

Criminal Justice: An Overview of the System

Module 5: Courts and Sentencing

Section 5.5: Sentencing

Appeal: A request made after a trial by a party that has lost on one or more issues that a higher court review the decision to determine if it was correct.

Asset Forfeiture: The confiscation of assets by the government through either civil or criminal process.

Boot Camps: A type of corrections sentence that consists of a short-term residential program that resembles military basic training.

Community Service: Unpaid work intended to be of some social value.

Concurrent Sentence: Prison terms for two or more offenses to be served at the same time, rather than one after the other.

Consecutive Sentence: Prison terms for two or more offenses to be served one after the other.

Day Fine: A system of assessing fine amounts based on the offender's income rather than a set amount.

Death Penalty: A homicide sanctioned and ultimately committed by the state as a punishment for crime.

Determinate Sentencing: A prison sentence of a fixed length that is not subject to reduction by a parole board or other body.

Electronic Monitoring: The use of electronic equipment to monitor a person's movement to ensure compliance with court-ordered conditions, such as house arrest.

Fine: Money paid to the government as punishment for a violation or crime.

Forfeiture: Being forced by the government to give up something as a punishment for crime.

Good Time: A specified amount of time taken off of a prisoner's sentence for not violating rules while incarcerated.

Home Confinement: A special condition the court imposes that requires an individual to remain at home except for certain approved activities such as work and medical appointments.

This study guide is designed to help students learn the terms and definitions used in Criminal Justice: An Overview of the System, an Open Educational Resource (OER) developed by Adam J. McKee. As an OER, this document may be copied and distributed freely for educational purposes.

House Arrest: Another name for Home Confinement.

Indeterminate Sentencing: A type of sentence where the length of imprisonment is determined by the inmate's conduct while in prison rather than being of a set length.

Intensive Supervision Probation (ISP): An intermediate sanction intended to be an alternative to incarceration but that is more intense than standard probation.

Mandatory Sentences: A type of sentencing environment where judicial discretion in sentence length is limited by statutory law.

Overturn: The overruling or setting aside the decision of a lower court by a higher court.

Presentence Investigation Report: A report summarizing for the court the background information needed to determine the appropriate sentence.

Probation: A criminal sanction where the court releases the person to the community and orders him or her to complete a period of supervision and to abide by certain conditions.

Proportionality Doctrine: The legal doctrine that the punishment should fit the crime rather than being too lenient or too harsh.

Remand: To send back.

Scarlet-Letter Punishments: Punishments designed to work primarily through humiliation.

Sentencing: The stage of the criminal justice process where the convicted person is brought before the court to have a punishment determined.

Sentencing Hearing: In some jurisdictions, this hearing is separated from the finding of guilt.

Sentencing Reform Act of 1984: Created a new federal agency, the U.S. Sentencing Commission, to set sentencing guidelines for every federal offense.

Sentencing Statute: Instruments through which legislative bodies determine the punishments that are associated with particular crimes.

U.S. Sentencing Commission: The agency responsible for the establishment of sentencing policies and procedures for the federal court system.

Uphold: The appellate court agrees with the lower court decision and allows it to stand.

Victim Impact Statement: A statement made by the victim of a crime and given to the judge responsible for sentencing the perpetrator.