

Name

Stuart Dustan

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?

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(b)(i) This should be a primary purpose as opposed to a sub-purpose within 5(b). Rehabilitation must become a priority - it would show that Scotland is committed to reintroducing convicted criminals into the general population; rather than being seen as a side note. Certain forms of rehabilitation have been shown through research to reduce the risk of future offending - <http://www.tandfonline.com/doi/abs/10.1080/1478601X.2012.699731>.

5(c) This is a very subjective measure - who should gauge this 'disapproval'? Societies perception of a crime can be driven by emotion and, with it, bias which would not be an appropriate consideration in sentencing.

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?

Public protection.

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.

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

Yes

Please provide any reasons for your response.

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.

Some what; the public would remain ignorant of the factors which can lead to a specific type of sentence over another.

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 promotion and enactment of consistent and fair sentences will hopefully improve public confidence.

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

Don't know.

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

Increased public awareness and confidence.

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

Emphasis should be made to reintegrate prisoners into a society and to combat any previously undesirable behaviours.