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Date: April 8, 2020

Comparative Prison Analysis Unit - Law 12 Vocab

DEFINE and provide an **EXAMPLE** of the term.

Sentence p.312

Is a punishment that is given after the person has been found guilty. A sentence has the goal of protection of the public, retribution, rehabilitation, restitution and denunciation.

Example:

In Canada if you murder someone and are charged with first or second degree murder you get a sentence of 14 -15 years. You can be paroled after 5-7 years.
Colonel Russell Williams was sentenced on October 22, 2010, to two concurrent terms of life in prison with no chance of parole for 25 years for killing two women, among other offenses..

Recidivism p.313

Returning to crime after release from prison.

Example

Billy goes to prison for assault. In prison he gets no help for anger management issues or any type of life skills. Upon release Billy doesn't know how to function properly in society and falls back on what he was exposed to in prison and ends back in jail for another assault charge.

Rehabilitation p.313

Punishment combined with treatment and training to help offenders function in society

Example

Christopher turns to theft because he has no employment skills and can't find a job, it would be foolish to think that to think that two years in jail without treatment would change anything, Christopher will be just as unemployable when he leaves jail as when he entered, if however during that two year period he enrolled in a prison employment program, he may have a better chance of finding a job when he leaves jail. This may also decrease the likelihood christopher reoffends

Restitution p.313

Punishment that requires the offender to pay the victim or society back for the harm or loss suffered. Restitution can only be ordered for losses up to the time the offender is sentenced. It is part of an offender's sentence and can be a stand-alone order or part of a probation order or conditional sentence.

Example

An offender returns some good to the community by doing community service to compensate for the harm done. Or a shoplifter has to give back or pay for the item s/he stole.

Retribution p.313

Punishment to avenge a crime, ensuring that offenders suffer the consequences of their actions.

Example

Retribution in the criminal law area include most any punishment involving the death penalty, severe fines, or long period incarceration. Alfred Bourgeois was sentenced to death in 2004 for abuse leading to the death of his daughter at a military base.

Psychiatric Assessment p.316

A report describing the mental history of the offender and may include results from psychiatric tests. This is completed by a psychiatrist.

Example

Billy gets interviewed by a psychiatrist to help better understand why he has anger issues. The psychiatrist also completed the Beck Depression Inventory, Brief Psychiatric Rating Scale (BPRS)¹, the Positive and Negative Syndrome Scale (PANSS) for psychotic disorder and the Global Assessment of Functioning, which is used to measure global level of functioning and to monitor response to treatment.

Victim Impact Statement p.316

A statement prepared by a crime victim or the victims family describing the harm done or the loss suffered as a result of the offence. It may be read before the offender or presented in any other manner the Court considers appropriate.

Example

Tommy's family reads out in court the emotional harm of losing their family member. The defendant Billy, seemed unmoved by the statement.

Mitigating Factors p.318

Circumstances that may decrease the severity of the sentence, suggesting that an offender can be rehabilitated, does not pose a threat to society, or does not need strong deterrent measures.

Example

A young woman is charged with impaired driving. She shows remorse for her behaviour and voluntarily enters a treatment program for alcoholism. In considering her sentence, the judge might regard the offenders remorse and her desire to overcome her drinking/problem as mitigating factors.

Probation p.320

A sentence that allows a person to live in the community under the supervision of a parole officer. The person on probation is under close supervision and subject to certain restrictions.

Example

Billy somehow convinced the prison system to grant him probation. Billy now must show he is a functioning member in society by showing up to work, staying out of trouble, attending counselling sessions, paying for damages resulting from the offence and keeping in contact with his probation officer.

Suspended Sentence p.320

A judgment that is not carried out provided certain requirements are met. A suspended sentence can only be imposed for offences that have no minimum punishment required by the Criminal Code.

Example

Tommy is convicted for shoplifting, he shows remorse and tries to make things right with the store he stole from. The judge sees this and decides Tommy can have a suspended Sentence. This means that Tommy must follow certain conditions set out by the judge or risk going to jail for the shoplifting charge.

Intermittent Sentence p.322

A prison sentence of less than 90 days that can be served on weekends and nights.

Example

A suspect has committed an offence whose punishment is 80 days in jail. The family of the suspect needs him to work to produce income so they can survive. The suspect is able to serve their prison sentence intermittently at nights and weekends, so they can keep their job and still provide for their family.

Suspension of Privilege p.324

A sentence that withholds a privilege for a specified period or a lifetime.

Example

After multiple DUI offences a person will lose their license to drive forever.

Incarceration p.326

Imprisonment for a specified period of time. In Canada, each criminal offense has a maximum sentence.

Example

Billy went to jail for aggravated sexual assault. He was incarcerated for 25 years.

Parole p.339

Release of an inmate on a promise of good behaviour, into the community before the sentence is served.

Example

Billy was granted parole due to his good behaviour in prison and accessing school and other support programs during his time in jail. Billy now must show he is a functioning member in society by showing up to work, staying out of trouble, attending counselling sessions, paying for damages resulting from the offence and keeping in contact with his parole officer.

Unescorted Temporary Absence p.341

Brief release from custody for community service or personal reasons, such as a medical or administrative issue, or other personal reasons.

Example

While serving time in prison, Billy's mom died. Billy is a low risk prisoner and hasn't done anything bad in prison, as such, the prison allowed Billy to have an Unescorted Temporary Absence to attend the funeral.

Pardon p.343

A setting aside a person's record of conviction. A pardon does not erase the fact that a person was convicted of an offense. A pardon is automatically revoked if a person is later convicted of an indictable offense.

Example

A hunter was charged with poaching and received a large fine and a record. Since he now has a criminal record, he can not cross the border to the US. He filled out the application for a pardon in the hopes that he would receive one and be able to eventually travel to the USA to see his cousin.