

## **PUNISHMENT (Law):**

Confinement, fine, penalty, sanction, or loss of a privilege, property, or right, assessed and administered as deterrence or retribution by an authorised court to an entity duly convicted of violating the law.

Imprisonment = detention = confinement - the punishment of being put in prison

Life imprisonment - the punishment of being sent to prison for a serious crime, but not necessarily for the whole of your life

Corporeal punishment - physical punishment inflicted upon the body, such as spanking or imprisonment.

Mitigation of punishment - reduction in the severity of a sentence due to the presence of mitigating circumstances.

### HOW SENTENCES ARE WORKED OUT

If you are found guilty of a crime, your sentence will depend on a number of factors, including the type, seriousness and circumstances of the crime.

When deciding on a sentence, the judge or magistrate will consider things like: your age, the seriousness of the crime, if you have a criminal record, if you pleaded guilty or not guilty.

#### Aggravating or mitigating circumstances

Your sentence might depend on any 'aggravating' or 'mitigating' circumstances.

An aggravating circumstance is something that makes a crime more serious, e.g. burgling someone's house while they are asleep in bed.

A mitigating circumstance is something that makes a crime less serious, e.g. you have problems in your personal life that have affected your behaviour.

### THE SENTENCE

If a defendant pleads guilty, or is found guilty after a trial, the magistrates or the judge (depending on the seriousness of the offence) imposes a sentence. It is often the case that the National Probation Service will have been requested to prepare a Pre-Sentence Report on the defendant and the information, assessments, and recommendations in the report will be used to help the magistrate or judge arrive at a decision. Generally, the range of sentences that can be imposed include:

- Conditional discharge - no further sanction so long as the offender stays out of trouble for the duration of the discharge period;
- Fine - the level of the fine is usually related to the seriousness of the offence and must be paid within a set period of time;
- Community Sentence - this places the offender under the supervision of the probation service and there will be a range of requirements that must be completed (e.g. attendance at group programmes, performing Unpaid Work, residing at a specific residence, etc.). Supervision can last from 6 months to 3 years depending on the seriousness of the offence.
- Suspended Sentence - a prison sentence will be imposed but suspended for a defined period of time. As long as the offender stays out of trouble there is no further sanction;
- Custodial Sentence - magistrates can only impose custodial sentences for up to 12 months. Only judges in the Crown Court can impose longer sentences

including Life Sentences for very seriousness offences such as murder or manslaughter.

#### RELEASE FROM PRISON

All those held in custody, with the exception of a very small number who have received 'whole life tariffs', will be released at some point.

- Those sentenced to less than 12 months are released after serving half of their sentence and are subject to supervision by Community Rehabilitation Companies (from June 2015).
- Those serving between 12 months and 4 years are released at the half-way point in their sentence and are supervised on license until the three quarters stage of their sentence.
- Those sentenced to more than 4 years are eligible to apply for parole at the half way stage of their sentence. If successful they are then supervised until the  $\frac{3}{4}$  stage of their sentence. If not successful they are released at the  $\frac{3}{4}$  stage and are 'at risk' until their sentence ends.
- For those sentenced to Life imprisonment they are only eligible for release after their 'tariff' (the minimum period of punishment specified by the sentencing judge) has expired. Release after that point is dependent on the level of risk presented by the prisoner and a satisfactory resettlement plan.

#### PROBATION

Probation services are delivered by the National Probation Service, and 21 Community Rehabilitation Companies covering each part of England and Wales. The National Probation Service (NPS) oversees the writing of all Pre-sentence reports, conducts all initial risk-assessments, and manages offenders who are deemed to be of high risk of harm to the public.

Community Rehabilitation Companies (CRCs) are responsible for the management of offenders who are assessed as low to medium risk of harm to the public.

Probation staff work in a variety of roles and organise and manage the different elements of community orders including Unpaid Work, group work programmes, and individual supervision and interventions. They also work with other public, private and voluntary organisations to provide offenders with help with accommodation, employment and education, drug treatment, and debt advice.

#### HM PRISON SERVICE

There are 142 prisons in England and Wales. Currently the prison estate is being reformed, with some men's prisons, and all women's prisons, being termed 'Resettlement Prisons'. The ambition is that these designated prisons will provide more focussed resettlement for offenders who live in the local area, and are nearing their release date (approximately four months before release). These prisons will work with Community Rehabilitation Companies and the National Probation Service to support resettlement.

The prison estate is broadly categorised according to the level of security each provides.

The High Security Estate (8 prisons) hold the most dangerous prisoners - Category A prisoners. The rest of the prison estate comprises Category B prisons, Category C (training) prisons, Category D (open or resettlement) prisons. There are some Category B prisons which function as remand prisons, holding prisoners

appearing before the courts for either trial or sentence. Prisoners serving sentences of less than 12 months usually remain in remand or local prisons.

Depending on the length of sentence and the type of offence, prison regimes will include opportunities for training, education, drug treatment, and help with resettlement back into the community. For prisoners serving longer than 12 months there is an expectation that relevant prison staff will liaise with the probation service in the prisoner's home area to implement plans for effective resettlement.

### References:

[online] [dostęp 23.02.2019] dostępne w Internecie:

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<http://www.dictionarycentral.com/definition/life-imprisonment.html>

### Exercises:

#### *I. Match the English terms with the Polish equivalents:*

1 life imprisonment	A wyrok w zawieszeniu
2 corporal punishment	B zwolnienie warunkowe
3 mitigation of punishment	C grzywna
4 aggravating circumstances	D wyrok prac społecznych
5 pre-sentence report	E kara cielesna
6 fine	F kuratela
7 conditional discharge	G wyrok pozbawienia wolności
8 community sentence	h kara dożywocia
9 custodial sentence	I uwięzienie
10 suspended sentence	J złagodzenie kary
11 probation	k okoliczności obciążające
12 confinement	L raport przed wydaniem wyroku

#### *II. Change the sentences into Passive Voice:*

- Judges work out sentences at the end of the trial.
- Bad bringing up has affected the offender's behaviour.
- The court will punish the criminals for the committed crimes.
- Last year the magistrates imposed a suspended sentence on Tim Jones.
- The judge will take into consideration mitigating circumstances.
- The magistrates have taken into account many factors when deciding the sentence.
- Many criminals are committing serious offences.
- The judge is considering circumstances of the crime.
- Some prisoners must complete certain requirements to be released.
- The judge can impose conditional discharge.
- Community Rehabilitation Companies organise and manage community orders.
- The National Probation Service must prepare a Pre-Sentence Report.

#### *III. Complete the gaps with the given words: record, suspended, aggravating, serving, discharge, mitigation, custodial, supervision, resettlement, probation*

- Unpaid work, group work and individual \_\_\_\_\_ are elements of community order.

2. Some prisons provide \_\_\_\_\_ for offenders who will be released soon.
3. \_\_\_\_\_ services manage offenders who are thought to be of high risk to the society.
4. Prisoners after \_\_\_\_\_ half of their sentence are supervised on license.
5. \_\_\_\_\_ of punishment is reduction of a sentence because of mitigating circumstances.
6. Deciding on a sentence the judge will consider the crime, if you have criminal \_\_\_\_\_.
7. Conditional \_\_\_\_\_ means no more sanctions if the offender does not commit any crimes at this time.
8. Factors that make an offence more serious are \_\_\_\_\_ circumstances.
9. The magistrates can impose \_\_\_\_\_ sentences for a determined period of time.
10. Crown Court judges can impose \_\_\_\_\_ judgements.

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