

# Sentencing, Plea negotiation and Decision Support

National Association of Sentencing Commissions  
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School of Information Systems  
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# Purposes of Sentencing

Victorian Sentencing Act 1991

## 5. Sentencing guidelines

- (1) The only purposes for which sentences may be imposed are-
  - (a) to punish the offender to an extent and in a manner which is just in all of the circumstances; or
  - (b) to deter the offender or other persons from committing offences of the same or a similar character; or
  - (c) to establish conditions within which it is considered by the court that the rehabilitation of the offender may be facilitated; or
  - (d) to manifest the denunciation by the court of the type of conduct in which the offender engaged; or
  - (e) to protect the community from the offender; or
  - (f) a combination of two or more of those purposes.

# Factors to be taken into account by the Court when sentencing

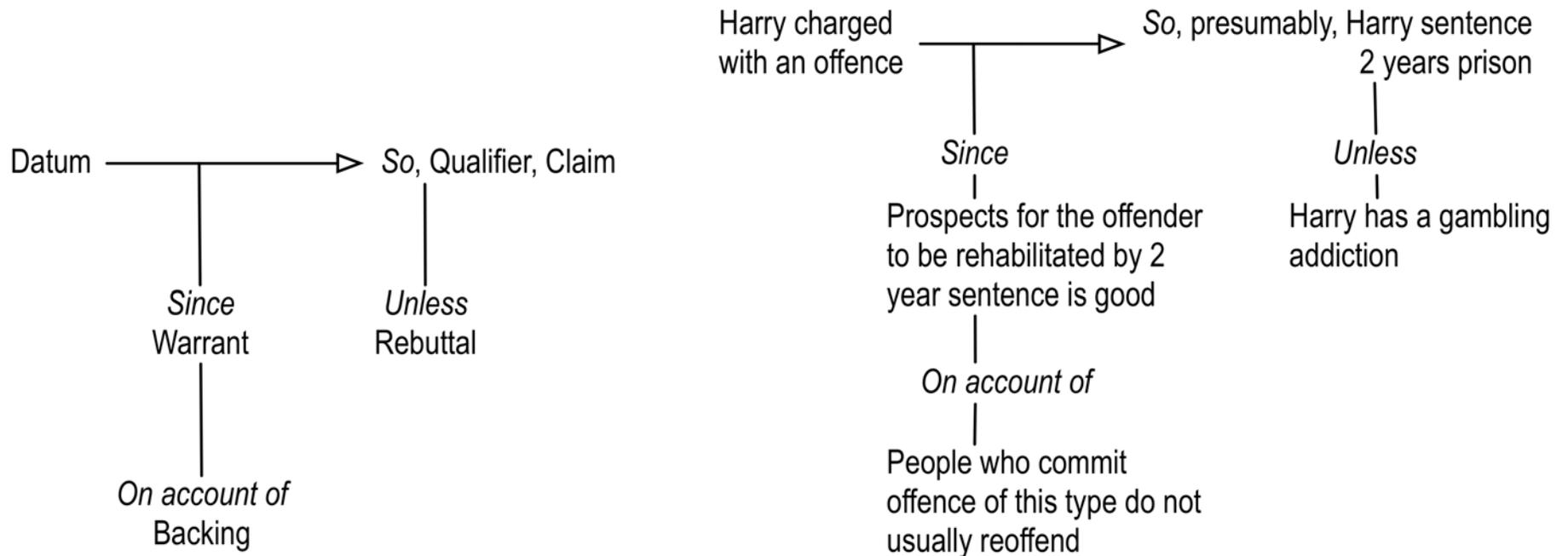
Victorian Sentencing Act 1991 s. 5.

(2) In sentencing an offender a court must have regard to-

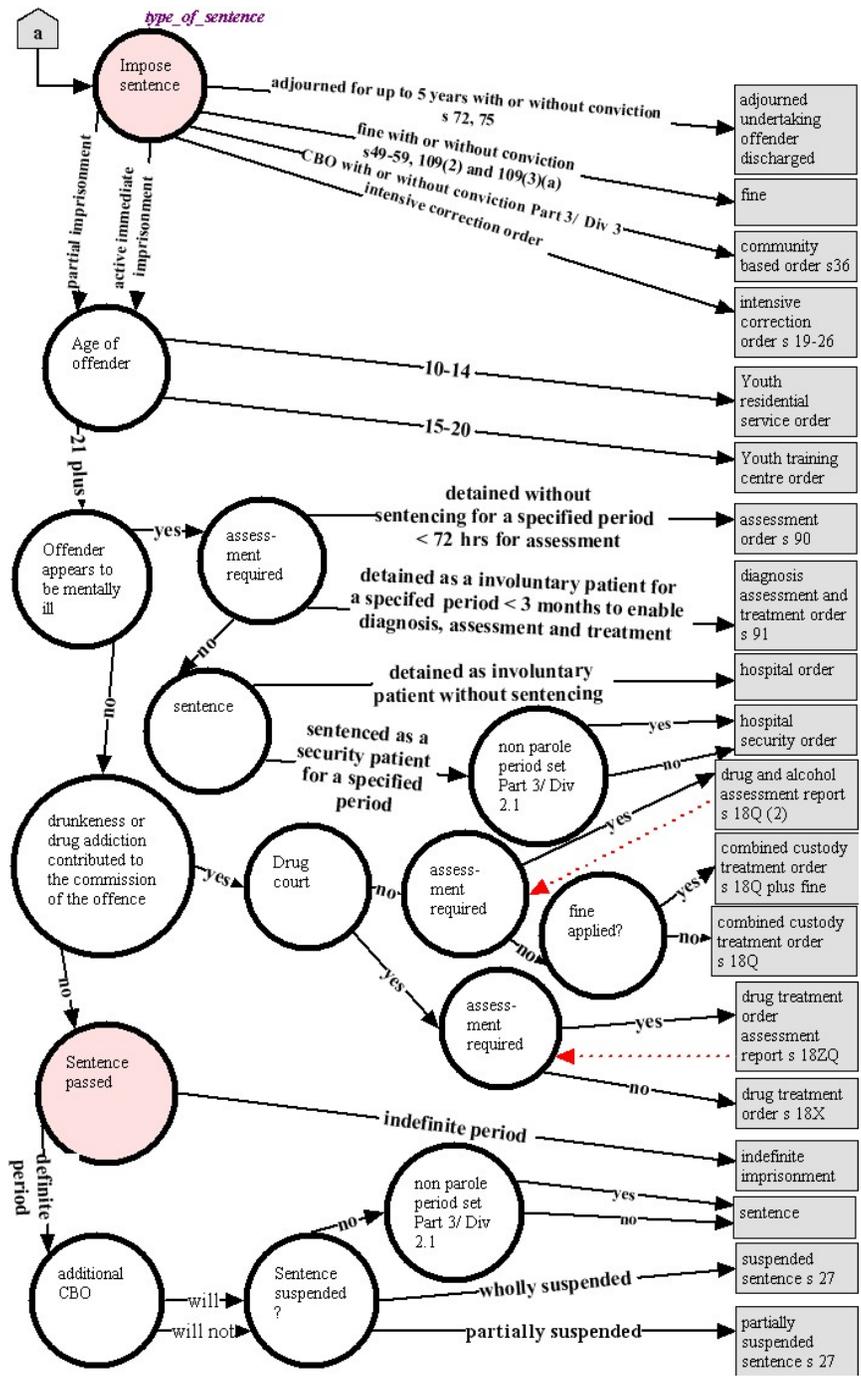
- (a) the maximum penalty prescribed for the offence; and
- (b) current sentencing practices; and
- (c) the nature and gravity of the offence; and
- (d) the offender's culpability and degree of responsibility for the offence; and
- (daa) the impact of the offence on any victim of the offence; and
- (da) the personal circumstances of any victim of the offence; and
- (db) any injury, loss or damage resulting directly from the offence; and
- (e) whether the offender pleaded guilty to the offence and, if so, the stage in the proceedings at which the offender did so or indicated an intention to do so; and
- (f) the offender's previous character; and
- (g) the presence of any aggravating or mitigating factor concerning the offender or of any other relevant circumstances.

# Toulmin Argument Structure

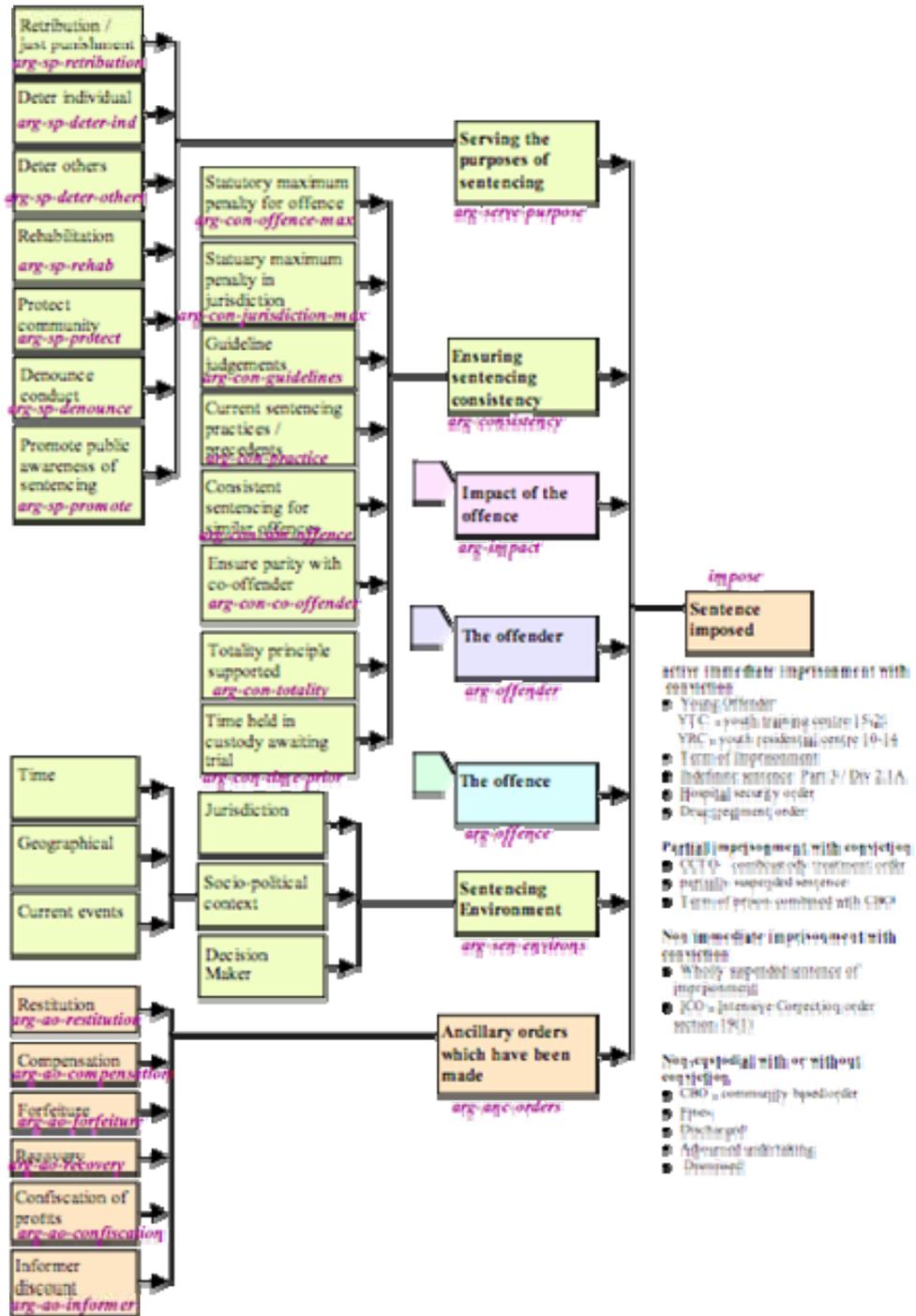
Stephen Toulmin, *The Uses of Argument* (Oxford, 1958)



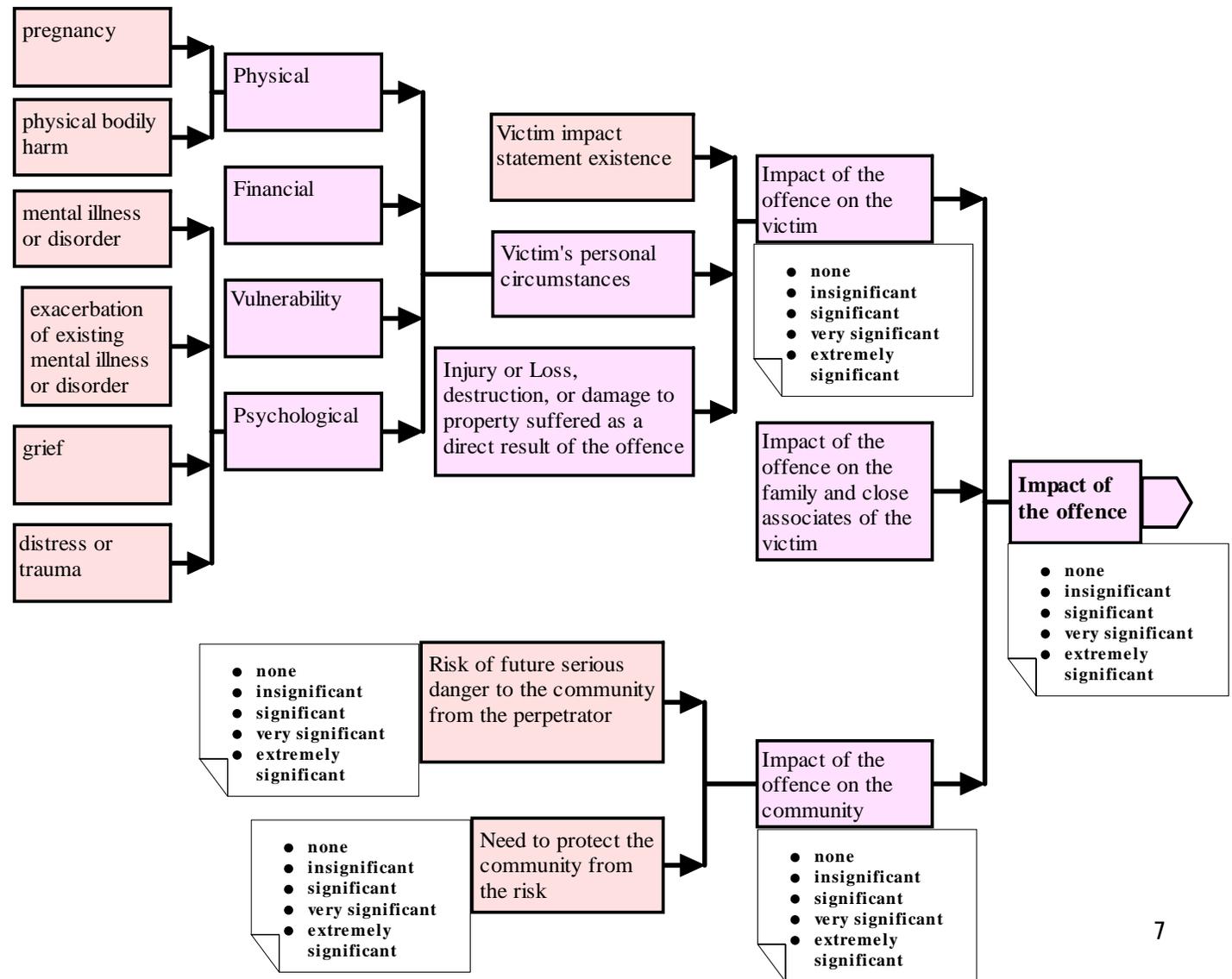
# A Decision Tree



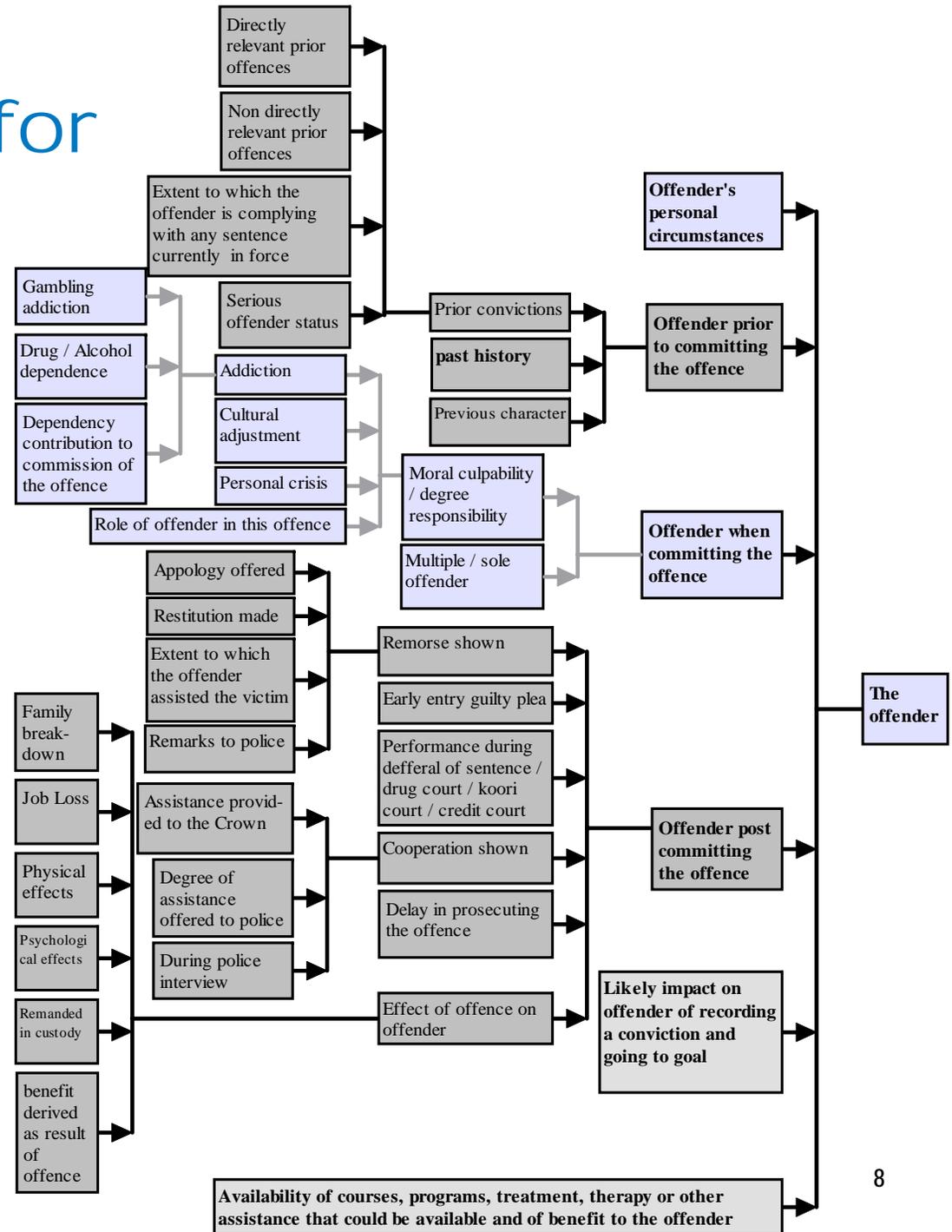
# Highest Level Argument Tree (factors influencing sentence imposed)



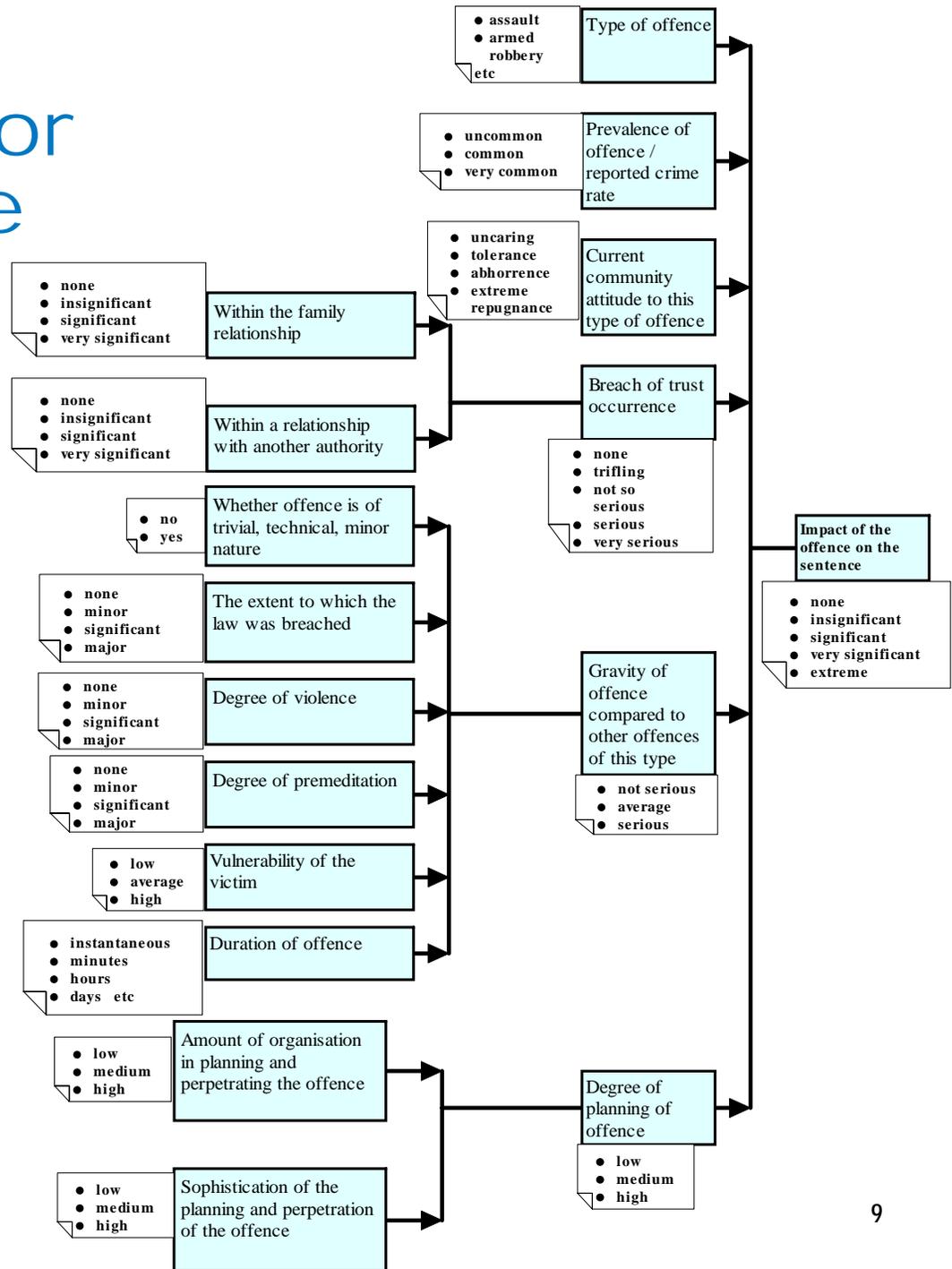
# Argument Tree for Impact of the Offence



# Argument Tree for nature of the Offender



# Argument Tree for the Nature of the Offence



# Initial page of Web Based Sentencing System

The screenshot displays a web browser window with the address bar containing 'jstInferAcquire.php'. The main content area has a light blue background. At the top left, there is a logo consisting of a stylized gavel inside a rounded rectangle, with the word 'Sentencing' written in a large, blue, serif font below it. Below the logo, the text 'The offender will be sentenced to' is followed by a dropdown menu. The dropdown menu is open, showing a list of sentencing options: 'unconditional discharge with conviction', 'unconditional dismissal without conviction', 'unconditional discharge with conviction', 'adjourned for up to 5 yrs with or without conviction', 'a fine with or without conviction', 'a CBO with or without a conviction', 'an intensive correction order with a conviction', 'partial imprisonment with conviction', and 'active immediate imprisonment with conviction'. To the right of the dropdown menu is a button labeled 'Not Sure'. Below the dropdown menu is a button labeled 'proceed'. At the bottom of the browser window, the status bar shows '- Powered by JustSys Pty Ltd' and 'Local intranet'.

# Moving into the argument tree

The offender will be sentenced to

Ensuring sentencing consistency will have  impact upon the sentence delivered

Circumstances associated with the offence itself will have  impact upon the sentence delivered

Circumstances associated with the offender will have  impact upon the sentence delivered

The impact of the offence on the victim and third parties will have  impact upon the sentence delivered

The sentencing environment will have  impact upon the sentence delivered

Any ancillary orders made will have  impact upon the sentence delivered

Ensuring the purposes of sentencing are served will have  impact upon the sentence delivered

- no
- insignificant
- significant
- very significant
- extremely significant

- Powered by JustSys Pty Ltd Local intranet

SQL WinMySQ... 2 Inter... GetAid - L... Sentencing 3 Micros... 2 Micros... SmartDra... EN << >> 10:58 PM

# Factor Weights Input Screen

offender_dependency_cont	offender_drugs	offender_gambling	Claims
not applicable - <input type="text" value="1"/>	is not - <input type="text" value="1"/>	has no - <input type="text" value="1"/>	mitigates against - <input type="text" value="20"/>
not at all - <input type="text" value="1"/>	is - <input type="text" value="10"/>	has an - <input type="text" value="10"/>	does not mitigate against - <input type="text" value="12"/>
insignificant - <input type="text" value="2"/>			played no part in - <input type="text" value="2"/>
significant - <input type="text" value="10"/>			
very significant - <input type="text" value="30"/>			

click and drag to resize

The extent to which any addiction or dependency contributed towards the commission of the offence is:

The offender  drug or alcohol dependent

The offender has  addiction to gambling

[Addiction](#)

[the culpability of the offender](#)

Created by JustSys Pty Ltd

Local intranet

WinMySQLAdmi... 2 Internet E... 3 Microsoft Exc... SmartDraw Profe... Microsoft Power... EN 12:21 AM



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