

CHAPTER SIX

SENTENCING REFORM: SENTENCING GUIDELINES AND MINIMUM AND MAXIMUM SENTENCES

A. Background to Reform

1. Violence: Perception and Reality

Earlier in this report, there was a discussion of the overestimation of violent crime by the public and the likelihood of recidivism for violent offenders. The fear of criminal violence has become heightened in recent years. **While the Committee considers that the perception of the prevalence of violent crime is not reflected in reality, it does believe that the fear is real and must be addressed by all levels of the criminal justice system.**

The Committee attributes much of the public misperception of crime to media reports which sensationalize violent cases and which often deal with complex situations in a limited time or space. Moreover, the Committee recognizes that in recent years there has been increased reporting to police of certain offences (e.g., sexual assault), as well as changes in criminal justice record-keeping practices, both of which have also contributed to the perception of increasing violence.

Nevertheless, there has been a number of serious cases in recent years where offenders on conditional release who had been previously convicted of homicidal offences subsequently took another life. While these incidents are few in number, they are dramatic and it is not surprising that they have contributed to public fear and a lack of confidence in the correctional, releasing and supervision systems.

2. Public Mistrust of the Criminal Justice System

The John Howard Society of Canada suggested that the problem of the lack of public trust in our criminal justice system results from both internal and external sources. In their view, each component of the criminal justice system (e.g., police, judiciary, corrections, etc.), operating within its own