

From: [Kate Tynan](#)
To: [sentencingcouncil](#)
Subject: Opposition to the Use of "Good Character" References in Court Cases
Date: Tuesday, 9 July 2024 8:24:03 AM

Dear Sentencing Council,

I am writing to express my opposition to the use of "good character" references in court cases, particularly in relation to the operation of section 21A(5A) and other relevant sections of the Crimes (Sentencing Procedure) Act 1999, as well as the common law provisions concerning this matter.

While the intent behind considering a defendant's "good character" may be to provide a more comprehensive understanding of their personality and past behaviour, this practice often undermines the principles of justice and equality before the law. Here are a few key points to consider:

1. **Inequality and Bias:** Allowing "good character" references can introduce a significant bias in the judicial process. Individuals from more privileged backgrounds are more likely to obtain such references, thereby receiving more lenient sentences. This exacerbates existing inequalities within the legal system.
2. **Irrelevance to the Crime:** The notion of "good character" is often irrelevant to the crime committed. A person's past behaviour does not negate the severity of their current actions. The focus during sentencing should be on the crime and its impact, rather than on unrelated aspects of the offender's history.
3. **Potential for Manipulation:** The use of "good character" references can be manipulated, with defendants sometimes securing favourable statements from influential individuals, thus distorting the true nature of their character and actions. This manipulation undermines the integrity of the judicial process.
4. **Victim Impact:** Emphasising the defendant's "good character" can be distressing for victims and their families, as it may appear to minimise the harm done to them. The judicial process should prioritise justice for victims rather than offering undue leniency to offenders based on their social standing or past behaviour.

Given these concerns, I urge the Sentencing Council to recommend reforms that either eliminate or significantly restrict the use of "good character" references in court cases. Such reforms would help ensure a more equitable and just legal system, where sentencing is based on the facts of the case rather than subjective assessments of character.

Thank you for considering my views on this important matter.

Sincerely,

Katharine Tynan.