

Exercising Discretion **Decision-making in the criminal** **justice system and beyond**

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Exercising Discretion Decisionmaking In The Criminal Justice System And Beyond

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Exercising Discretion Decisionmaking In The Criminal Justice System And Beyond:

Exercising Discretion Loraine Gelsthorpe, Nicola Padfield, 2003 The exercise of discretion often plays a key part in decisions which are made within the criminal justice system such as the victim of an offense choosing not to report the offense the police deciding to press for prosecution rather than cautioning a sentencer choosing to impose a custodial sentence rather than a community penalty and a Discretionary Lifer Panel of the Parole Board choosing to offer early release for imprisoned offenders However definitions of discretion are not clear and despite widespread recognition of its importance there is much controversy on its nature and legitimacy This book explores the importance of discretion to an understanding of the nature of the making of justice in theory and practice taking as its starting point the wide discretionary powers wielded by many of the key players in the criminal justice and related systems It focuses on the core elements and contexts of discretion looking at the power ability authority and duties of individuals

The Oxford Handbook of Criminal Law Markus D. Dubber, Tatjana Hörnle, 2014-11-27 The Oxford Handbook of Criminal Law reflects the continued transformation of criminal law into a global discipline providing scholars with a comprehensive international resource a common point of entry into cutting edge contemporary research and a snapshot of the state and scope of the field To this end the Handbook takes a broad approach to its subject matter disciplinarily geographically and systematically Its contributors include current and future research leaders representing a variety of legal systems methodologies areas of expertise and research agendas The Handbook is divided into four parts Approaches Methods I Systems Methods II Aspects Issues III and Contexts Comparisons IV Part I includes essays exploring various methodological approaches to criminal law such as criminology feminist studies and history Part II provides an overview of systems or models of criminal law laying the foundation for further inquiry into specific conceptions of criminal law as well as for comparative analysis such as Islamic Marxist and military law Part III covers the three aspects of the penal process the definition of norms and principles of liability substantive criminal law along with a less detailed treatment of the imposition of norms criminal procedure and the infliction of sanctions prison law Contributors consider the basic topics traditionally addressed in scholarship on the general and special parts of the substantive criminal law such as jurisdiction mens rea justifications and excuses Part IV places criminal law in context both domestically and transnationally by exploring the contrasts between criminal law and other species of law and state power and by investigating criminal law's place in the projects of comparative law transnational and international law

The Oxford Handbook of Criminal Process Darryl K. Brown, Jenia Iontcheva Turner, Bettina Weisser, 2019-02-22 The Oxford Handbook of Criminal Process surveys the topics and issues in the field of criminal process including the laws institutions and practices of the criminal justice administration The process begins with arrests or with crime investigation such as searches for evidence It continues through trial or some alternative form of adjudication such as plea bargaining that may lead to conviction and punishment and it includes post conviction events such as appeals and various procedures for

addressing miscarriages of justice Across more than 40 chapters this Handbook provides a descriptive overview of the subject sufficient to serve as a durable reference source and more importantly to offer contemporary critical or analytical perspectives on those subjects by leading scholars in the field Topics covered include history procedure investigation prosecution evidence adjudication and appeal *Text and Materials on the Criminal Justice Process* Nicola Padfield,Jonathan Bild,2015-12-14 Highlighting key issues in Criminal Justice that students need to consider the Fifth Edition of this popular text contains a wide and varied selection of materials which help to explain the evolution of the criminal justice process in England and Wales since the early 1990s Statutes case law empirical research and official and unofficial reports as well as theoretical perspectives and academic comment are woven together and contextualized by the accompanying narrative to provide an authoritative account of the recent development of the criminal justice system Fully updated this Fifth Edition explores the issues around the introduction of Police and Crime Commissioners the contracting out of probation services the significant reforms to legal aid funding the challenges to trial by jury posed by the internet This book also helpfully directs students to further reading by chapter to provide next steps for research Written in an accessible style *Text and Materials on the Criminal Justice Process* is a valuable resource for students of criminal justice **Criminal Justice** Peter Joyce,2013 This book assesses the main theories concerned with the causes of crime and provides an account and analysis of the response of the state to crime in England and Wales It is a useful text for students taking courses in criminal justice **Reasons to Doubt** Carolyn Hoyle,Mai Sato,2019-01-10 This book reveals what happens to applications for post conviction review when those in England Wales and Northern Ireland who believe they are wrongfully convicted apply to the Criminal Cases Review Commission the only body that can refer a case back to the Court of Appeal once appellants opportunities for direct appeal are exhausted While the Court is obliged to hear all such referrals the Commission can only refer a case where it believes there is a real possibility that the Court will quash the conviction The first empirical study of all stages of decision making within the Commission this book starts from the premise that the test applied by the Commission the real possibility test is not inflexible Though created by statute and refined through case law it must be determined on a case by case basis drawing too on cultural and structural variables alongside fresh evidence gathered by the Commission Through in depth analysis of case files and interviews Hoyle and Sato scrutinize the Commissions operational practices its working rules and assumptions considering how these influence its understanding of the real possibility test Situating their rich empirical data within a framework of the Commissions social organizational and legal contexts this book demonstrates that in its open ended investigations there is considerable scope for discretion for thorough exploration of all possible avenues or for choosing a more superficial consideration of a case It emerges that while structured internal guidance drawing heavily on Court jurisprudence shapes decision making creating consistency in approach there remains some variability across cases over time that can be accounted for by the different professional backgrounds and personalities

of Commission staff **Alternatives to Imprisonment in England and Wales, Germany and Turkey** Öznur Sevdiren, 2011-02-24 The book focuses on one of the most problematic areas of Turkish penal justice the overreliance on custodial measures and a corresponding growth in the prison population and compares Turkey with two major European countries in this respect England and Wales and Germany The underlying question throughout the study is the extent to which prison alternatives can be seen as genuine alternatives to immediate custodial sentences **Integrated Offender Management and the Policing of Prolific Offenders** Frederick Cram, 2023-05-30 This book analyses the impact of Integrated Offender Management IOM on contemporary policing and separates the rhetoric from the reality Drawing on a qualitative study within an English police force over two years this book examines the experiences of prolific offenders subject to IOM and sheds light on the culture and practice of the police and staff from other criminal justice agencies working within the scheme While IOM has been judged to have had initial successes in reducing the criminal activities of prolific offenders this book tests the validity of such claims and considers the apparent disjuncture between policy statements made about the workings of IOM and how IOM policing operations are realized on the ground It makes a unique contribution to research on police culture and practice and multi agency working in the criminal justice system An accessible and compelling read this book will appeal to policymakers as well as students and scholars of criminology sociology policing and politics **Beyond Community Policing** James J. Chriss, 2015-12-03 Beyond Community Policing uses history and general sociological theory to examine the trajectory of municipal policing from Britain in the 1830s to its adoption and evolution in the America By analysing the uncertain and uneven historical development of policing this book illustrates in great detail the functional connections between cities or communities and police departments Chriss also considers the development of municipal policing in the American West between 1850 and 1890 which helps to situate the current discussion of policing in the post 9 11 United States **Discretion, Discrimination and the Rule of Law** Mrinal Satish, 2017 Aims to analyse whether unwarranted disparity existed in rape sentencing in India which anecdotal work of other scholars had pointed to Provided by publisher **Vulnerability in Police Custody** Roxanna Dehaghani, 2019-02-13 This book provides a nuanced and timely contribution to the question of vulnerability in police custody It addresses the implementation of the appropriate adult safeguard in respect of adult suspects and explores police decision making in this context Drawing on empirical research carried out in England the work takes a socio legal approach to examine how and why police custody officers implement or not the appropriate adult safeguard The book s core arguments are addressed within three parts Part I examines how vulnerability is constructed philosophically and practically firstly within the broader literature thereafter at common law and in statute and finally by police custody officers Part 2 discusses how vulnerability is identified and how decisions are made in response to vulnerability Part 3 critically assesses the theoretical understandings of police decision making and criminal justice Here it is argued that current theories on police decision making hold explanatory power yet

have significant shortcomings in relation to vulnerability and the appropriate adult safeguard. The book thus presents new theoretical insights and on the basis of these insights asserts that the current regime of regulation must be reconsidered while police compliance may only be ensured if vulnerability is radically reconceptualised.

Handbook of Public Protection Mike Nash, Andy Williams, 2010-09-27 Public protection has become an increasingly central theme in the work of the criminal justice agencies in many parts of the world in recent years. Its high public profile and consequent political sensitivity means that growing numbers of criminal justice professionals find their daily work load dominated by the assessment and management of high risk of harm offenders. Developments such as sex offender registers and in the UK Multi Agency Public Protection Arrangements (MAPPA) have made this issue not only a core activity for police, probation and prison services but to a range of other organizations as well, in particular social work and the health services. Partnership has become central to the concept of public protection. At the same time the concept of public protection has occasioned increased political debate. Protecting the public from high risk or dangerous offenders has become an international issue and has increasingly shaped criminal justice policy. This text brings together leading authorities in the field providing authoritative coverage of the theory and practice of public protection both in the UK and internationally. It provides a critical review of contemporary public protection practice as well as up to date research and thinking in the field.

The Short Guide to Criminal Justice Lisa O'Malley, Sharon Grace, 2018-02-05 The Short Guide to Criminal Justice provides a comprehensive yet concise introduction to the current state of the criminal justice system in the United Kingdom. Avoiding an overtly legalistic or philosophical approach it offers an accessible entry point for students and researchers across disciplines including many student friendly features such as case study boxes, tables showing key facts and figures and links to data sources and further reading. Also exploring the experience of criminal justice in relation to inequality this book provides a foundation for further investigation and discussion.

Sentencing and Criminal Justice Andrew Ashworth, 2015-08-20 The leading textbook on sentencing and the only one to integrate theory and empirical research with legislation, guidelines and case law.

Parole and Beyond Ruth Armstrong, Ioan Durnescu, 2017-07-21 This book provides an assessment of contemporary international knowledge about the experiences of life after release from prison. For over 100 years people leaving prison have been supervised by probation services but little has been written about how those who are supervised experience this process or how this process influences experiences post release. Research suggests that the success or failure of supervision in terms of reoffending may be related to how it is experienced but little has been written about how supervision interacts with these experiences. Despite this lack of grounded knowledge post prison supervision continues to grow internationally. This book addresses issues relating to life after release through providing a vision of contemporary life after prison in different social and economic climates from those who are the subjects of this growing and changing form of penal power. An engaging and timely study this book will be of particular interest to scholars of criminal justice and

punishment Criminology John Tierney, Maggie O'Neill, 2013-12-16 Criminology theory and context third edition expands upon the ideas presented in previous editions while introducing new material on critical theory feminism masculinities cultural criminology and postmodernism The text has been thoroughly updated throughout to reflect key perspectives in contemporary criminological theory Relevant updates include discussions on New Labour's criminal justice and penal policies in its third term in office and the latest developments in criminal justice and the politics of law and order in the UK and US This edition revisits societal and cultural influences that have shaped the discipline and invites the reader to re-examine the phenomena of crime and deviance Criminology theory and context third edition is presented in a logical structure and adopts an accessible framework The text is essential reading for students of criminology criminological theory and criminal justice and will also be of key interest to those studying sociology law and the wider social sciences *Student Handbook of Criminal Justice and Criminology* John Muncie, 2013-02 It discusses crime and criminology in relation to the media race Islam gender and politics and considers all the relevant theoretical debates that dominate criminology Chapters on the police courts probation and prisons are included along with more theoretical chapters regarding crime prevention youth justice and restorative and informal justice The Handbook also includes comparative materials and international criminal courts

Youth Justice and Child Protection Malcolm Hill, Andrew Lockyer, Frederick H. Stone, 2007 This book is an examination of recent developments in the areas of youth justice and child protection It investigates how well young people and the societies in which they live are served by judicial and service systems Consideration is given to those in care in young offenders institutions foster families and residential homes as well as those living with their families A broad range of international experts discuss the largely segregated youth justice and children's legal and service systems in England and Wales other parts of Western Europe and the US and compare these with Scotland's integrated system The implications of these arrangements are considered for the rights of children and parents on the one hand and society on the other The contributors also provide insights into the rationale for current and proposed policies as well as the efficacy of different systems This book will be an important reference for policy makers social workers lawyers magistrates and equivalent decision makers health professionals carers and all those working in youth justice and child protection It is highly relevant for academics and students interested in children citizenship youth crime child welfare and state family relations *The Mobility Control Apparatus* Maartje van der Woude, 2025-03-28 This book critically explores the complexities of intra-Schengen border control and migration dynamics within Europe It provides a comprehensive analysis of how various actors including border officials and state apparatuses interact in managing mobility and enforcing controls The theoretical foundation draws on Foucault's concept of the *dispositif* examining how borders are enforced through a combination of legal frameworks discourses and on the ground practices The book emphasises the importance of discretion in border control arguing that it plays a pivotal role in shaping decisions at both the organisational and street levels It delves into the

experiences of Dutch border control officers and the wider European context offering a comparative analysis of Europe's intra Schengen borderlands. By drawing on real world case studies it showcases the tensions between security and mobility and how migration is managed through both visible and covert policing practices. The work is grounded in rich qualitative data collected over years of fieldwork and addresses key debates in migration and criminology studies particularly the evolving concept of crimmigration and its implications for human rights and security policies. This book will be of interest to criminologists, sociologists, legal scholars and political scientists alike as well as all those engaged in studies on migration, mobility and the European Union. The Open Access version of this book available at <http://www.taylorfrancis.com> has been made available under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4.0 license.

Handbook of Probation Loraine Gelsthorpe, Rod Morgan, 2013-05-13. This Handbook provides a comprehensive authoritative and up to date source of information and analysis about all aspects of the work of the Probation Service. It takes full account of the many changes that the Probation Service has undergone over the last few years and is currently undergoing as probation becomes part of the broader National Offender Management Service. Contributors to the book are drawn from leading academics and practitioners in the field drawing upon the best expertise available. Running through the book is a concern with a range of key current issues such as addressing the diversity of offenders and creating effective links with other criminal justice agencies and it includes perspectives from both probation service staff and from offenders and victims. This book is an essential text for practitioners, trainees and students of probation and those studying it as part of a wider criminology or criminal justice course.

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