

Such witnesses tended to oppose the introduction of sentencing guidelines, except perhaps those which would be advisory only.

Other witnesses tried to take a middle course. While supporting the importance of reducing unwarranted disparity, the Canadian Psychological Association, for example, asserted the necessity of some measure of judicial discretion which would allow the individualization of the sentence. It supported in principle the development of sentencing guidelines designed to reduce *unwarranted* disparity but underlined the requirement of further consideration regarding structure. It suggested the need for a clear articulation of the social purposes of sentencing, the systematic collection and dissemination of normative sentencing data, evaluation of proposed sentencing guidelines, and further research on sentencing disparity. It also proposed that education of those judges whose decisions are erratic be a priority.

The Committee believes that sentencing guidelines have much to commend them. (In particular, it would expect to see different sentencing patterns for sexual assault, child abuse, and spousal assault under sentencing guidelines.) **However, the Committee is concerned that such guidelines are unlikely to respond adequately to the sentencing goal and principles proposed earlier in this report by the Committee and does not support their introduction at this time.**

The Committee has been persuaded of the value of offenders acknowledging responsibility for their criminal conduct and coming to terms with what has happened through positive steps designed to make reparations to the victim and/or community and to rehabilitate themselves. This strategy requires a more individualized approach to sentencing than that offered by sentencing guidelines, which are likely to be a more useful tool where the underlying goals are retributive and punitive, or perhaps where denunciation needs to be the primary consideration.

Where restoration of community harmony is paramount, sentencing guidelines, in other than an advisory form, are unlikely to be very helpful. By their very nature, they can only classify cases according to the in/out (custodial or community) nature of the sanction and the quantum of the sanction (generally, time or amount of fine or restitution). It is unlikely that they could be designed to deal with the complex variables which may determine the components of a sentencing package designed to address the sentencing philosophy proposed in the preceding chapter of this report. Such