

Sentencing. Aim of sentencing. Sanctions. Aggravating/mitigating factors.

Sanctions

Aims of sentencing

Retribution – means ‘punishment’; most backward-looking and seeks to punish the offender, not prevent him from doing crime; punishment is proportional to crime; e.g. prison sentence.

Deterrence – puts offenders off committing crime => reduces future crime levels; split into general and individual deterrence; e.g. life sentence or a fine.

Incapacitation – the defendant is unable to reoffend after being incapacitated; serves a useful purpose for the defendant; most severe form is the death penalty; other examples: prison sentence.

Reparation – focused on repaying the victim; the defendant can be ordered to pay a certain amount of money/return stolen property or meet the victim; ex: ‘community orders’.

Rehabilitation – most forward-looking because it is concerned with reforming the offender so as to stop the illegal behaviour; hopes to reduce crime levels + hopes that offenders will not commit crimes; ex: ‘community orders’

Types of sentences

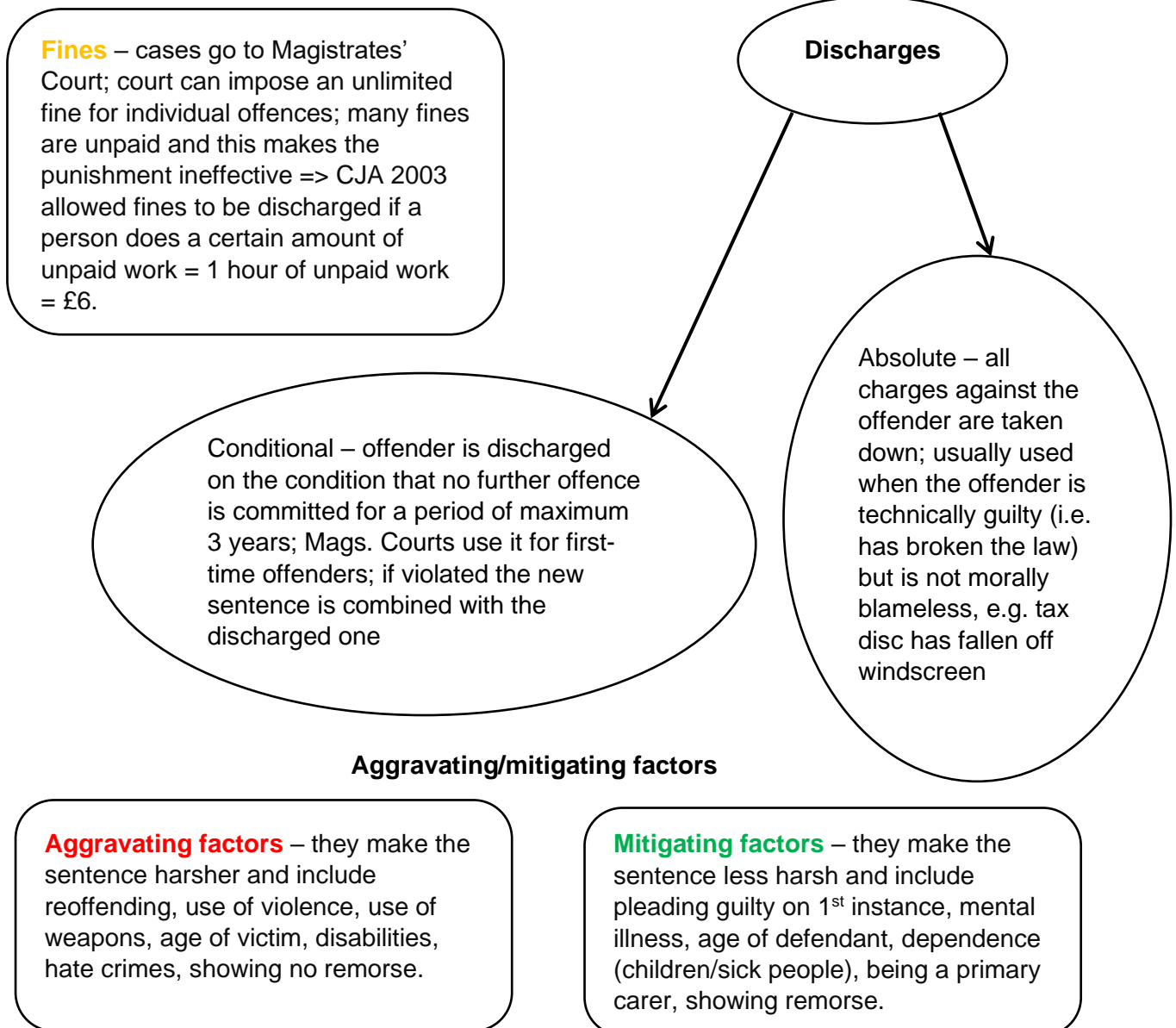
Custodial – includes the following sentences:
 -mandatory -suspend prison
 -discretionary -fixed term
 -intermittent custody
 s.152 of the CJA 2003 states that this type of sentencing should be used for offences where ‘neither a fine alone nor a community sentence can be justified’

Curfew requirement – offender can be ordered to remain at an address between 2-12 hours a day; can last up to 6 months; e.g. electronic tagging.

Drug/alcohol rehabilitation requirement – purpose of reforming/re-educating the offender, so as to tackle his addiction.

Community – CJA 2003 allows courts to ‘mix and match’ any of the following requirements listed in s177 of the same Act, so as to create an appropriate sentence:

- Unpaid work requirement;
- Activity requirement;
- Programme requirement;
- Prohibited activity requirement;
- Curfew requirement;
- Exclusion requirement;
- Residence requirement;
- Mental health treatment requirement;
- Drug rehabilitation requirement;
- Supervision requirement
- Alcohol treatment requirement;
- Attendance centre requirement (of the offender is under the age of 25)



***If D pleads guilty at the first given opportunity, then his sentence is reduced by 1/3**

***If D pleads guilty after the trial date has been set, then his sentence is reduced by 1/4**

***If D pleads guilty at the door of the trial or after proceedings have started, then his sentence is reduced by 1/10**

END.