

particular mandate and with its own resources, has publicly expressed its inability to do its job effectively in terms of the failure of another component of the system. According to the Society, the overall impression left with the public is that the system as a whole is totally ineffective. External factors which affect public distrust, they say, are the influences of mass communications (both in the news — we get it quickly and in colour — and in entertainment), the proliferation of security system companies (which, by implication, casts doubt upon the trust we can place in the criminal justice system), and the development of crime prevention initiatives (which imply we need protection).

While the Committee agrees with the general tenor of these remarks, it is concerned that areas of the criminal justice system genuinely in need of reform be identified and proposals for reform be considered. This chapter of the report sets out a consideration of sentencing reforms.

B. Sentencing Guidelines

The perception of the prevalence of violence and the growing public mistrust of the criminal justice system have led some witnesses appearing before the Committee and some other segments of the community to call for, among other things, an increase in the availability and the quantum of mandatory minimum sentences or mandatory sentencing guidelines. The Committee was provided with evidence with respect to sentences in various parts of the country for certain offences (child abuse in Ottawa, and sexual assault in Toronto and Newfoundland, for example) which gave the Committee the impression that some judges at times do not seem to rank these offences as seriously as the Committee would have expected. Alternatively, the principle of proportionality did not seem to be the overriding factor affecting the sentences given in these cases. Impressionistic evidence with respect to spousal assault seemed to lead to the same conclusion. **The Committee believes that these particular offences should be reviewed carefully by the judiciary, Crown attorneys and, in the event a permanent sentencing commission is established, by that body.**

Not all witnesses agreed with the Sentencing Commission's view that proportionality should be *the* primary consideration at sentencing. Many took the position that sentencing is and should remain a human process. While acknowledging the importance of proportionality, these witnesses were more inclined than those who espouse the "just deserts" philosophy to place a higher value on other factors which might affect the sentencing decision.