

**Name**

Jonathan Ian Deans

**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?**

Disagree

**Please provide any reasons for your response.**

The distinction the Council uses is that a 'principle' exists to guide the judge, such as the principle that all sentences should be fair, but a 'purpose' is the outcome which the judge is trying to achieve, such as the purpose of the sentencing being to punish or rehabilitate the offender.

The distinction can be collapsed quite easily. The principle that all sentences should be fair creates the purpose of giving a fair sentence in this case to fulfil that principle. The purpose of sentencing to punish the offender echoes a principle to punish all offenders who deserve punishment. Essentially it is just two ways of saying the same thing, one way which applies universally, and one way looking at the case in point. A better distinction would be just have a set of principles of universal application. The outcome which the judge is then trying to achieve is adherence to all of the principles. Creating 'purposes' which judges have to fulfil with sentencing is an unnecessary complication.

**Q2) Should there be an overarching principle of "fairness and proportionality"?**

Yes

**Please provide any reasons for your response.**

In essence, the overarching principle should be that the decision made is in the best interests of the community. 'Fairness and proportionality' is a succinct way of saying this.

**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.**

All of these supporting provisions are well thought out.

**Q4) Are the supporting principles expressed clearly and accurately?**

Yes

**Please provide any reasons for your response.**

Expression is clear.

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

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

Disagree

**Please provide any reasons for your response.**

I do not see the need for 'purposes' at all, as they are just a rephrasing of 'principles' in a way that reduces clarity.

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

No

**Please provide any reasons for your response.**

See above.

**Q8) Are the purposes expressed clearly and accurately?**

Yes

**Please provide any reasons for your response.**

They are expressed clearly.

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

**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?**

Disagree

**Please provide any reasons for your response.**

It should be a core principle.

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

Yes

**Please provide any reasons for your response.**

The public interest requirement should be weighed against the use of public resources.

**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.**

Agree, but probably not as much as would be hoped.

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

Disagree

**Please provide any reasons for your response.**

The people who do not have confidence in sentencing do not have this opinion because they have thought about the issue a lot. They only want judges to 'throw the book' at criminals and perpetuate an overcrowding crisis in the prison system. An increase in public confidence could be effected by abolishing the tabloid press. New

sentencing guidelines will not do too much in this regard.

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

Publication costs  
Any training costs

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

Clearer expression of sentencing for both the public and the judiciary.

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