

Creative Sentencing

On September 11, 2012, Sheena Hardin drove on a sidewalk around a Cleveland, Ohio school bus from which children were exiting in order to pass it. In addition to suspending her license for thirty days and giving her a \$250 fine, the judge presiding over her case ordered her to stand on the road for an hour for two consecutive days holding a sign that read, "Only an idiot would drive on the sidewalk to avoid a school bus." Drivers honked at her as she stood outside and passersby yelled comments at her such as, "Why do you hate kids?" Her punishment was recorded and streamed live by local satellite trucks.⁴

Although Hardin's case is one of the more public examples of creative sentencing, other individuals have been given similarly non-traditional punishments. A couple convicted of theft was sentenced to stand in front of a mall for five hours a week for six years holding a sign labeled, "I am a thief."⁵

Before sex offender registries became available on the Internet, a judge required a convicted sex offender to wear a tee-shirt that read, "I am a child molester."⁶

Some people feel that these public punishments deter others from committing crimes; others argue that public shaming should not be used as a punishment because it is too light of a sentence. Still others believe that public shaming is "cruel and unusual" in that it unjustly exposes individuals to public ridicule and excessively damages reputations. Although convictions are matters of public record and can easily be researched, public shaming more straightforwardly declares an individual's wrongdoings. Those opposed to creative sentencing claim that it actively harms individuals' abilities to interact with members of the community. They also suggest the longstanding defamatory effects of public shaming disregard individuals' potential for personal change over time.

⁴ <http://www.ottawacitizen.com/mobile/news/world-news/woman+drove+sidewalk+avoid+school+holds+idiot+sign+under+court+order/7543539/story.html>

⁵ <http://www.ottawacitizen.com/news/Sentenced+humiliation/7544502/story.html>

⁶ http://www.slate.com/articles/news_and_politics/explainer/2012/11/public_shaming_sentences_can_judges_subject_criminals_to_humiliation.html

