

The Impact of the 2011 Assault Guideline on Sentence Consistency

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- The 2009 Coroners and Justice Act created the Sentencing Council, and changed the nature of the guidelines, which from then became more binding on Courts.
- The first guideline to be designed by the Sentencing Council was the new assault guideline (2011) which replaced the previous one (2007).



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- We run two regression models using the natural log of sentence length as the response variable and a set of relevant legal factors as the explanatory variables.



Sentencing



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- All the rest, the unexplained variability, is variability due to unknown reasons, which could be:

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b) modeling issues such as: measurement error, misspecifications, or omitted relevant variables.



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- However, what about if instead of trying to assess the level of consistency we aim to detect changes across time?
- If we assume that the effect of the modeling issues remains constant across 2011, then the R² can be used to assess changes in consistency across time.
- Following this rationale, the change of R² from .55 to .62 can be interpreted as a reduction of the share of variability in sentence length due to inconsistent sentencing.



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- The comparison of R²s can be used to observe "before and after" changes, but it would also be interesting to look at how it changed across 2011.
- To obtain a more continuous assessment of the change of consistency we turn to study the residuals of our two models; i.e. the fraction of each sentence that is left unexplained.
- Specifically we group sentences by weeks, take the residuals of those sentences and calculate their variance.



Sentencing

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- The rationale of this method implies: a) classifying offences into groups that are as homogeneous as possible, and b) comparing changes in the dispersion in sentence length for each group.
- Exact matching operationalises directly what is commonly understood by consistency in sentencing: the extent to which "like cases are treated alike".
- Besides being fairly intuitive, exact matching, doesn't rely on modeling assumptions.

Type of Offence	Previous Convictions	Aggravating / Mitigating	Group Size: Before	Group Size: After	Variance: Before	Variance: After	Variance Difference	
ABH	0	-	112	112	.37	.42	05	
ABH	1-3	-	141	89	.36	.30	.05	
GBH	1-3	-	78	74	.21	.24	03	
GBH	0	-	60	59	.32	.24	.08	
ABH	1-3	sustained	40	51	.50	.34	.16	
GBH	1-3	drugs	48	37	.23	.32	08	
ABH	1-3	drugs	62	35	.28	.20	.08	
Intent	1-3	-	33	33	.30	.14	.16	
ABH	1-3	first op.	34	28	.55	.32	.23	
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- We find that his reduction is significant using Monte Carlo simulations.



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- The longitudinal study of residuals indicates that the effects of the new guideline took place over time; suggesting a possible anticipatory effect.
- Using exact matching we have found an average 7.8% reduction in sentence length variability amongst similar sentences after the new guideline was implemented.