the legitimacy of punishment. It argues that there is an increasing gap between what is perceived as legitimate punishment and the sentencing decisions of the criminal courts. Drawing on a wide variety of empirical research evidence, the book explores how sentencing could be developed within a more socially inclusive framework for the delivery of trial justice. In the international context, such developments are directly relevant to the future role of the International Criminal Court, especially its ability to deliver more coherent and inclusive trial outcomes that contribute to social reconstruction. Similarly, in the national context, these issues have a vital role to play in helping to re-position trial justice as a credible cornerstone of criminal justice governance where social diversity persists. In so doing, the book should help policy makers in appreciating the likely implications for criminal trials of mainstreaming restorative forms of justice. *Sentencing and the Legitimacy of Trial Justice* firmly ties the issue of legitimacy to the relevant context for delivering justice. It suggests a

need to develop the tools and methods for achieving this and offers some novel solutions to this complex problem This book will be a valuable resource for graduate students academics practitioners and policy makers in the field of criminal justice as well as scholars interested in socio legal and cross disciplinary approaches to the analysis of criminal process and sentencing and the development of theory and comparative methodology in this area *Sentencing Multiple Crimes* Jesper

Ryberg, Julian V. Roberts, Jan Willem de Keijser, 2018 *Sentencing Multiple Crimes* confronts the practical and theoretical challenges for the criminal justice system when punishing multiple crime offenders including the proportionality of the crimes committed the temporal span between the crimes and the relationship between theories about the punitive treatment of recidivists and multiple offenders It provides a comprehensive examination of the dynamics involved with sentencing multiple offenders from the perspective of several legal theories **How Judges Sentence** Geraldine Mackenzie, 2005

How do judges sentence This question is frequently asked but infrequently explored What factors are taken into account How do judges see their role How do they apply the aims and purposes of sentencing How are factors such as public opinion taken into account *How Judges Sentence* explores these questions through interviews with Queensland judges The judges explain how they come to their decisions when sentencing how they view judicial discretion and how they exercise it The book carefully examines their comments within the legislative and theoretical contexts of sentencing The analysis yields valuable insights into judicial methodologies perceptions and attitudes towards the sentencing process *How Judges Sentence* provides a major contribution to debates on sentencing **Exploring Sentencing Practice in England and Wales** J.

Roberts, 2015-02-27 This volume explores the theory and practice of sentencing in England and Wales exploring issues such as the role of previous convictions offender remorse and sentencing female offenders as well as drawing upon a new and unique source of data from the Crown courts **Big Data, Crime and Social Control** Aleš Završnik, 2017-09-20

From predictive policing to self surveillance to private security the potential uses of big data in crime control pose serious legal and ethical challenges relating to privacy discrimination and the presumption of innocence The book is about the impacts of the use of big data analytics on social and crime control and on fundamental liberties Drawing on research from Europe and the US this book identifies the various ways in which law and ethics intersect with the application of big data in social and crime control considers potential challenges to human rights and democracy and recommends regulatory solutions and best practice This book focuses on changes in knowledge production and the manifold sites of contemporary surveillance ranging from self surveillance to corporate and state surveillance It tackles the implications of big data and predictive algorithmic analytics for social justice social equality and social power concepts at the very core of crime and social control This book will be of interest to scholars and students of criminology sociology politics and socio legal studies Transforming

International Criminal Justice Mark Findlay, Ralph Henham, 2005-06 This book sets out an agenda to transform international criminal trials and the delivery of international criminal justice to victim communities through collaboration of currently

competing paradigms It reflects a transformation of thinking about the comparative analysis of the trial process and seeks to advance the boundaries of international criminal justice through wider access and inclusivity in an environment of rights protection Collaborative justice is advanced as providing the future context of international criminal trials The book's radical dimension is its argument for the harmonization of restorative and retributive justice within the international criminal trial The focus is initially on the trial process a key symbol of developing international styles of justice It examines theoretical models and political applications of criminal justice through detailed empirical analysis in order to explore the underlying relationship of theory and empirical study applying the outcome in theory testing and policy evaluation in several different jurisdictions The book injects a significant comparative dimension into the study of international criminal justice This is achieved through searching the traditional foundations of internationalism in justice by employing an original methodology to enable a multi dimensional exploration of contexts local regional and global so recognising the importance of difference within an agenda suggesting synthesis The book argues for a concept of international trial within a rights paradigm understood against different procedural traditions and practices and provides a detailed description of trials and trial decision making in various jurisdictions Transforming International Criminal Justice also sets out to develop effective research strategies as part of its interrogation of specific trial narratives and meanings in contemporary legal cultures Key themes are those of internationalisation fair trial and the exercise of discretion in justice resolutions sentencing in particular and the lay professional relationship and its dynamics Finally the book provides a searching critique of the relevance of existing criminology and legal sociology in relation to international criminal justice and speculates on trial transformation and the merger of retributive and restorative international criminal justice comparative analysis of the criminal trial process internationally argues for harmonization of retributive and restorative justice within the international criminal trial sets out an agenda to transform international criminal trials and the delivery of international criminal justice to victim communities

Judicial Decision Making, Sentencing Policy, and Numerical Guidance Austin Lovegrove, 2012-12-06 This book describes an original empirical study of judicial decision making The process of determining sentences is a difficult one for judges and often unnecessarily intuitive subjective and complex The present study introduces a conceptual outline and empirical technique for increasing the precision of sentencing policy thus offering an aid to judges who sentence in the light of this policy The primary purpose of this model of judicial decision making is to provide a framework for scaling the seriousness of any single case in relation to the facts of that case and for relating this assessment to the appropriate quantum of sentence The validity of the model is tested and cross validated in an archival study This innovative research serves as an important prototype for a system of numerical guidance to judges and sentencers

Key Issues in Criminal Career Research Alex R. Piquero, David P. Farrington, Alfred Blumstein, 2007-01-08 Publisher description

Doing Justice, Preventing Crime Michael Tonry, 2020-06-01 Punishment policies and practices in the United States today are unprincipled chaotic and much

too often unjust The financial costs are enormous The moral cost is greater countless individual injustices mass incarceration the world's highest imprisonment rate extreme disparities especially affecting members of racial and ethnic minority groups high rates of wrongful conviction assembly line case processing and a general absence of respectful consideration of offenders interests circumstances and needs In *Doing Justice Preventing Crime* Michael Tonry lays normative and empirical foundations for building new more just and more effective systems of sentencing and punishment in the twenty first century The overriding goals are to treat people convicted of crimes justly fairly and even handedly to take sympathetic account of the circumstances of peoples lives and to punish no one more severely than he or she deserves Drawing on philosophy and punishment theory this book explains the structural changes needed to uphold the rule of law and its requirement that the human dignity of every person be respected In clear and engaging prose Michael Tonry surveys what is known about the deterrent incapacitative and rehabilitative effects of punishment and explains what needs to be done to move from an ignoble present to a better future

Retributivism Has a Past Michael Tonry, 2011-12-12 A collection of essays by major figures in punishment theory law and philosophy that reconsiders the popularity and prospects of retributivism the notion that punishment is morally justified because people have behaved wrongly

Criminal Sentencing in Bangladesh Muhammad Mahbubur Rahman, 2017-03-20 In *Criminal Sentencing in Bangladesh* Muhammad Mahbubur Rahman critically examines the sentencing policies of Bangladesh and demonstrates that the country's sentencing policies are not only yet to be developed in a coherent manner and shaped with an appropriate and contextual balance but also remain part of the problem rather than part of the solution The author forcefully argues that the conception of sentencing policies cannot and should not always be confined exclusively to institutional understandings The typical realities of post colonial societies call for rethinking the traditional judiciary centred understanding of what is meant by criminal sentences This book thus raises the question for theoretical sentencing scholarship whether the prevailing judiciary centred understanding of sentencing should be rethought

Rethinking Homicide Terance D. Miethe, Wendy C. Regoeczi, Kriss A. Drass, 2004-01-19 Using multiple data sources and methods this book involves a micro historical analysis of the nature of change and stability in homicide situations over time It focuses on the homicide situation as the unit of analysis and explores similarities and differences in the context of homicide for different social groups For example using Qualitative Comparative Analysis we investigate whether various social groups e g men vs women teenagers vs adults strangers vs intimates Blacks vs Whites kill under qualitatively different circumstances and if so what are the characteristics of these unique profiles The analysis of over 400 000 US homicides is supplemented with qualitative analysis of narrative accounts of homicide events to more fully investigate the structure and process underlying these lethal situations Our findings of unique and common homicide situations across different time periods and social groups are then discussed in terms of their implications for criminological theory and public policy

The Criminal Career Britta Kyvsgaard, 2002-11-14 How can the average criminal career be characterized and how common are

career criminals Does offending become more specialized and or more serious as people get older Do female careers in crime differ from those of males in substance or only in magnitude Britta Kyvsgaard examines these questions through her longitudinal analysis of the life circumstances and criminal pursuits of 45 000 Danish offenders This 2002 book provides a remarkably broad assessment of the full spectrum of criminal career patterns The data unparalleled in size and quality allows powerful analyses of criminal behavior even among relatively small demographic subgroups Kyvsgaard is thus able to make solid assessments of offending patterns for males and females juveniles and middle aged adults and employed and unemployed individuals Furthermore she examines the empirical evidence of the effects of deterrence and incapacitation Her findings suggest rehabilitation as an alternative worthy of further research

Dangerous Offenders Mark Brown, John Pratt, 2002-01-04 This highly controversial new book considers how the dangerous offender has become such a figure of collective anxiety for the citizens of rationalised Western societies The authors consider ideas of danger and social threat in historical perspective legal responses to violent criminals attempts to predict dangerous behaviour why particular groups such as women remain at risk from violent crime This inspired collection invites us to rethink the received wisdom on dangerous offenders and will be of interest to students and scholars in the fields of criminology and the sociology of Risk

Gangs and Delinquency in Developmental Perspective Terence P. Thornberry, 2003 Gang membership has long been understood to have a disruptive influence on adolescent development and to contribute disproportionately to the rate of delinquent crime The nature of the impact and the long term effects on individuals have not been well understood This book uses longitudinal data to examine the developmental consequences of gang membership and its longer term influence on the life course This longitudinal approach is made possible by data from a study of antisocial behavior The Rochester Youth Development Study which followed one thousand adolescents through their early adult years The subjects include delinquents who were gang members and others who were not allowing the authors to compare motives patterns of behavior and recurring problems with caregivers and the law education peer relations and career paths The findings indicate that multiple developmental deficits lead to gang membership and that membership leads to an increase in delinquency

White-Collar Crime and Criminal Careers David Weisburd, Elin Waring, 2001-02-12 Weisburd and Waring offer here the first detailed examination of the white collar criminal career

The Virtual Prison Julian V. Roberts, 2004 Analyses the effectiveness and implications of community custody for offenders and society as a whole

The Crime Drop in America Alfred Blumstein, Joel Wallman, 2000-09-11 here s a 90 word blurb The authors of this timely book explain and assess the plausible causes for the steady decline beginning in 1992 of violent crime in the United States Here some of America s top criminologists examine the role of guns prison expansion homicide patterns drug markets economic opportunity changes in policing and demographics They presents the most authoritative intelligent discussion available on the rise and fall of American violence The perspectives offered here will undoubtedly influence the public debate and the planning of future

responses to crime

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