

**Name**

Community Justice Glasgow - Partnership

**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.**

There is a clearly presented, comprehensible distinction presented distinguishing a “principle” from a “purpose” of sentencing.

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

Yes

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

While arguably “fairness” may reflect a broad range of interpretations, with robust Supporting Principles, “Fairness” should be clarified reasonably.

**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.**

The Supporting Principles helpfully expand the core overarching principle.

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

Yes

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

Nothing to add

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

In consideration of 2iii, there is a case to be put that in balance to the severity of a punishment, the swiftness of justice affects the impact of the sentence. Therefore, a principle reflecting the importance of expediency in sentencing may be worth considering.

It is a basic principle of justice that it should be delivered without delay. The Magna Carta asserted that "To no one will we refuse or delay right or justice." Justice delayed is justice denied, for both the convicted and for victims.

**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.**

The statement is fundamental.

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

Yes

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

These purposes are appropriate, but with a few points of consideration:

5(b) – There should be some distinction between the specific deterrence to the individual and the general deterrence to the wider population

5(c) – It should be acknowledged that society's views and values fluctuate, and can change with swifter pace than laws. It should also be acknowledged that legal position does not always match public values (if measured by consensus). The example of public support for capital punishment has often been cited as being at odds with the legislation, although this position is changing.

5(d) – There should be some distinction between specific reparation (linking sentence very specifically to the offence) and general reparation (where the sentence contributes in a more general way to community benefit, such as through

Unpaid Work).

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

Yes

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

With the provisos to points made in relation to 5(b) and 5(d) above and the distinction between the specific and the general

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

Consideration should given to Public Protection as a purpose of sentencing.

**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.**

While individual cases before the court should not be directly affected by cost considerations, the public rightly expects sentencing to be cost effective overall.

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

Yes

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

The relevance is about best value in relation to the purposes of sentencing, so while "costs" should not be considered in individual cases, "best value" to deliver on the purposes should.

**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 is possible, and the Guidelines would be an important factor in increasing understanding, but would need to be coupled with a robust communications strategy.

**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.**

As in the response to Q12 above, communication will be critical to achieve this. There is scope to consider sub-sets of the public to target, with victims of crime a critical audience. In Glasgow we have made particular efforts to support victims to understand the justice system through dedicated publications, and have had some noted impact.

<https://www.glasgowcpp.org.uk/CHttpHandler.ashx?id=38160&p=0>

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

The costs of implementing an effective communications strategy and ensuring visibility of sentencing guidelines in practice.

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

Public understanding and confidence in the sentencing process can support the implementation of effective and efficient sentences, which will in turn support a reduction in crime and improved public protection.

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

None