

that maximum and actual sentences be reduced: this, it said, would provide "truth in sentencing" or "real time sentencing", without increasing the prison population. It also recommended that greater use of sentencing alternatives be encouraged. Overall, it recommended that the sentencing system be equitable, clear and predictable, features which it does not have today.

The Sentencing Commission observed that sentencing itself does not resolve the major social problems that cause crime, but so long as such a system exists, the principles of justice and equity must prevail. Because the sentencing process has as its goal the accountability of the offender, rather than punishment *per se*, the least onerous sanction appropriate in the circumstances should be applied. Imprisonment should not be imposed for rehabilitation purposes but should be resorted to only in order to protect the public from violent crimes, where another sanction would not adequately reflect the gravity or repetitive nature of the offence, or where no other sanction would adequately protect the public or the administration of justice.

The Commission recommended that mandatory minimum sentences be abolished because they are inconsistent and unfair — their effect is to restrict the sentencing judge's discretion and to force a specific sentence. (See Chapter Six for further discussion of this.)

The Sentencing Commission identified two problems with maximum sentences — they often do not reasonably correspond with the seriousness of the offences to which they apply and they do not relate to what should happen to someone convicted of the offence. The Commission recommended that there be a 12-year maximum ceiling on sentences, which would apply primarily to violent offences resulting in serious harm to victims — manslaughter, aggravated sexual assault, kidnapping, etc. Nine-year, six-year, three-year, one-year or six-month sentences would apply to other offences, depending on the seriousness of the offences. The Commission ranked the seriousness of each *Criminal Code* offence and assigned each to the appropriate sentence category.

The Commission recommended that indeterminate sentences applicable to dangerous offenders be replaced by enhanced, definite sentences where special circumstances so warrant. Such an enhanced sentence would be available for offences carrying a maximum penalty of 9 or 12 years, when the offence involved serious personal injury committed in brutal circumstances.