

Name

Jonathan Rainey

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”?

No, it should be another principle

Please provide any reasons for your response.

One such principle should also take into account in making it clear the likelihood of what the sentence of any offence will be and what actions are likely to be taken should the complainer or witness(es) wish to testify anonymously with high quality evidence.

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.

Paragraph 2(iii) should appropriately be overridden if the complainer and/or witnesses raise concerns about the mental health of the accused as well as the likelihood of reprisals for publicly testifying in front of the offender.

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?

Paragraph 2(vi) should also be applied literally to those based on their character, not their skin colour, nationality or religion (e.g. Christianity, Judaism, Islam, Buddhism, Atheism, Agnosticism, Hinduism, etc) and excluding punishment against any 1 of the highlighted groups while still punishing the others is still the equivalent of judging a person with discrimination towards other people. I am increasingly concerned that some courts in England, as an example, are taking steps to ensure that offenders of nationalities that likely involve the colour of their skin being other than white and/or their individually chosen religion to be Islam or Judaism are treated with a softer principle along with a just as soft purpose than those whose skin colour is white, their nationality is British and/or their individually chosen religion is Christianity or Atheism or even state calmly with non-threatening/intentional free speech that they are against the extreme ends of religions such as Islam (e.g. Sharia Law) or perhaps are against Zionism (in which the definition has been lately changed from the supporting idea of a Jewish State that should be set up and fully established when the Jewish messiah returns to earth to literally any kind of criticism of the Israeli Government and therefore, the majority of the Israeli population at 74.8%, Jews. In other words, Anti-Zionism has suddenly become Anti-Semitism.) who are picked to be deemed, even without proof, as bad.

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?

No

Please provide any reasons for your response.

The approach expressed in the highlighted paragraphs is not always reflected when society demands harsher punishments and no longer trusts in the justice system to carry out appropriate punishments that will keep people safe.

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

5c(i). The viewing of concerns from society about the accused's mental health and ability to keep away from committing further crimes, which might become a danger to the public in any shape or manner.

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.

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.

As I have mentioned earlier, the public feels that there has to be a greater say from the people about how an offender should be sentenced than a judge who might prefer to sentence an anti-social offender to anything that might not stop them from carrying out reprisals.

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

Not sure as I am not an expert on court costs and do not have access to government information on costs.

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

An awareness that the public might at least have a say on sentencing in Scottish courts.

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

One of the matters I would most importantly like to raise with not just the Scottish Sentencing Council but also with the Scottish Government is how Article 8 of the European Convention on Human Rights should apply to those who come forward with high quality overt or covert video evidence of offenders committing dog Fouling, littering, fly tipping, vandalism, careless driving and even reporting an assault who fear reprisals as a result of the offender knowing exactly where they live by testifying in court. A second section of the definition of the law states that this law is exempted whenever the collection of data is used to detect or prevent crime, which includes the ones I have listed. The way people are expected to complain and report those offences even still in the 21st Century is quixotic and useless. It's quite ironic that you can anonymously report your neighbour for having a wild party but cannot report a dog fouler, litter lout, bad drivers or even aggressive drunk people anonymously, even with clear, concise video evidence. People who record these incidents turn to more independent sources to broadcast their footage because they simply have no faith in the authorities to carry out their jobs. I am hoping that by raising this subject in this consultation, I am hoping we can all sit together and talk about this so that the current laws on those crimes can be updated. I have fully discussed this in an article I wrote on my website jrainey94.wix.com/younglitterpicker.

Thank you.