

Communicating Sentencing Decisions: Impacts on Society

Asiimwe Aisha

Department of Public Administration and Management Kampala International University Uganda

ABSTRACT

Sentencing is not merely the conclusion of criminal proceedings; it is a pivotal moment that communicates state authority, public values, and institutional legitimacy. This paper examines how sentencing decisions are conveyed to the public and the broader implications these communications have on societal trust, judicial transparency, offender rehabilitation, and victim recognition. Drawing on historical, philosophical, legal, and technological perspectives, it explores how inconsistent or opaque communication undermines confidence in the justice system. Through case studies such as those of George Pell and Derek Chauvin, this study highlights the consequences of inadequate sentencing communication and proposes that clarity, consistency, and fairness in how sentencing decisions are shared with the public are as critical as the decisions themselves. By considering victims' voices, offenders' realities, community expectations, and media narratives, the paper advocates for ethically grounded, inclusive communication practices that reinforce the justice system's legitimacy and social cohesion.

Keywords: Sentencing communication, Judicial legitimacy, Public perception, Victim impact, Sentencing transparency, Legal ethics, Media and justice.

INTRODUCTION

All societies face individuals with a low regard for others' rights, necessitating force to protect against intentional harm. Mistakes in sentencing can undermine safety approaches, leading to costly, contestable prisons. Australia spends approximately \$3 billion annually on prison services, housing about 30,000 prisoners, while the U.S. has the highest incarceration rate globally at 724 per 100,000. High imprisonment rates aren't always indicative of policy failure; imprisonment is essential for recidivists. An effective sentencing system requires legislation for clear sentencing criteria and rationale. Despite being wealthy and educated, the U.S. and Australia have diverged in sentencing practices—America imprisons 744 per 100,000, while Australia has 114. With a variety of professional services, America faces discontent over its efficacy in crime reduction. Imprisonment is viewed as a last resort in America, while Australians must better grasp the economic and social costs of punishment. Societies often struggle with communication, and poorly articulated change proposals risk failure, making the challenge of addressing excessive punishment particularly complex amid conflicting interests [1, 2].

The Role of Sentencing Decisions in The Justice System

Understanding how decisions of courts ought to be communicated, and in particular the potential impact of the communication of sentencing decisions on society, is an important area of research. This is the case not just because the contents of decisions on guilt or innocence are crucial to the rights of parties, but also because punishment decisions (and the reasoning associated with them) are significant in terms of their social and political ramifications and effects on how society thinks about crime and punishment. Government power to punish is coercive. That is, punishment is imposed based on the authority (of the State) over the person. The conditions attached to the right to exercise that power are very few. This power is very broad and, in many ways, unchecked; therefore, there is considerable potential for it to be abused by those on whom it is conferred. If punishment is to be just, it must be proportionate, rationally based, and devoid of any subjectivity. It is important that the general public, the lay person, has a sound understanding of how and why this power is exercised. The exercise of the power to punish is a complex

process involving numerous stakeholders, and many aspects of that process can be examined. At its core, it can be viewed as involving three discrete stages: decision making and the communication of those decisions. In the case of punishment, the stages involve many parties; also, the way the decision-making process is conducted and the way the decisions are then communicated to the public are important issues, with many practical, policy, and philosophical aspects [3, 4].

Historical Perspectives on Sentencing Communication

Centuries-old sentencing rituals have evolved but remain relevant today, often blending with conventional judicial practices. Historical cases such as the Rosenbergs, Eichmann, and more recent high-profile trials like Timothy McVeigh have seen sentencing take on a theatrical spectacle, comparable to televised events. Current penal laws require detailed reasoning that may hinder these ritualistic forms from re-emerging in quieter times. In both Canada and the US, legislation dictates certain sentences, limiting judges' discretion and stipulating a range from minimum imprisonment to various intermediate punishments. An upward departure is prescribed for crimes stirring public concern. As a reaction to perceptions of sterile courtroom processes and public outrage over punitive practices, states have initiated reforms aimed at incorporating options that mitigate harsh punishments amidst pressures to manage rising jail populations and moral panics, alongside behavioral treatment advances [5, 6].

Public Perception of Sentencing Decisions

Judicial sentencing decisions carry significant authority and are frequently regarded as lasting and impactful. These decisions can notably influence public perception of the criminal justice system overall, resulting in potential changes to laws and practices surrounding punishments in the wake of high-profile cases. Such judicial decisions often prompt a more profound awareness of offending behavior, which, in turn, can affect the actions of police and prosecutors in future cases. When significant sentences are handed down, they tend to receive extensive media coverage, highlighting various "newsworthy" crimes and the accompanying court rulings. This includes a range of civil and administrative decisions that serve to critique and evaluate the fairness and efficacy of the justice system. Media coverage can also play a role in exposing judicial decisions or proposed changes that fail to acknowledge prevailing social demands, which can lead to public backlash and fuel for investigative journalism aimed at holding the justice system accountable. The behavior and actions of judges and judicial officials are typically structured within strict hierarchies, with courts carefully managing their communications to accurately reflect their expected societal roles. Therefore, any comments or actions made by judges may be interpreted as intentional, thus risking criticism for failing to adhere to the expected standards of judicial conduct and professionalism, which are vital for maintaining public trust in the judicial system as a whole [7, 8].

Impact of Sentencing on Victims

The sentencing procedure following the conviction of an accused initiates a new legal procedure, the most significant purpose of which is to determine the type and scope of the punishment imposed on the convicted person over and above his/her conviction. The role played by the convicted person's choice to confess in advance is examined, as well as the interest served by this choice, from the point of view of society, the victim, and the convicted person. The interests of all parties are weighed within the boundaries defined by tort law, focusing on the question of whether the victim was afforded an appropriate legal voice in the most significant and most sensitive of all legal procedures. It is here that the convicted person offers his/her account of the event in a manner that supports the interest of minimizing punishment; it is here that the state's representative claims the opposite view, as the agent of its injured party citizen, a view that in most cases serves no interest beyond the punishment of the convicted person. This is the stage during which the victim's interest is most drastically ignored. It has been claimed that circumstances of guilt or praise that arose before the event are not equally relevant to produce a pre-conviction voice, since once a conviction has been obtained, the crime is considered to have been committed as an irregular conduct that drew the attention of the police and subsequently the legal and penal systems, and the victim's voice at that stage is irrelevant. Nevertheless, once the discussion moves to the issue of sentencing, which implies acceptance of all previous allegations, the accident no longer requires any debate. It becomes irrelevant whether the act was committed under duress of circumstances or in a moment of insanity, whether this was a premeditated murder or a crime of passion. More than anything else, this is the stage at which the victim's suffering is most outrageous. It is the most diverse stage with no measurable balance between the parties, as the convicted person possesses great resources and interest to frame the demonstrative evidence, while the victim is commonly left without any input in what is perhaps the most meaningful legal stage for him/her. Once the conviction has been obtained, the

victim is practically excluded from the ongoing process and he/she consequently relinquish some of his/her rights and interests as the agent of the State, as the wounded party, and ultimately victimized by the legal system [9, 10].

Impact of Sentencing on Offenders

Judges, courts, and juries must make sentencing decisions that are fair while still fulfilling the other objectives of punishment. The sentencer must be even-handed in looking at the particular case to be determined and should refrain from considering the sentencer's own experience in anything other than similar cases. Courts have consistently rejected legislative attempts to require courts to consider the effect of a sentence on the criminal's family circumstances and the changed burdens that the crime will place on them. Sentencing authorities must keep in mind the system that is producing the sentences. Courts tend to treat a prison sentence for a crime as equivalent to any other prison sentence of similar length or to include all prison sentences. To treat sentencing in a one-dimensional way is likely to overlook the full impact of the sentence. Judges must be concerned with the public's perception of their decisions. In the vast majority of cases, the work of judges is conducted in relative obscurity. However, there are drastic exceptions that may have adverse effects on public confidence in the court system or a particular sentencing judge. In cases where a judge uses an extreme and unorthodox sentencing option, such as determining a prison sentence of several decades or life imprisonment or death, or sentences well over a century, the reasons given out of the context of consideration may just potentially and indiscriminately bring the court system as a whole into disrepute. Also at the other end of the scale, where a convict who has wreaked havoc on a community is given community service, judges must explain themselves carefully to avoid the appearance of bias, ignorance, or just plain unfairness [11, 12].

Community Reactions to Sentencing Decisions

Sentenced individuals can strongly impact public attitudes toward the criminal justice system, and the legitimacy of sentencing decisions can significantly impact societal reactions to those decisions. However, legitimacy literature has primarily focused on institutions and judges, not the perceived legitimacy of inputs and outputs such as judges, procedural fairness in sentencing, or actual sentencing decisions. Perceptions of legitimacy can influence community reactions to judges' decisions, with public information campaigns about sentencing parole most effectively concerned with the legitimacy of inputs. At the same time, community aggression reactions to longer sentences depend on legitimacy thresholds for inputs and outputs. While judges must weigh competing considerations, the law broadly requires them to make judgments on the legality of the proposed sentences. Discussions around reforming sentencing laws may be fueled by aggressive community reactions to sentences, both perceived as unjust, and future crime concerns. These reforms may focus on preventing further aggressive reactions to similar sentences rather than improving the criminal justice process. Perceiving providers as more legitimate increases acceptance of legal outcomes, leading to a more positive view of the legal institution, especially with less focused demands for input legitimacy. California's three-strikes framework is an example of a legally illegitimate outcome that activists tried to change using a series of letters edited for content to maintain public discretion. While still resulting from significant resources, important decisions from judges can change perceptions in the community. Some decisions may remain publicly sensitive even after being labeled legally permissible stances, or community actors may decide to pressure for the enactment of more formal appellate procedures [13, 14].

The Role of Technology in Communicating Sentencing

The judiciary must proactively create a trial communication plan to tackle societal pressures while upholding the accused's fair trial rights. Communication about the trial should stay basic beforehand to prevent prejudicial publicity. In times of crisis, the judiciary needs support for managing communication and media engagement. Judges must lead crisis communications concerning their decisions, alleviating concerns rather than obscuring transparency. Judges must explain the rationale, legal basis, and consequences of decisions as much as possible while adhering to fair trial principles. Other parties involved in litigation should also communicate under these guidelines. Judges should connect with the media to foster accurate reporting, while judicial councils establish relationships with editors and reporters, setting clear reporting guidelines. Journalist training and preventive measures are essential to minimize interference with judicial tasks. In an environment where dismissiveness undermines judicial authority, preemptive communication about decisions is vital. Evaluating three cases shows how distortions weaken legal authority, creating dire societal impacts, like fear and a demand for vengeance among citizens unfamiliar with the law. This erosion of trust can lead to a societal collapse in authority

compliance. Anticipating and supporting research and investigative resource needs is crucial, along with opportunities for collaboration in technology and social sciences to develop automated tools for analyzing emerging online issues [15, 16].

Ethical Considerations in Sentencing Communication

The challenge of formulating a moral philosophy of punishment leads to difficulties in applying that philosophy to specific penalty decisions for offenders. Important components for making sentencing decisions emerge once criminal liability is established. If incarceration is chosen, the duration of confinement must be decided. The way a judge or jury's sentencing decision is framed can enhance the perceived legitimacy of the outcome. Articulating these decisions to optimize legitimacy amidst the judge's complex motives is a difficult task. The genres of sentencing hearings and opinions, along with individual judge practices, respond to the complexities surrounding a judge's authority in administering punishment for societal offenses. Understanding the societal effects of how sentencing decisions are communicated is challenging. The factors influencing judicial expression in language are more complex than those shaping the penalty decision itself. The impact of prosecutorial discretion may be explored through a model of the decision-making process, highlighting the challenges faced by judges in communicating their decisions. Communication may take various forms, such as a summary or detailed narrative of the penalty. Additionally, reasons behind the decision may be presented seriatim, or as a global rationale linking the penalty to the offender within a moral context [17, 18].

Case Studies of Notable Sentencing Decisions

In social science literature, "person-based" framing focuses on individuals involved, emphasizing core facts. In a legal context, judges' decisions and explanations reflect "person-based" discourse, addressing mitigating and aggravating circumstances alongside the imposed sentence. Legal communication standards require public judicial statements to be understandable to non-experts, coherent, and factually accurate. Even compliant person-based explanations often result in limited information for the public due to the nature of legal discourse. A notable example is the appeal of Cardinal George Pell's historical sex offenses sentence, contrasted with Derek Chauvin's widely publicized murder sentencing, which offered more extensive discourse. After outlining the research question and context, a summary of the legal systems in Australia and Minnesota is provided, along with the offenses and sentences of Pell and Chauvin. The study also examines generative legal capture and elucidation approaches, establishing a framework to evaluate judicial communication effectiveness. The analysis of Pell's and Chauvin's sentences focuses on delivering "decision" and "explanation" content. Person-based decision content includes input levels of sentencing factors and their hierarchy. Conversely, decision structure, which influences how effectively person-based content is conveyed in public discourse, relates to clarity and coherence in presenting decision content [19, 20].

Legislative Framework Governing Sentencing Communication

Sentencing decisions entail the imposition of a penalty and careful consideration of a range of factors to arrive at a proportionate sentence. The process by which a judge arrives at a sentence is often complex and lengthy. It can lead to long responses from judges and significant legal and constitutional issues. Failure to accurately communicate a sentence can have a serious impact. An understanding of the punishment being imposed is considered necessary for a fair trial. A failure to accurately translate and transmit a sentencing decision can lead to a miscarriage of justice due to misunderstandings about what was said or intended. The reasons provided for a sentence are also an essential procedural safeguard and are central to the legitimacy of a sentencing decision. If the reasons underpinning a sentence are misunderstood or not accurately reflected in translation, this can undermine the legitimacy of a sanction altogether. In the absence of public communication of decisions, a state is at risk that a punishment which is highly appropriate may be mischaracterized, for example, as torture or inhumane treatment. In turn, this has implications for the state's compliance with its international obligations to refrain from torture and inhumane treatment. Such problems can arise regardless of the format in which a decision is delivered. Public communication of a sentencing decision, limited to its place in time, remedy imposed, basis for imposition, and any specific orders made to enforce it, is common and damages none of the rights protected in the ICCPR; but it does serve other rights, such as the right to be free from arbitrary detention or the right to a fair trial (which depends on important ancillary rights). However, this common practice is often insufficient to achieve communication in the sense of audience understanding. The combination of high stakes, complexity, and greater or lesser degrees of deficiency in several related factors renders misunderstanding and miscommunication a very real risk [21, 22].

The Future of Sentencing Communication

Ensuring judges have access to prior sentencing information when imposing sentences is critical, but the nature and form of this information are equally important. While many jurisdictions have extensive sentencing information, much of it may not assist judges and is therefore unnecessary. A successful model requires comprehensive, written sentencing information, including relevant case facts, comparable previous cases, and the rationale for the sentencing decision. Documentation is vital for analysis, preventing misunderstandings, and ensuring adequate context regarding related cases. Relevant facts should be detailed about guidelines, with the ability to provoke questions about implications that may not have been considered initially. Judges should also have the freedom to request information in other formats. However, significant challenges exist in disseminating sentencing information. Firstly, technology for sharing this information may be inadequate in several jurisdictions, particularly in developing regions where limited internet access persists despite widespread mobile messaging. Online databases can even complicate matters. Furthermore, privacy and security concerns accompany increased access to such information; broader access can heighten the risk of information being hacked. This raises potential issues for victims, as evidenced by challenges tied to government-run databases. The resistance to making sentencing information more accessible could become the greatest hurdle in addressing these dissemination issues [23, 24].

CONCLUSION

Effective communication of sentencing decisions is vital to maintaining the credibility and moral authority of the judicial system. As this paper demonstrates, sentencing decisions are more than judicial outcomes—they are public statements about justice, values, and societal boundaries. Poorly articulated or overly complex sentencing rationales risk eroding public trust, marginalizing victims, and obscuring pathways to offender rehabilitation. Societies must strive for sentencing communication that is clear, justifiable, and sensitive to public understanding without compromising legal integrity or the rights of the accused. This requires a collaborative framework involving the judiciary, media, policymakers, and community stakeholders. By integrating ethical considerations, technological innovation, and transparent dialogue, the justice system can better align its sentencing practices with the values of the communities it serves. Ultimately, communicating sentencing decisions effectively is a necessary step toward a more equitable, responsive, and trusted justice system.

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