

Sentencing Reform in Canada and England and Wales: A Tale of Two Jurisdictions

Abstract

Sentencing reform in Canada has been stalled in recent years. The federal government has done little to address the problems of sentencing such as the high rate of Aboriginal incarceration, the long-standing variability in outcomes, and the lack of transparency in sentencing. Nor has it remedied the mandatory sentencing provisions introduced by the previous Conservative government. In contrast, England and Wales has experienced significant reform through the use of sentencing guidelines. These guidelines cover all common offences and represent an alternative to the grid-based guidelines found across the US. I discuss the offence-specific guidelines as well the guideline which regulates plea-based sentencing discounts. As a result of the guidelines, sentencing in England and Wales has become more transparent and predictable. This brief presentation summarises developments in that jurisdiction and draws some lessons for Canada.

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Julian Roberts is a Professor at the University of Oxford, and former member of the Sentencing Council of England and Wales. His books include: *Sentencing in Canada* (Irwin Law, 2020); *Paying for the Past: Prior Record Enhancements in the US* (OUP, 2019); *Punishing Persistent Offenders* (OUP, 2008); *The Virtual Prison* (CUP, 2004).

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