

Deciding a Sentence

There are many different crimes that a person can commit. The circumstances surrounding a crime will never be the same in two cases. Because of this the judge must consider the variety of factors involving the **seriousness of the crime**, any harm caused to the **victim** and the **offender's life**.

Getting the sentence right is an important job for the judge. They must ensure the sentence is fair and just. The judge must also consider not only punishing the offender but also rehabilitating them. To rehabilitate someone means to help them return to a lawful way of living so they will not commit anymore crimes. Ultimately this could improve society and make it safer as there will be fewer crimes committed. Sentencing also gives the offender the opportunity to make amends for their wrongdoing and shows them that society does not approve of their behaviour.

ICT Group Task.

In groups or pairs go through **either** Paul or Gillian's cases on the 'If you were the judge' case studies section of the Scottish Sentencing Council website. Complete the 'If you were the judge' **Case File sheet** noting the options you select. Before you discover the sentence given (don't select it yet) you must decide as a group the sentence you would give the offender, write this down and explain your reason. Only once you have written the sentence the group has decided do you read on and discover the sentence given in the case study. Consider whether your group agreed or disagreed with the judge.

Peer discussion: Now get together with another group who considered the case you did not. Each group will take turns describing the case details and ask the other group to consider what sentence they would choose out of the options available.

Answer the following questions:

1. Explain what the purpose of sentencing guidelines is?
2. Consider the sentence the judge decided for either Paul or Gillian. In what ways does the sentence show the offender that society does not approve of their behaviour?
3. In what ways will the sentence help to rehabilitate the offender?
4. In what ways will society and/or the victim feel that justice has been served? Do you think a harsher sentence should have been given, a more lenient sentence should be given, or was the right sentence chosen? Explain your reasons.

Extended Writing Task

You are a journalist and you were in court covering Paul or Gillian's court case. It is now time to write up your story. Use your **Case File** sheet to help you.

Success Criteria

You must include the following information:

- Details of the offender, their plea and the crime committed.
- Explain what impact this crime has had on any victims or society.
- Details of the sentence chosen by the judge.
- Explain the ways you think the sentence will help to rehabilitate the offender.
- Explain the ways you think the sentence shows that society does not approve of their behaviour.
- Explain whether or not public opinion (your classmates) agreed with the sentence given by the judge.
- Finally, conclude whether or not the sentence has provided justice for the victims or society.