

Chapter 2: The Impact of Sentencing Policies on Corrections

Learning Goals

Upon completion of this chapter, students should be able to:

1. Recognize what intermediate sanctions are.
2. Identify the advantages of community-based sentences.
3. Determine how the impact of presentence investigation (PSI) reports on sentencing has changed.
4. Distinguish between determinate and indeterminate sentences.
5. Recall the intent and impact of sentencing guidelines.
6. Explain how mandatory minimum sentencing has affected judicial discretion, correctional budgets, and minority populations.
7. Describe what is meant by “truth in sentencing.”
8. Determine how restorative justice differs from current sentencing trends.
9. Recall how punishment is justified under retribution and what forms of retribution are used today.
10. Distinguish between specific and general deterrence.
11. Define selective incapacitation and recall what issues it raises with regard to moral justice.
12. Determine what impact collective incapacitation has had on crime and incarceration rates.
13. Differentiate between determinate and indeterminate sentencing, particularly in terms of their relationship to rehabilitation and sentencing equity.
14. Describe why the rehabilitative approach has suffered from ineffectiveness.
15. Explain the impact of the Martinson report.
16. Recognize why reintegration is necessary following release from correctional custody.
17. Identify which correctional goals are reflected in the justice model and which are represented by the medical model.

Objective Test Items

➔ Note: The italicized number in parentheses before each question refers to the learning objective measured by that item.

(1)

1. An example of an intermediate sentencing sanction would be:
 - A. A fine
 - B. Intensive supervision probation
 - C. An open-ended prison term with possibility of parole
 - D. A mandatory prison term without possibility of parole
 - E. Either B or C

(2)

2. Community-based sentences enable offenders to avoid:
 - A. Having a criminal record
 - B. The stigma and labeling of a court conviction
 - C. Supporting their family
 - D. Losing their freedom
 - E. A and B

(3)

3. Today, presentence investigation reports are primarily used to:
 - A. Promote more progressive social policy trends
 - B. Capture detailed background information on the offender
 - C. Reduce the growth of correctional caseloads
 - D. Determine the offender's prior record
 - E. Identify which inmates will be eligible for parole

(4)

4. An example of an indeterminate sentencing sanction would be:

- A. Victim restitution
- B. Intensive supervision probation
- C. An open-ended prison term with possibility of parole
- D. A mandatory prison term without possibility of parole
- E. Either A or B

(5)

5. Sentencing guidelines have primarily been designed to:

- A. Impose harsher penalties for criminal offenses
- B. Create complete uniformity in sentencing practices
- C. Achieve greater equity and rationality in sentencing
- D. A and B
- E. All of the above

(6)

6. Mandatory minimum sentencing policies have:

- A. Expanded judicial discretion
- B. Resulted in greater numbers of minorities being incarcerated
- C. Shifted correctional funding toward rehabilitation initiatives
- D. A and B
- E. All of the above

(6)

7. Judicial discretion has been limited by:

- A. Mandatory minimum sentencing policies
- B. Determinate sentencing policies
- C. Indeterminate sentencing policies
- D. Truth-in-sentencing policies
- E. A and B

(7)

8. Truth in sentencing would best be described as assuring that:
- A. The offender receives the most equitable and rational sentence possible
 - B. The truth of indeterminate sentencing outweighs that of determinate sentencing
 - C. Correctional officials devote approximately equivalent resources to rehabilitation and retribution
 - D. Offenders receive the truth concerning when it can be expected that they will be released from incarceration
 - E. The sentence that is imposed by the court matches the time that is served by the offender

(8)

9. Public policies that emphasize restorative justice:
- A. Attempt to balance the interests of relevant stakeholders
 - B. Attempt to standardize sentencing practices in accordance with the crime that was committed
 - C. Are compatible with determinate sentences and truth in sentencing
 - D. A and B
 - E. All of the above

(9)

10. Retribution is justified on the basis that it:
- A. Reforms the offender
 - B. Balances the wrong done to the victim
 - C. Helps the offender reintegrate into society
 - D. Is less harsh than the death penalty
 - E. A and D

(9)

11. At various times, retribution has taken the form of:
- A. Imprisonment

- B. Mutilation
- C. Victim compensation
- D. A and B
- E. All of the above

(10)

12. A significant problem with basing sentencing on general deterrence is that it is:

- A. Designed to deter future criminal behavior of the offender, but does not send a warning to others who might engage in similar behavior
- B. Unfair to sentence an offender to the wide-ranging indeterminate prison terms associated with general deterrence
- C. Not accepted by most judges and thus rarely used
- D. Inequitable to severely punish one offender in order to send a message to others
- E. Singling out certain offenders for more lenient treatment than others who commit similar crimes

(11)

13. The ethical issue raised by selective incapacitation involves the difficulty of:

- A. Preparing a presentence investigation
- B. Accurately predicting future behavior
- C. Deterring others who might be considering similar behavior
- D. Identifying an appropriate parole date
- E. Determining how to treat the offender in a correctional institution

(12)

14. Since the U.S. embarked on a strategy of collective incapacitation, the results have included:

- A. A significant reduction in crime rates
- B. A reduction in imprisonment rates
- C. An increase in imprisonment rates
- D. No change in imprisonment rates

E. A and B

(13)

15. The rehabilitative approach is most closely associated with:

- A. Selective incapacitation
- B. Collective incapacitation
- C. Determinate sentencing
- D. Indeterminate sentencing
- E. Sentencing guidelines

(13)

16. The issue of sentencing equity has primarily been raised with regard to:

- A. Determinate sentencing
- B. Indeterminate sentencing
- C. Reintegration
- D. A and C
- E. B and C

(15)

17. The impact of the Martinson report was to:

- A. Reduce overcrowding in correctional institutions
- B. Provide better conditions in prisons and jails
- C. Challenge the effectiveness of inmate treatment programs
- D. Change from determinate to indeterminate sentencing practices
- E. All of the above

(16)

18. Reintegration is necessary in order to:

- A. Better protect the community
- B. Help the offender adjust following confinement
- C. Provide more sentencing options

- D. A and B
- E. All of the above

Identify the statements below as descriptive of one of the correctional goals listed. (Each statement has only one answer, but options may be used more than once.)

- A. Deterrence
- B. Retribution
- C. Incapacitation
- D. Rehabilitation
- E. Reintegration

(9)

19. Both the oldest and the most modern goal, this is represented today in the concept of “just deserts.”

(14)

20. Popular from the 1930s to the 1970s, this approach proved ineffective, partly because it was carried out in the wrong environment.

(11)

21. Through physical restraint, the offender is prevented from harming others.

(10)

22. The only proactive (rather than reactive) strategy.

(15)

23. The subject of the Martinson report, evaluations of this approach found that it had no appreciable effect on recidivism.

(10)

24. Includes two variations, one focusing on preventing future criminal behavior of the

individual offender, and one focusing on sending a message to others.

(16)

25. Emphasizes establishing ties with the community.

(13)

26. Is most closely associated with implementation of the medical model in correctional institutions.

(14)

27. Has been criticized on the basis that, although needs of individual offenders differ, it employed virtually the same technique with everyone.

(9)

28. Has been implemented through strategies ranging from corporal punishment to victim compensation.

(11)

29. One form of this approach emphasizes selectively confining habitual, high-risk offenders.

Essay Questions

1. How has the function of a PSI changed as public policy has shifted from the medical model to the justice model, especially in terms of what was emphasized then versus today?
2. Aside from death, what are the least and the most severe sentencing options available to the courts? What intermediate options lie between these extremes, and why might it be useful to employ them?
3. How do determinate and indeterminate sentencing policies differ?
4. What were sentencing guidelines designed to achieve? What do they take into account in doing so?
5. What are the advantages and disadvantages of mandatory minimum sentencing policies? How have they diverted government funding? How have they affected judicial discretion? What impact have they had on racial minorities?
6. How has truth in sentencing been influenced by federal funding? What are the benefits and drawbacks of this federal policy?
7. In what respects does the restorative justice approach potentially conflict with contemporary sentencing trends?
8. What is the difference between specific and general deterrence? What moral dilemma does basing sentencing on general deterrence present?
9. Why does selective incapacitation raise issues concerning the “moral justice” of the sentencing process? In that respect, what are the advantages and disadvantages of selective incapacitation?
10. What effect has collective incapacitation had with regard to crime and incarceration rates?
11. Why have indeterminate sentences been associated with the medical model?
12. For what reasons has the rehabilitative approach suffered from ineffectiveness?
13. What impact did the Martinson report have on sentencing and corrections?
14. On what basis can it be argued that reintegration through parole is not just a privilege for the offender, but also a protection for the community?