Ethnic Disparities in Sentencing:

A Quick Overview of How Research in the UK Has Been Transformed Thanks to Data First

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Sentencing

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  - offenders and victims, but also their families and communities
- Sentencing is also a highly symbolic process
  - purposefully resembling a ceremonial ritual
  - conducted in public, frequently receiving media coverage
- If perceived to be discriminatory...
  - trust in public institutions is undermined
  - and with that compliance with the law

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- However, if we wrongly conclude that there are unwarranted disparities, we contribute to

  – tear apart bonds across communities

  – worsening the mental health of those disadvantaged groups

  – and their trust in public institutions

Literature on the Topic

- One of the most intensely explored topics in Criminal Justice research in the US
    - compiled in two multiple meta-analyses and multiple systematic reviews
    - however, in the UK the evidence base is really shallow

- Why is that the case?
    - different research traditions (UK Criminology is heavily qualitative)
    - different access to data

Evidence from the UK

- It is not that there was no data, more like it was not shared
    - the judicial office charges for access to court records
    - neither the MoJ, the HMCTS, or the Sentencing Council were capable or willing to share their administrative data
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- In the UK researchers had to pick their poison
  - either use expensive methods such as court observations and end up with a small sample
  - or rely on biased samples of court records available online
  - in exceptional cases court records have been shared (Hood, 1992)

What Do We Know?

- Most research on ethnic disparities is relatively recent and comes from government

    – Hopkins et al. (2016) estimates 53% higher odds of incarceration for Black offenders after controlling for a few case characteristics

    – Lammy (2017) reported 140% higher odds of incarceration for ethnic minority drug offenders, no controls

    – Isaac (2020) estimates 40% higher odds of incarceration for Black offenders, after controlling for all sentencing guidelines' factors

    – quite a worrying picture

What Do We Know?

- In our project we have explored the robustness of these findings and identified specific causal mechanisms behind them

  - we corroborate the presence of ethnic disparities amongst drug offenders, which could be taken as evidence of discrimination

  - we suspect that some of the observed disparities stem from how certain personal mitigating factors are used: *remorse*, *good character*, and *potential for rehabilitation*

  - however, we cannot detect discrimination across any of the other seven offence groups we have explored

  - ethnic disparities do not seem to be confounded by area deprivation

  - but area deprivation leads to strong disparities amongst breach and assault offenders

Thanks to Your Work

- Unique features of the Data First sentencing datasets

    - defendant's ethnicity

    - denfendant's residential area, used to derive the IMD

    - denfendant's id allowed us to estimate previous convictions

    - court's id is going to help us identify which courts appear more problematic

    - and we are expanding these questions to look at remand too

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- My personal wishlist for Data First
  - case characteristics (e.g. aggravating and mitigating factors)
  - speed up the data access process and somehow make the data security protocol less stringent