

D. Maximum Sentences

Maximum sentences are required to limit the maximum deprivation of liberty that the state may impose on an offender. This concept is fundamental to democratic societies.

Most, but not all, witnesses agreed that the present maximum sentences need to be reviewed and, for the most part, reduced. The Committee agrees with the Sentencing Commission that the present maximums, with unstructured judicial discretion, contribute to wide sentencing variation, judge shopping and lack of certainty. Moreover, in the context of the Sentencing Commission's recommendations for the abolition of parole and the reductions of the duration of day release and the remitted portion of the sentence, the Sentencing Commission's proposed maximums make sense.

However, unlike the Sentencing Commission, the majority of the Committee feels that parole has considerable value for both the public and offenders, even though the Committee holds that the availability of day parole and full parole early in the sentence seems to undermine the meaning of a sentence of imprisonment and to contribute to public confusion, and ultimately public distrust, about sentencing and release. For this reason, the Committee has been concerned about the suitability of the present legislative parole ineligibility periods. (Its comments with respect to this are to be found in Chapter Twelve.)

Therefore, it is the opinion of the Committee that public confidence in the criminal justice system would not be enhanced by a reduction of maximum sentences.

Recommendation 12

The Committee recommends that the Department of Justice continue to consult with the public (not just those with a particular interest in criminal justice issues) with respect to the Sentencing Commission's recommendations in this area and that interested individuals and organizations be encouraged to comment on the specific rankings proposed by the Sentencing Commission.