Sentencing – Objectives, Types, and a Comparative Approach

“The point of having sentencing to begin with…”

Purpose of Sentencing

* promotes **respect for the law**
* maintenance of a **just, peaceful, and safe society**

“Asentence must achieve the following:”

Four Traditional Objectives (section 718)

* denounce unlawful conduct; label and condemn unacceptable behaviour (*denunciation*)
* deter criminals; prevent an offender and other members of society from committing that crime (*deterrence)*
* separate offenders from society (*separation*)
* rehabilitate offenders; train and treat criminals, and reduce *recidivism* (*rehabilitation*)

Two Additional Objectives 🡪 a movement towards ‘restorative’ justice

* provide reparations for harm done to victims or community
* promote, in offenders, a sense of responsibility and acknowledgement of the harm done to victims/community

“The punishment must fit the crime.”

Types of Sentences

Fill in the blanks.

|  |  |
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| **Sentence** | **Definition** |
| Absolute Discharge | A release without conditions, with no criminal record |
| Conditional Discharge |  |
|  | A punishment, up to *three* years, that allows the offender to live in the community under conditions and supervision; often combined with other sentences. |
|  | A ‘jail’ sentence that is served in the community, with certain conditions; applicable only when sentence is less than two years |
|  | Going to jail and losing your liberty; often combined with a probation order. |
| Intermittent sentence |  |
| Fines |  |
|  | Repaying the victim to reduce the impact of the offence on him or her; it can be in direct monetary form or in the form of work.  The offender’s ability to pay is factored in. |
| Community service orders |  |

If they were Canadian?

**The United States easily has the highest incarceration rates in the world.** (Dimension of Law, 340; All About Law, 306).

In your groups, you will be given one of the following celebrity cases that occurred in the United States.

1. Find out what crime they committed (in instances where they have been charged more than once, the specific crime is listed)
2. Discover what their sentence was,
3. **Evaluate** that sentence: was it fair?
4. Has it met the objectives of Canadian sentencing law?
5. If you were a **judge in Canada**, what sentence would you give them?

Cases

* **Lindsay Lohan (theft above $5000 [necklace])**
* **Paris Hilton (violating probation)**
* **Chris Brown (aggravated assault)**
* **Martha Stewart (fraud)**
* **Eminem (weapons)**
* **T.I. (gun charges)**