**OGHENOVO, OGHENERUKEVWE PELUMI**

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**CRIMINOLOGY**

**LPI 304**

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***1. THE JUST DESERT PRINCIPLE OF PUNISHMENT***

The phrase **“just deserts**” represents the idea of a fair and appropriate punishment related to the severity of the crime that was committed. It is a retribution type of sentencing which means one should be punished simply because one committed a crime. Here the punishment of the offender must be fairly and equally apportioned to all individuals who commit the same crimes.

It can also be defined as a theory designed to promote equality and fairness of sentencing for the imposition of a sentence. A person’s punishment should fit the crime. The “just desert” principle is also known as ‘proportionalism principle”. The principle attempts to address the issue of how much punishment should be inflicted.

***2A.THE MOST EFFECTIVE WAY OF PUNISHING CAPITAL OFFENDER IS***

***IMPRISONMENT***

This is the act of taking away someone’s freedom. It does not necessarily mean that the person is physically locked up in a jail cell. Imprisonment can be carried out for many reasons whether it’s by the permission of the government or by a person who acts without any authority. If the latter is true, then imprisonment is referred to as false imprisonment. The most common understanding of imprisonment is the act of locking someone up in a jail or prison cell as a result of the crime he is accused of committing. The prisoner may be held in jail until the completion of his trail, if he is found guilty then he may be locked up for longer, the length of the sentence is dependent on the judge’s decision.

The term “prison” and “imprisonment” are used interchangeably in a way that the existence of the first term is a mandatory precondition for the existence of the latter one or vice versa. This means in a criminal justice process, the first term which is prison refers to the place where the individual is meant to stay while the latter on “imprisonment’ is to be taken place and imprisonment indicates the limitation of inmate’s liberty.

***IMPRISONMENT AND SENTENCING GUIDELINES***

When a judge is determining a sentence that includes locking an offender up, he or she does not have sole discretion in the type or length of the sentence criminal sentencing may be subject to state laws

***MANDATORY SENTENCES***

Mandatory sentences are sentences that are required by law to be imposed, regardless of any additional factors that the judge may wish to consider. When an individual commits a certain crime there is a mandatory sentence attached to that crime. E.g. when a person is seen to commit murder the punishment given is life imprisonment.

***MAXIMUM SENTENCES***

Maximum sentence is the maximum amount of time an individual can be sentenced to spend in prison depending on the crime he commits. Maximum sentences help judges decide what sentence to hand down. If the judge knows that he can award up to seven years for then he knows he can assign any number of years up until the seven-year maximum, depending on the punishment that he feels would best fit the crime.

***MINIMUM SENTENCES***

Minimum sentences contain the least amount of jail time that someone can be assigned upon being convicted of a criminal charge. In most jurisdictions in the us judges are not empowered to hand down whatever sentences they see fit but are required to adhere to the maximum and minimum sentences prescribed by law.

***FALSE IMPRISONMENT***

It is the unlawful imprisonment of someone against his will by an individual who lacks the proper authority. E.g.

* a man grabs a woman’s elbow and forces her to stay put refusing to allow her to leave until he says it’s okay.
* A nurse forces a patient to take medication against his will by making physical or emotional threat.

***FUNCTIONS OF IMPRISONMENT***

* ***RETRIBUTION:*** This approach to punishment rests on the idea that a person whose conduct appears to have caused social harm should be held responsible they usually consist of banishment, whipping, flogging and various forms of torture or death. It can be seen as punishment inflicted o on someone as vengeance for a wrong or criminal act. The act of punishing someone for their actions. E.g. getting a death penalty for committing murder.
* ***INCAPACITATION***: This justification of punishment is founded on the assumption that the isolation of an offender renders him incapable of committing crime. Incapacitation is divided into temporary and permanent incapacitation
* *Temporary incapacitation:* involves the idea of keeping the criminal imprisoned for a term. During this period the individual is in no position to commit crime since his liberty is curtailed.
* *Permanent incapacitation:* includes the amputation of arms and wrists from thieves and castration for rapists, life imprisonment for chronic violent and habitual offenders and death penalty for capital offenders.
* ***DETERRENCE:*** this theory simply means that punishment is inflicted on offender to prevent crimes from reoccurring and also to prevent future crimes. It is divided into two types:
* *General deterrence*: punishment is made to be swift and severe enough. This enables from people in the general public not to commit such an offence.
* *Specific deterrence*: punishment should be severe enough to make the offender not to have the desire to commit crimes in future.
* ***REHABILITATION*:** this is the most appealing justification for punishment the ultimate goal of rehabilitation is to restore a convicted offender to a constructive place in society through some combination of treatment, education and training. This is very essential to the universal health coverage along with promotion, prevention, treatment and palliation. It is a set of interventions needed when a person is experiencing or is likely to experience limitations in everyday functioning due to ageing or a health condition, including chronic disease or disorder, injuries or traumas.
* Rehabilitating helps in the following ways:
* It provides the state with opportunity to control crime in future.
* It creates resources for the state portraying the offender.
* It enables the criminal to stay within the society.

***2B. YES***

The same will be answered if an individual was accused or charged with a simple offence.

A simple offence is an offence (indictable or non-indicatable) punishable on a summary conviction before a magistrate court by fine imprisonment or otherwise.

It is important to note that imprisonment which I talked about is a punishment for a simple offence but this imprisonment will follow the minimum sentence as early explained.

***CONCLUSION***:

Imprisonment is seen as the most effective way or method of punishing and treating capital offenders and as used as punishment to simple offences (minimum sentences). Imprisonment is very important because it enables the public to refrain from such crimes and also criminals are seen to be rehabilitated through rehabilitation programs during their imprisonment term.

***REFERENCES***

<https://legaldictionary.net>

<https://ukessays.com>

<http://www.lawinsider.com>

<https://www.who.int>

<https://scholarlycommons.law.northwestern.edu>