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The Changing Landscape of Criminal Justice Data

Our collective role in Improving the Evidence Base:
Examples from Sentencing Research in England and Wales

Jose Pina-Sánchez

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- Until 2013 empirical sentencing research in E&W was relatively rare
 - Parker et al. (1989), Hood (1992), Hedderman (1994), Dhimi (2004), Tarling (2006), ...
 - time consuming, based on small samples



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 - 2 meta-analysis on race disparities, 1 systematic review on gender disparities, ...

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- Meanwhile, in the US
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- Why this divide?

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- The Sentencing Council released in 2013 - open to all - the first batch of the CCSS
 - individual-level data reporting the sentence outcome and guideline factors considered by the judge
 - an explosion of empirical sentencing research ensued

[Julian V. Roberts](#) ✉ [Ben Bradford](#)First published: 28 April 2015 | <https://doi.org/10.1111/jels.12069> | [VIEW METRICS](#)Accessibility issue? [Request accessibility update.](#)

The authors express their gratitude to this journal's anonymous reviewers for their very helpful comments on a previous draft of this article.

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Abstract

Although most jurisdictions award sentence discounts to defendants who plead guilty, the exact magnitude of reductions awarded, and the factors determining the levels of reduction, remain underresearched. In addition, the limited research conducted to date in England and Wales has drawn on data sources that prevent the researcher from excluding the effect of factors correlated with the plea. This article reports original findings from a new sentencing database that draws its data directly from the sentencing judge. This jurisdiction is interesting also because courts must follow a sentencing guideline that contains specific recommendations regarding the appropriate discount. Analyses reveal that the plea-based discounts are more modest than reported by previous researchers. In addition, the data reveal a significant degree of judicial compliance with the guideline, although some departures from the guideline are identified and discussed.

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JOURNAL ARTICLE

Drunk and Doubly Deviant? the Role of Gender and Intoxication in Sentencing Assault Offences Carly Lightowlers ✉ [Author Notes](#)

The British Journal of Criminology, Volume 59, Issue 3, May 2019, Pages 693–717, <https://doi.org/10.1093/bjc/azy041>

Published: 19 October 2018
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Abstract

Little is known about how alcohol intoxication impacts sentence outcomes. This study assesses whether intoxication differentially aggravates sentence outcomes for male and female defendants of assault offences. It does so by modelling the probability of custody and sentence severity using the Crown Court Sentencing Survey, including interaction terms to account for the gendered application of intoxication as a sentencing factor. The main finding is that the aggravation afforded to female defendants is twice that afforded to males where intoxication is present and when controlling for relevant case characteristics. The study spotlights how cases of assault are processed through the criminal justice system and raises concerns with how gender equality is interpreted in sentencing practice with reference to alcohol intoxication.

Julian V. Roberts ✉ Ben Bradford

First published: 28 April 2015 | <https://doi.org/10.1111/>

JOURNAL ARTICLE

Accessibility issue? [Request accessibility update.](#)Drunk and Doubly Deviant? the Role of Gender and Intoxication in Sentencing Assault Offences

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Shorter sentences for drug mules: The early impact of the sentencing guidelines in England and Wales

Jennifer Fleetwood ✉ Polly Radcliffe & Alex Stevens

Pages 428–436 | Received 17 Jun 2014, Accepted 21 Jan 2015, Published online: 16 Mar 2015

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Abstract

Aims: In February 2012, new sentencing guidelines for drug offences became effective in all courts in England and Wales. An explicit aim was to reduce the length of sentences for drug “mules” and so make them more proportionate. **Methods:** This article examines their early impact drawing on data from the Court Proceedings Database and the Crown Court Sentencing Survey for importing/exporting a Class A drug. **Findings:** Overall, the guidelines have achieved their intended aim. The length of the average custodial sentence for drug trafficking fell following the introduction of the guidelines, largely due to taking defendants’ roles into account. Notably, three-quarters of those in “lesser” roles received sentences less than four years, representing an important change. Nonetheless, around 10% of mules received very long sentences due to the continued use of drug weight in sentencing. **Conclusion:** The new guidelines represent an internationally important innovation in drug policy reform.

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Intoxication impacts sentence outcomes. This article potentially aggravates sentence outcomes for drug offences. It does so by modelling the impact of intoxication using the Crown Court Sentencing Survey data for the gendered application of sentencing guidelines. The main finding is that the aggravation of sentence for intoxication is not as great as that afforded to males where intoxication is a relevant case characteristic. The article is processed through the criminal justice system.

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Exploring the Impact of Sentencing Factors on Sentencing Domestic Burglary

Chapter

pp 194–220 | [Cite this chapter](#)[Save chapter](#)[Keir Irwin-Rogers & Thomas W. Perry](#)

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Exploring the Impact of Sentencing Factors on Sentencing Domestic Burglary

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Personal mitigating factors (PMFs) such as good character, remorse and addressing addiction help sentencers evaluate an offender's past, present and future behavior. We analyzed data from the 2011–2014 Crown Court Sentencing Surveys in England and Wales to examine the relationship between these PMFs and custodial sentences passed on assault and burglary offenses, controlling for other sentencing relevant factors. Beyond revealing the distribution and co-occurrence of the three PMFs, it was found that good character, remorse and addressing addiction all had a significant mitigating effect. The effects of addressing addiction were the strongest of the three across both offense types, while good character had a stronger effect on burglary than assault. In addition,

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pp 173–193 | [Cite this chapter](#) Save chapter SECTIONS

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Ian Brunton-Smith ✉, Jose Pina-Sánchez, Guangquan Li

The British Journal of Criminology, Volume 60, Issue 6, November 2020, Pages 1438–1459, <https://doi.org/10.1093/bjc/azaa030>

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Penitence and Persistence: How Should Sentencing Factors Interact?

Sentencing Multiple- Versus Single-Offence Cases: Does More Crime Mean Less Punishment?

Mandeep K Dhali ✉

The British Journal of Criminology, Volume 62, Issue 1, January 2022, Pages 55-72,
<https://doi.org/10.1093/bjc/azab030>

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- Key variables were censored
 - courts IDs
 - offenders ethnicity

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 - and led to a shallow evidence base
- Huge implications for our collective (mis)understanding of
 - consistency (the Council's stated goal)
 - discrimination (two-tier CJS)



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DATE	COURT	JUDGE	DEFENDANT	GENDER	AGE	INDICTMENT / OFFENCE	SENTENCE
27-10-2017	Central Criminal Court (Old Bailey)	Judge Rebecca Poulet QC	Shobdul Islam	Male	26 Years	Making and possessing indecent images of children Possessing an article/s for a purpose connected with terrorism Communicating false information with intent / Bomb hoaxes Encouragement of terrorism, directly or indirectly, inciting or encouraging others to commit acts of terrorism [2 counts]	Custodial Immediate Custodial Immediate Custodial Immediate Custodial Immediate
27-10-2017	Leicester Crown Court	Judge Nicholas Dean QC	Ezekiel Braithwaite	Male	20 Years	Murder	Custodial Immediate
27-10-2017	Central Criminal Court (Old Bailey)	Judge Mark Lucraft QC	Mark Loveridge	Male	37 Years	Manslaughter due to diminished responsibility Unlawfully and maliciously wounding or causing grievous bodily harm (GBH) with intent	Custodial Immediate Custodial Immediate
26-10-2017	Blackfriars Crown Court	Mr Justice Alan Wilkie	Terence Barry	Male	44 Years	Conspiracy to murder	Custodial Immediate
26-10-2017	Central Criminal Court (Old Bailey)	Judge Philip Alec Jackson Katz QC	Hong Chin	Male	46 Years	Acquisition, use or possession of criminal property Conspiracy to control prostitution / Causing or inciting prostitution for gain / Controlling prostitution for gain [2 counts] Trafficking in persons for the purposes of prostitution / Trafficking within the UK for sexual exploitation [2 counts]	Custodial Immediate Custodial Immediate Custodial Immediate Custodial Immediate
26-10-2017	Central Criminal Court (Old Bailey)	Judge Christopher Moss QC	Sabah Khan	Female	27 Years	Murder	Custodial Immediate



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The finding that, within drug offences, the odds of receiving a prison sentence were around 240% higher for BAME offenders is deeply worrying. Many will conclude that this is evidence of bias. It is now incumbent on the judiciary to produce an evidence-based explanation for the finding it wishes to allay those fears.



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Conclusion

- Key role in pushing criminal justice agencies to share their data
 - Recommendation 3: *“The default should be for the Ministry of Justice (MoJ) and CJS agencies to publish all datasets held on ethnicity”*
 - Key principles: *“[...] bringing decision-making out into the open”*, is essential to deliver fair treatment



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Conclusion

- Helped us understand the presence and origin of ethnic disparities in sentencing
 - Sorsby (2022) previous convictions applied more heavily on ethnic minority offenders
 - Lympropoulou (2024) differences in disparities across ethnic minority groups
 - Pina-Sánchez et al. (2025) stronger area deprivation disparities, ethnic disparities concentrated among drug offenders
 - Lympropoulou (2026) black and mixed race defendants more likely to be remanded

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- Subject to important gaps
 - no aggravating and mitigating factors
 - missing data affecting offenders ethnicity

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- Really slow workflow
 - from accessing the data to receiving permission to publish
 - hurdles that are to a large extent unnecessary

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- Really slow workflow
 - from accessing the data to receiving permission to publish
 - hurdles that are to a large extent unnecessary
- Implications
 - has not triggered the expected explosion of research
 - we failed to make the case that disparities, in some cases, reflect discrimination
 - but also that they are not widespread
 - which probably misinformed the Council's design of the revised guidelines for custodial sentences and the MoJ's response



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- We don't always need data to advance the field



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- We need more progress on research methods
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- We need more progress on research methods
 - model uncertainty
- And on research culture
 - publication bias



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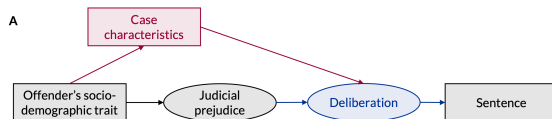
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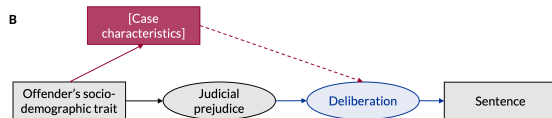
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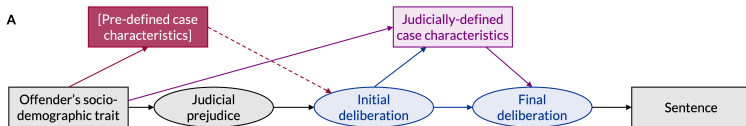
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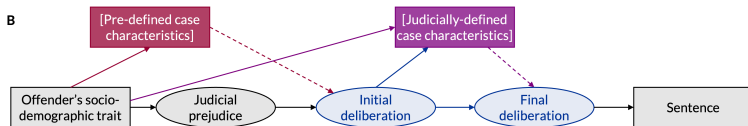
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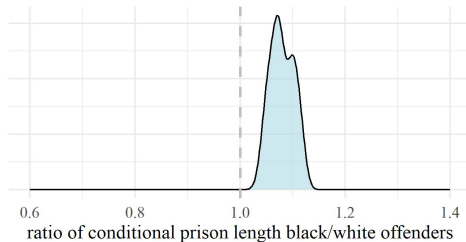
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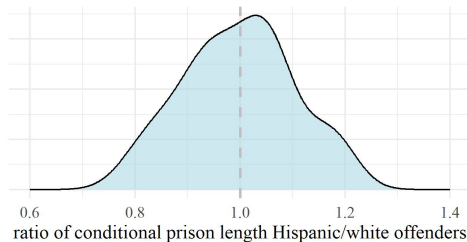
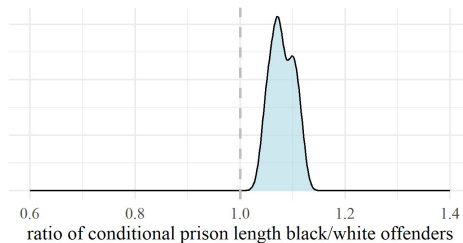
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- Mitchell (2005)
 - race disparities in the US are not significant when taking into account the grey literature



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- Mitchell (2005)
 - race disparities in the US are not significant when taking into account the grey literature
- Pina-Sánchez & Brunton-Smith (2025)
 - race disparities are twice as strong in studies referring to race in their title

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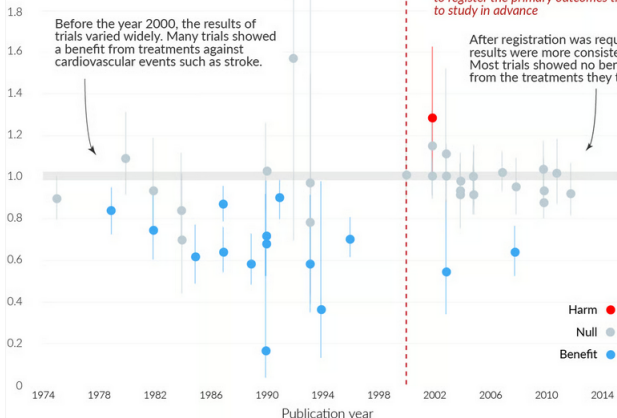
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Results of trials before and after registration was required

Shown are results of clinical trials funded by the National Heart, Lung and Blood Institute (NHLBI), which adopted registration requirements set by the Food and Drug Administration (FDA) Modernization Act of 1997.

Our World
in Data

Relative risk of outcome from treatment tested



Note: Relative risks and 95% confidence intervals are shown for treatments against cardiovascular outcomes.

Data source: Kaplan and Irvin (2015). Likelihood of null effects of large NHLBI clinical trials has increased over time. PLOS ONE.

[OurWorldinData.org](https://www.ourworldindata.org) - Research and data to make progress against the world's largest problems.

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- Few criminology journals
 - Criminology
 - Revista Española de Investigación Criminológica

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 - Criminology
 - Revista Española de Investigación Criminológica
- A few more ‘crime-adjacent’ journals
 - Law and Human Behavior
 - Legal and Criminological Psychology
 - Analysis of Social Issues and Public Policy

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- Access to government data completely transformed sentencing research in England & Wales



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- Access to government data completely transformed sentencing research in England & Wales
- Data sharing should be pushed further
 - the RoI is far higher than funding academic projects
 - limited access affects the quality of the evidence base



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- Access to government data completely transformed sentencing research in England & Wales
- Data sharing should be pushed further
 - the RoI is far higher than funding academic projects
 - limited access affects the quality of the evidence base
- We (academics) need to put our house in order too
 - quality over quantity
 - improve methods and research culture