

**Name**

John Campbell

**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.**

**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?**

No

**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?**

Yes

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

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

Yes

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

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

No

**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.**

Introducing the "efficient use of public resources" or cost effectiveness to the sentencing regime is unnecessary and undesirable. As many of the sentencing outcomes are not cost effective it leaves the door open to political pressure to adopt the cheapest option to save money. It also gives the defence the option to argue for a cheaper, less onerous sentence to be applied.

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

No

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

As stated above "efficient use of public resources" is unnecessary and undesirable. As long as the Principles and Purposes of sentencing are met, justifying a sentence should be straightforward. If the State makes and enforces the law, then the State should foot the bill for the sentences that the law requires - irrespective of cost.

**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.**

But only if the reasons for all sentences are publicly available. If a Judge or Sheriff gives someone a sentence they should give their reasons regardless of whether it conforms with the guidelines or not. They should also specifically link their reasons for a given sentence back to the Principles and Purpose of the guidelines. If you want understanding then the system must be totally transparent and easily understood by all people.

**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.**

For the most I do not think public confidence will increase. Primarily because most people are not involved in the criminal justice system. Victims (and their family) will think the sentence is too lenient, Criminals (and their Lawyers) will think too harsh. For a vast majority of people they will only take interest in high profile crimes via the media and their opinion (and resulting confidence) will be formed by said media outlet. The test will be when a high profile defendant goes to trial and is found guilty - the reasons why they were given a particular sentence will be telling in regard to public confidence.

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

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

Greater consistency and fairness in sentencing and a greater understanding of the sentencing thought process - but only if the reasons for all sentences are made publicly available,

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

If you want to give people greater faith in sentences handed down to criminals then make consecutive sentencing the norm. In my experience, the average person expects time to be served for each crime committed but is dismayed when the difference between concurrent and consecutive sentencing is explained to them - prisoners on the other hand are overjoyed with the current system...

If the law allowed more flexibility in issuing consecutive sentences then the average law abiding citizen will feel that the law (and sentences) work for them. Consecutive sentences also have the benefit of giving rehabilitation programmes in Prison time to work. It also reduces crime as if the criminals are in Prison then they cannot commit a crime in the community. Yes, crime rates can spike when they are released but if rehabilitation has had time to work then maybe not as much - if not, then you have given the community some much needed respite from criminal behaviour.