

**Name**

**Publication consent**

Publish response only (without 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.**

I agree that in 'principle' every crime requires a punishment as every victim is entitled to feel that justice has been served appropriately.

I also believe that the 'purpose' of sentencing should consider the following:  
A set of guidelines and parameters should be set for both sheriff and high court cases..as only too often the sentencing outcome can be predictable from a particular judge who is deemed fare or another a heavy sentence dealer and who lawyers have been heard telling their clients 'we are in for a hard time and expect the worst as this crime is this judge's pet hate etc...

The sentencing length, whether custodial or not, welfare and rehabilitation of the criminal if they plead guilty to their crime.

There should be a tier system for sex offenders on the register.

Why should a sexual assault crime i.e. a drunken one night stand when the victim cannot remember if she gave consent while they were both drunk..be on the same register level as a the offender who committed an extremely violent premeditated rape?

Regarding purpose the sentencing needs to be fully fitting the individual...do they feel remorse, are they likely to offend again. If the purpose and principles of sentencing are appropriate the offender will be less likely to reoffend. However if an offender and legal representative feel that a judge has been exceptionally harsh and delivered a sentence disproportionate of the individual facts then I believe that this serves no purpose and potentially increases the probability of the offender due to a feeling of injustice, reoffending on release especially if a hefty custodial sentence was inappropriate to the lower severity of a crime and would serve no purpose in the rehabilitation of the offender nor for the justice delivered to the victim of the crime.

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

Yes

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

Fairness and proportionality ensures that each crime along with its individual circumstances can be delivered a regulated punishment which meets a set of sentence guidelines that all judges must adhere to. This keeps the individual/personal views of the judge under control.

Regarding the fairness and proportionality of sentences delivered by judges, what body actually regulates judges. e.g. every other provision of service to the public is monitored by a regulatory body, are judges monitored to they have to meet inspection criteria, are they called to task over inconsistent sentencing etc.

**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.**

These principles may in there wording be able to be misconstrued by sentencers and this takes me back to should there be (if there isn't already) a regulatory body for the regulation and policing of sentencers. This could be made up of other sentencers both male and female and a mixed representation of the public.

**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?**

should cases of unusual circumstances be heard/considered by more that one sentencer.

Should this be the norm as in other countries.

**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 approach is directive

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

No

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

not all. No.4 I disagree with in specific cases as it is misleading and causes unfair opinions and labelling of offenders.

For example in the case of sex offences as previously remarked upon, there are no distinct tiers of punishment fitting with the severity of crimes of a sexual nature. The sex offenders register should also have a grading system that the public can therefor identify and distinguish between a violent sex offender and the offender who groped or had a drunken one night stand as the public perception of a sex offender is that of a violent pervert who pries of women and children.

Clarity should also be considered on the balance of equality of sexual relations as to todays woman is not portrayed/seen to be submissive but in the media young woman as shown it is acceptable and shows strength if she is dominant. Yet there is no equality when sex crimes are tried. Women do not accept their equality in these circumstance, a man would be the laughing stock if he said he was raped by a woman. Why cant a man be defiled, why cant he say if both were equally intoxicated that he cant remember giving consent. So perception by the public can be misconstrued by bland non specific labelling of offenses/offenders.

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

Yes

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

other than no.4

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

no crime should labelled inconspicuously sentencers should be given clearer tiers for individual degrees of crime

**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.**

I agree, but feel that more intervention, mediation work should be considered prior to legal action by representatives/teams of social and policing professionals to see if an early agreement can be reached and to iron out if the crime actually took place. This would further reduce the expense on the public purse.

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

Yes

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

Yes of course not all crimes are of the nature that custodial sentences are required. e.g. should first offender/thief be in prison with a serial murderer? Should a drunken one night stand be the individual fault of the male?

The cost to the public purse to incarcerate an offender is huge.

**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.**

definitely

**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.**

definitely

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

If anything, public expense will be saved/reduced if these guidelines were in place

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

Sentencers will be regulated to a degree

offenders and the public will be more knowledgeable about the rules of the legal process they are regulated by.

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

I would like to be updated of the likelihood of this being implemented.