

Name

Positive Prison? Positive Futures...

Publication consent

Publish response with name

Q1) Do you agree or disagree with the Council’s approach to the distinction between a ‘principle’ and a ‘purpose’ of sentencing?

Agree

Please provide any reasons for your response.

Q2) Should there be an overarching principle of “fairness and proportionality”?

Yes

Please provide any reasons for your response.

Q3) Are the supporting principles which underlie the overarching principle of fairness and proportionality (as listed at paragraph 2(i)-(vi)) appropriate?

Yes

Please provide any reasons for your response.

Under 2(iii) clarification of the process by which a 'desired outcome' is identified would be useful.

Q4) Are the supporting principles expressed clearly and accurately?

Yes

Please provide any reasons for your response.

Q5) Are there any other supporting principles which should be included at paragraph 2?

Not at this time

Q6) Do you agree or disagree with the approach to the purposes of sentencing as set out at paragraph 4 of the draft guideline?

Agree

Please provide any reasons for your response.

Q7) Are the purposes as listed at paragraph 5(a)-(d) appropriate?

No

Please provide any reasons for your response.

5(c) 'denunciation' is unnecessary and difficult to justify or substantiate. On what basis is society's disapproval to be gauged?
5(a) Punishment + 5(b) Reduction of crime) + 5(d) Opportunity to make amends are sufficient purposes.

Q8) Are the purposes expressed clearly and accurately?

Yes

Please provide any reasons for your response.

Subject to our response to Question 7

Q9) Are there any other purposes which should be included?

Not at this time

Q10) Do you agree or disagree with the approach set out at paragraph 6 of the draft guideline in relation to the efficient use of public resources?

Agree

Please provide any reasons for your response.

This agreement is conditional on the entire cost of public resources relating to any given sentencing options being taken into account and stated in court.

Q11) Is it appropriate to consider efficient use of public resources during the sentencing process?

Yes

Please provide any reasons for your response.

On condition the financial and human costs of the alternative sentencing options are taken into account and stated prior to sentence being handed down.

Q12) Do you agree or disagree that the guideline would lead to an increase in public understanding of how sentencing decisions are made?

Agree

Please provide any reasons for your response.

The increase in public understanding of sentencing decisions may well take a long time to be recognised.

Q13) Do you agree or disagree that the guideline would lead to an increase in public confidence in sentencing?

Agree

Please provide any reasons for your response.

The increase in public confidence in sentencing decisions may well take a long time to be recognised, especially given the manner in which some parts of the media report cases.

Q14) What costs (financial or otherwise) do you see arising from the introduction of this guideline, if any?

There may be cost implications in the provision of training and support for judges and court staff to facilitate the means by which sentencing decisions are explained.

Q15) What benefits do you see arising from the introduction of this guideline, if any?

If public understanding and confidence in sentencing decisions can be increased effectively then those punished in court might have improved opportunities in terms of rehabilitation when their sentence is complete.

Q16) Would you like to make any other comments in relation to any matter arising from this consultation?

No, thank you.