

Smart Justice

"community safety the smart way"

Media Release

Minimum sentence standards won't deter crime or protect the community

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Smart Justice, a coalition of leading legal and community groups, opposes the Coalition's plans, announced in today's Herald Sun, to establish minimum sentence standards.

While the detail of the Coalition policy has not yet been revealed, minimum sentence standards typically fix a minimum jail term for a particular offence, but allow courts to vary that sentence in certain circumstances.

"Fixed minimum jail terms are a retrograde step towards mandatory sentencing in Victoria," said Smart Justice spokesperson Hugh de Kretser. "They make it harder for courts to ensure that the punishment fits the crime, and do nothing to reduce crime rates."

"An offence like aggravated burglary covers everything from a homeless person stealing a can of soft drink from someone's kitchen, to a violent home invasion. Murder covers everything from a highly distressed person helping a loved one with a terminal illness to take their life, to a gangland execution," Mr de Kretser said. "The court is best placed to decide the right penalty for an offence, taking into account the unique circumstances of each case. The Coalition policy is a step towards politicians imposing sentences, not courts."

"The Coalition argues that current sentencing laws 'fail to protect the community and deter would-be offenders.' Yet research shows there is little evidence that harsher penalties deter crime and sending more offenders to jail can actually increase crime rates."

"If the Coalition was serious about protecting the community, it would focus on an issue like child neglect, which has been shown to be one of the major causes of crime. Instead, its policies will divert hundreds of millions of dollars away from addressing child neglect, reducing homelessness and treating mental illness and drug and alcohol abuse into more prisons and more police."

"Contrary to the Coalition's position that courts are handing out 'hopelessly inadequate sentences time and time again', independent research shows that the courts generally reflect community expectations in sentencing. A recent University of Melbourne study showed that when the public is given the same information about certain crimes as the judges, they tend to give similar or lower sentences."

Factsheets on mandatory sentencing and public opinion and sentencing are available on the Smart Justice website www.smartjustice.org.au.

Further information:

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