

PROVINCE OF ONTARIO
MINISTRY OF ATTORNEY GENERAL

CROWN POLICY MANUAL

March 21, 2005

SENTENCING

PRINCIPLES

Appropriate sentences contribute to respect for the law and the maintenance of a just, safe and peaceful society. The objectives of sentencing include: denunciation, general deterrence, specific deterrence, separation of the offender from society where necessary, rehabilitation, reparation to victims and the community, and a promotion of responsibility in offenders and the acknowledgment of harm done to victims and the community.

Crown counsel should balance the purpose and principles of sentencing in making effective submissions to the court. Pre-sentence reports and/or psychiatric assessments should be requested, where appropriate. Crown counsel should consider whether expert or *viva voce* evidence ought to be provided to the court on sentencing.

Victims should be given an opportunity to be heard at the sentencing hearing through victim impact statements. Reference should be made to the practice and confidential legal memoranda on victim impact statements.

In ensuring that principles and purposes of sentencing are achieved, Crown counsel should make the most effective use possible of all of the provisions in the *Criminal Code* which might assist in the protection and safety of the victim and other members of society, including:

- Mandatory or discretionary firearms/weapons prohibition and forfeiture orders
- Orders to protect children
- Although not a matter of sentence, DNA orders on primary and secondary designated offences

- Proceeds of crime orders
- Effective probation conditions which focus on rehabilitation of the offender, the safety of the victim, the safety of the public and conditions which acknowledge the responsibility of the offender for harm done to the community
- Effective conditions on conditional sentence orders which not only focus on rehabilitation, protection of the victim, safety of the public, and responsibility of the offender but also include punitive sanctions which are restrictive of the offenders liberty
- Restitution and compensation orders
- Driving prohibition orders
- Dangerous or long-term offender orders.