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## Philosophies of punishment incapacitation and deterrence

As far as criminal sanctions are concerned, what people think is appropriate is largely determined by the theory of punishment they sign. That is, people tend to agree with the sentencing theory, which is most likely to create results they think are correct. This system of convictions about the goals of punishment often breaks down into the political arena. Policy and correction policy are complexly linked. Many of the changes seen in adjustment policy in the United States during this time have been a reflection of the political climate of the day. In the more liberal times of the 1960s and 1970s, criminal punishments were mainly in the judicial and executive branch. During this period, the role of legislators was to create sentencing laws, the main purpose of which is rehabilitation. During the politically conservative era of the 1980s and 1990s, legislators stripped most of this power from the judicial and executive branch. Much of the political rhetoric at this point has been about getting tough on crime. The correction's goals of retribution, incapacity, and deterrence became dominant, and rehabilitation was moved to a distant position. Deterrence It has been a popular notion for centuries that fear of punishment can reduce or eliminate unwanted behavior. This concept has always been popular among criminal justice thinkers. These ideas have been formalised in several different ways. Utilitarian philosopher Jeremy Bentham is credited with articulating three elements that must be made if deterrence is to work: punishment must be administered with heaven, certainty, and proper severity. These elements are applied according to the theory of type rational choice. The theory of rational choice is a simple idea that people think about a crime before they do so. If the reward of the crime outweighs the penalty, then they perform a prohibited act. If the penalty is considered to outweigh the rewards, then they do not. Sometimes criminologists borrow a phrase cost-benefit analysis from economists to describe this kind of decision-making process. When assessing whether deterrence affects or not, it is important to distinguish between the overall deterrent effect and the specific deterrent effect. A common deterrent is the idea that every person punished by law is an example to others who are considering the same illegal act. A specific deterrent is the idea that individuals punished by law will no longer commit their crimes because they have learned a lesson. Critics of the deterrence theory suggest that high relapse rates as proof that the theory does not work. Relapse means a relapse to crime. In other words, those who are punished by the criminal justice system tend to recur at a very high rate. Some critics also argue that the theory of rational choice Work. They argue that things such as crimes of passion and crimes committed by individuals exposed to drugs and alcohol are not a product of a rational cost-benefit analysis. As unpopular as rational choice theories can be with specific schools of modern academic criminology, they are very important to understand how the criminal justice system works. This is because almost the entire criminal justice system is based on a theory of rational choice. The idea that people commit crimes because they decide to do so is the very basis of criminal law in the United States. In fact, the element of intent must be proven beyond reasonable doubt almost every crime known in American criminal law before conviction can be assured. Without guilt mental state there is no crime (with very few exceptions). Incapower Incapacity is a very pragmatic goal of criminal justice. The idea is that if criminals are locked up in a safe environment, they can't go around to prey on everyday citizens. The weakness of incapacitation is that it only works as long as the offender is locked up. There is no real question that incapacitation will to some extent reduce crime. The biggest problems with incapacitation are the price. There are high social and moral costs when the criminal justice system takes people out of their homes, from their families, and out of the workforce and lock them up for a protracted period. In addition, this model entails very high financial costs. Very long prison sentences lead to very large prisons who need a very large prison industrial complex. These costs have a crippling financial burden on many countries. Rehabilitation rehabilitation is a noble purpose of punishment of the state, which seeks to help the offender become a productive, not worn member of society. Throughout history, there have been several different concepts of how this aid should be given. When our modern correctional system was forming, it was dominated by a pattern. We can see the very title corrections that the idea was to help the offender become a non-offender. Educational programs, faith-based programs, drug treatment programs, anger management programs, and many others are aimed at helping the offender get better. Overall, rehabilitation efforts were poor in terms of relapse rates. Those in the criminal justice system have tried to help tend to reoffend at about the same rate as those who serve prison time without any kind of treatment. Proponents of rehabilitation point out that previous efforts have failed because they have been underfunded, inadequately conceived or misunderstood. Today's drug courts are an example of how we can return to a more rehabilitation model, especially for the first time and unseeded Retribution means that the punishments they deserve. Most proponents of this idea believe that punishment should fit the crime. This idea is called the doctrine of proportionality. This doctrine was defended by the early Italian criminologist Cesare Beccaria, who considered harsh punishments in his day disproportionate to many of the crimes committed. The term desert is often used to describe a well-deserved punishment proportionate to the crime committed. It is indeed difficult to achieve the doctrine of proportionality. There is no way that various legislators can go about objectively assessing criminal guilt. This process is one of the legislative consensus and is at best inaccurate. Racist system? The United States today can be described as both racial and multi-point. This has caused racism. Racism is the belief that members of one race are inferior to members of another race. As the majority of white Americans of European heritage, racism in America generally takes on the character of whites against racial and ethnic minorities. Historically, these ethnic minorities have not been treated equally in important aspects of life such as employment, housing, education, health care and criminal justice. When this unequal treatment is legitimate, it can be called racial discrimination. The law prohibits racial discrimination in the criminal justice system, as in the workplace. Disproportionate contact between minorities means a disproportionate number of minorities who are in contact with the criminal justice system. Disproportionate contact between minorities is a problem in both adult and juvenile systems at all levels of these systems. The police, as custodians of the criminal justice system, are often accused of discriminatory practices. Courts are not protected from the cries of racism from individuals and politically active groups. For example, the American Civil Liberties Union (2014) states that African Americans are imprisoned for drug crimes at a rate 10 times higher than whites. The literature on disproportionate minority punishments distinguishes between legal and non-legal factors. Legal factors are those things that we accept as legitimate, as a right, to relax or aggravate criminal convictions. This category includes the seriousness of the crime and the defendant's previous criminal record. Extralegal factors include things like class, race, and gender. They are considered to be illegal factors when imposing criminal penalties. They have nothing to do with the defendant's criminal conduct and everything relates to the status of the defendant as a member of a particular group. One way to assess racial differences is to compare the proportion of people who are members of a particular group (part of which is in the general population) with or that group at a certain stage of the criminal justice system. In 2013, the Census Bureau (Census Bureau, 2014) estimated that African-Americans accounted for 13.2% of the Population of the United States. According to the FBI, 28.4% of all arrested were African-American. From this information we can see that the proportion of African Americans arrested was just over double what one might expect. The difference is more pronounced when it comes to drug crimes. According to the NAACP (2014), African Americans make up 12% of all drug users, but 38% of those arrested for drug offenses and 59% of those in state prison for a drug offense. There are three main explanations for these differences in the criminal justice system. The first is individual racism. Individual racism refers to a particular person's beliefs, assumptions and behaviour. This type of racism occurs when a separate police officer, defense attorney, prosecutor, judge, parole board member, or parole officer is bigoted. Another explanation for racial disparities in the criminal justice system is institutional racism. Institutional racism occurs when a particular group treats unfair treatment as a result of departmental policies (both formal and informal), regulations and laws. The third (and contradictory) explanation is the differential involvement in crime. The basic idea is that African Americans and Hispanics are involved in more criminal activity. This often involves social problems such as poor education, poverty and unemployment. Although bigotry does not appear to be in every aspect of criminal and juvenile justice systems, there seem to be pockets of prejudice in both systems. It is difficult to refute the data: discrimination takes place in areas such as the use of force in the police and the use of the death penalty. Historically, there has been no more debate and discussion of the difference than in federal drug policy. While much has recently changed with the passage of the Fair Sentencing Act in 2010, the federal drug law has been a prime example of institutional racism at work. Under the previous law, crack-related offences were punished much, much more severely than cocaine. The law had some severe penalties that were subject to weight loss, and a provision that required a hundred times more powder than crack. Many thought the law was racist because most of the arrests cracked were African-Americans, and most of the arrests on powdered cocaine were white. African-American defendants appealed against their sentences on the basis of the Fourteenth Amendment equal protection requirements. Basic Conditions of Celerity, Certainty, Cesare Beccaria, Cost-Benefit Analysis, Guilt mental state, deterrence, disproportionate minority contacts, drug court, fair sentencing act 2010, General nepajégumas, nepajégumas, Racism, institutional racism, multi-racial, multi-racial, NAACP, racial discrimination, racism, rational choice theory, relapse, rehabilitation, retribution, severity, specific deterrence

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