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Empirical Sentencing Research: Options and Opportunities

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Introduction

What do we know about the practice of sentencing in England and Wales? The answer, until relatively recently, was not very much. The explanation for this lack of knowledge lies primarily in the limited statistics and sporadic research record. Although empirical studies have been conducted for many decades now (e.g., Hood, 1962; 1972; 1992), over the decade between 1995 and 2005, only a handful of major empirical studies of sentencing were conducted (e.g., Tarling, 2006; Mason et al., 2007; Flood-Page and Mackie, 1998; Hough et al., 2003; for discussion and reviews of earlier empirical research in sentencing, see Ashworth, 2003; Roberts, 1988; Blumstein et al., 1983).

Most of this research has been conducted in the magistrates' courts (see Bottomley and Pease, 1986); as Ashworth observed in 2003, 'research into sentencing in the Crown Court has not been productive.' (p. 326). One reason for the focus on the magistrates' courts has been the limited access to the Crown Court until the 1990s (see Ashworth, 1984). The consequence of this limited research record is that answers to relatively elementary questions remain elusive, although several are now addressed in contributions to the present volume. What then, is needed to generate a comprehensive portrait of sentencing?

The most fundamental requirement is a comprehensive statistical database. Practitioners need to understand how the relevant statutes and sentencing guidelines affect the practice of the courts. Experienced advocates may be able to draw upon their own experiences representing clients in court, but there is no substitute for a database of sentences imposed. Knowing what the 'going rate' is for a range of offences, with offence and offender characteristics specified in a degree of detail, is a

prerequisite for understanding a jurisdiction's approach to sentencing. Sentencers, too, are surely interested in the sentencing trends in their own area and across the country.

Beginning in 1991 the Home Office published an accessible 'Digest of Criminal Justice Statistics' (Barclay, 1991) and a series of digests were published over the next few years. These volumes provided informative graphics and text describing the relative frequencies of different disposals, the average custody rate, and other important indicators of sentencing practice. Unfortunately, the digests ceased publication with the fourth edition in 2003. Thereafter, the Ministry of Justice published an annual report ('Sentencing Statistics') containing a great deal of information in the form of statistical tables and accompanying text.

Professional researchers will have found these reports useful, albeit subject to some data limitations to which we return later in this chapter. However, as a resource for anyone beyond the small number of active researchers, the reports were unhelpful. More general audiences – such as policymakers or politicians – do not have the time to search through pages of tables in order to answer a specific query. In any event, the Ministry ceased publication of this annual publication; the last published edition contained data from 2009 (Ministry of Justice, 2010).[1] The report has been replaced by a series of Excel data tables which are updated periodically. The transition – from a research report to tables of data – is regrettable, and even these tables are hard to find on the Ministry of Justice website. (Some sentencing data are also available on the Open Justice website).[2]

It may be argued that the Sentencing Council has assumed the function of providing information about sentencing practices. This body, created in 2010 to replace the Sentencing Guidelines Council and the Sentencing Advisory Panel, has a statutory duty under Section 129(1) of the *Coroners and Justice Act 2009* to publish statistics on sentencing patterns from the magistrates' courts and Crown Court in local justice areas across the country. The Council has certainly published a great deal of information about sentencing patterns,[3] but it has not taken on (and, at least within its current resources, could not be expected to take on) the task of providing a comprehensive portrait of sentencing trends at both levels of court. The Council's research publications have to date focused on issues of direct relevance to its guidelines. These include the extent to which courts depart from the Council's guidelines, the likely impact of proposed new guidelines on prison places, and limited descriptive information on the use of mitigating and aggravating factors (see Sentencing Council, 2014). This information is helpful yet fails to

fulfil the essential need of providing an annual comprehensive portrait of sentencing in the magistrates' courts and the Crown Court.

Resources permitting, the Sentencing Council could play a more significant role however. The Coroners and Justice Act 2009, which established the Council, assigned it powers to 'promote awareness of sentencing of offenders by courts ... including, in particular 'the sentences imposed by courts'. One way of promoting public and professional awareness of the sentences imposed by the courts is by publishing sentencing statistics in an accessible format. Sentencing commissions and councils in other jurisdictions include this activity as part of their mandate. The Sentencing Advisory Council in New South Wales is a model of good practice in this regard. In the ten years since its creation, this Council has published over 100 sentencing bulletins. These documents provide snapshots of current sentencing practice for a given offence or offence category (e.g., Sentencing Advisory Council, 2013).[4] They are widely used by the press and advocacy groups and are also cited by sentencers in their decisions.[5]

Research strategies[6]

In addition to an adequate database, research needs to draw upon both qualitative and quantitative approaches to research; no single approach or methodology will be sufficient to provide a comprehensive view of sentencing trends (see Merrall, Dhami and Bird, 2010). We identify a number of key elements and research approaches.

- *Court-based statistics*: Court records are used to produce an annual release of data, which provides high-level trends regarding key statistics such as the custody rate and the average custodial sentence length. This is the most common method of providing information about sentencing in other jurisdictions. Examples of publications drawing upon court records include Henham (2002); Turner (1992); Flood-Page and Mackie (1998); Bottomley and Pease (1986); Bottoms (1981). Findings from the latest national sentencing statistics are explored in more detail in Chapter 3 of this volume.
- *Statistics provided by those who make the sentencing decision*: In contrast to court records, data from sentencers can shed light on the factors actually influencing sentencing decisions – not simply those recorded in case files (we return to this point below). The Crown Court Sentencing Survey (described below) currently fulfils this function in England and Wales, although at present there is no comparable survey in the magistrates' courts.

- *Courtroom observational research*: This approach to research captures information about the case and the offender that will not appear in official court documents (e.g., Diamond, 1990; Ward, 2013; Jacobson et al., 2015). For example, the demeanour of the defendant or the reaction of the victim delivering an impact statement at sentencing cannot be captured by a record-based approach.
- *Experimental simulations*: This methodology permits the researcher to experimentally manipulate factors or to randomly assign judges to impose sentence in specific crimes in a way that is not possible using actual cases. It has been used in many other countries to measure disparity in sentencing outcomes. When judges sentence the same case, variation in outcomes can with confidence be attributed to characteristics of the judge rather than the case (e.g., Palys and Divorski, 1986; Corbett, 1987; Hood, 1972; Jacobson and Hough, 2007).[7]
- '*One-off' studies*: This method focuses on issues of specific interest which cannot be captured by other methods, such as research exploring the impact of sentencing on racial and ethnic minorities (e.g., Hood, 1992). This information cannot be derived from statistics collected from sentencers and may be misleading if drawn from court records.
- *Interviews, surveys and focus groups with key participants*: Sentencers, legal advisors, advocates, solicitors and other court workers can provide important insight into the sentencing process (e.g., Fielding, 2011; Raine and Dunstan, 2009; Hough et al., 2003; Jacobson and Hough, 2010, 2011; Millie, Tombs and Hough, 2007; Gilchrist and Blissett, 2002; Davies, Takala and Tyrer, 2002; Henham, 1990; Diamond, 1990; Fitzmaurice and Pease, 1986).
- *Interviews and focus groups with defendants and offenders*: This is the most neglected area of sentencing research. Offenders or ex-offenders could shed important light on questions such as whether increasing the magnitude of plea-based sentence reductions would elicit more guilty pleas – a very topical matter at present.[8] Interviews with ex-offenders would also improve our knowledge of issues such as the effectiveness of different disposals in reducing reoffending or promoting desistance (for examples, see Shute, Hood and Seemungal, 2005; Jacobson et al., 2015).

Since Dhami and Belton (this volume) discuss court records, we explore the other principal source of information: the Crown Court Sentencing Survey (CCSS). This is the most recent addition to the sentencing environment and has great potential to fill some of the analytic gaps.[9]

The Crown Court Sentencing Survey

When the Sentencing Council was created and charged with the duty of monitoring the impact of its own guidelines, it drew upon work conducted by the Sentencing Commission Working Group (2008a), which had proposed a survey of Crown Court centres. The Council set up and currently administers a Crown Court survey. Sentencers are asked to complete a return for each sentenced case; the survey therefore constitutes a *census* rather than a *sample* of sentencing decisions in the Crown Court. The CCSS return notes important elements of the offence and requires the sentencer to indicate which factors were taken into account at sentencing. The Sentencing Council then uses the data to develop and revise its guidelines and also to discharge its various statutory duties.

One sentencing expert has noted that the CCSS 'contains much useful information and is certainly an improvement upon the data which was available in the early days of producing guidelines' (Wasik, 2012, p. 571). Academic researchers also use the data since its release to the public domain[10] (e.g., Sentencing Council, 2014; Roberts, 2013; Maslen and Roberts, 2013; Pina-Sanchez and Linacre, 2013). However, the full significance of this new database may not immediately be apparent. If sentencing statistics have been compiled for years by the Ministry of Justice, what advantage is there of having a judge complete the form – rather than a court official? The Sentencing Council's survey offers unique insight into sentencing practices and goes beyond merely documenting the extent to which courts comply with the Council's guidelines. Information derived from the sentencer permits a much more accurate calibration of the influence of various factors upon sentence outcomes (subject to the limitations on the survey which we discuss later). We offer several illustrations of the contribution that such a database can make to our understanding of sentencing practices.[11]

(i) *Effect of previous convictions at sentencing*

It has been unclear for years how courts take previous convictions into account at sentencing (see Roberts, 2008). The Ministry of Justice statistics – and specific research projects – suggested that courts apply prior convictions in a relatively mechanical way. That is, the sentence simply becomes harsher – as seen in the fact that the custody rate increases in direct proportion to the number of prior convictions recorded against the defendant. Yet recent research reported in a later chapter of this

volume demonstrates that courts adopt a more subtle approach to the use of prior convictions. Courts do not simply increase severity for each additional conviction.

One reason for the discrepancy between previous research and the latest trends from the Crown Court survey concerns the nature of the data collected. The Ministry of Justice statistics include *all* prior convictions recorded against the event that are noted in the case file. However, only some of these prior convictions will be relevant for the purposes of sentencing, and courts may use the previous convictions in complex ways. Merely counting the number of prior convictions generates a misleading portrait; what is needed is a database which includes only those priors which were legally relevant – and the CCSS serves this purpose. The story is told in detail in Chapter 9 of this book.

(ii) Sentence reductions for a guilty plea

The second illustration of the advantages of collecting data directly from sentencers concerns sentence reductions for a guilty plea. Defendants who plead guilty are rewarded with a sentence reduction. If the guilty plea is entered at the first reasonable opportunity, the recommended sentence length reduction is one-third. The size of the sentence reduction then diminishes the later the guilty plea is entered, and the defendant who changes his plea to guilty on the day the trial commences should receive a reduction of only 10% (Sentencing Guidelines Council, 2007).

To what extent do courts follow the definitive guidelines in terms of the magnitude of reductions awarded and the factors affecting these reductions? The annual sentencing statistics from England and Wales provided aggregate sentence length differentials between convictions following a contested trial and those following a guilty plea. These data suggest that the plea-based discount is higher than might be expected in light of the current guideline. Thus in 2011, the average sentence length in the Crown Court was more than twice as long for offenders convicted after trial compared to those pleading guilty (50 months compared to 22 months) – implying an average 56% reduction for a guilty plea (Ministry of Justice, 2012, Table A5.25). A discount of this magnitude is consistent with earlier research conducted in the 1990s using a database with similar limitations (Flood-Page and Mackie, 1998).

Uncorrected comparisons of sentence lengths imposed in convictions following a contested trial versus a guilty plea may overestimate the true levels of reductions. Cases in which the defendant pleaded not guilty may involve more serious crimes, and where offenders plead

not guilty, they not only lose the discount for an early plea, but also forgo the possibility of claiming mitigating factors such as remorse (see Jacobson and Hough, 2007). For this reason, what is needed is a database such as the CCSS which permits researchers to control for the independent effect of all legally relevant case factors save the defendant's plea and which records the reduction specifically awarded for a guilty plea.

Drawing on the CCSS, Roberts and Bradford (2015) were able to provide a more accurate calibration of both the magnitude of reductions awarded and the degree of correspondence between the decisions of the courts and the reductions recommended by the guideline. Table 1.1, drawn from their research, summarises these trends. Two general conclusions may be drawn. First, reductions are more modest than suggested by court-based statistics. Second, the degree of 'fit' between the guideline and judicial practice is relatively close, although discrepancies do exist. For example, although the guideline recommends a one-tenth reduction for defendants who enter their plea on the day of trial, some defendants receive a significantly higher reduction (see Table 1.1 and discussion in Roberts and Bradford, 2015). The CCSS also permits researchers to conduct multivariate analyses to control for factors correlated with plea which may also affect sentence outcomes.

The link between this research and that on prior convictions is that existing court-based records provide a potentially misleading view of how important factors such as previous convictions or plea affect sentencing outcomes. Researchers using the CCSS data do not need to *infer* the relationship between a specific factor and sentence outcomes – the decision-maker provides direct evidence of impact.[12]

Table 1.1 Empirical and recommended sentence reductions for a guilty plea

	Greater than 1/3	**1/3**	**21%–32%**	**11%–20%**	**1–10%**	**No Reduction Awarded**	**Guideline Recommended Reduction**
Early Plea	9%	80%	9%	2%	<1%	<.05%	33%
Intermediate Plea (after first appearance but before day of trial)	3%	34%	34%	22%	6%	1%	25%
Late Plea	1%	11%	9%	24%	49%	6%	10%

Source: Roberts and Bradford (2015).

(iii) Effect and weight of sentencing factors

A survey of sentencing judges permits researchers to explore the impact of sentencing factors in a way that is impossible using court records alone. Consider remorse, an important mitigating factor at sentencing and also one cited in the definitive guidelines (Maslen and Roberts, 2013). Even if the court records state whether the offender was remorseful or not, this tells us nothing about its impact on sentence – or even whether the judge granted any remorse-related mitigation. It is possible the remorse was expressed in a formulaic way and had no effect. Alternatively, remorse may have made the difference between custody and a high-level community order. The CCSS makes it possible to address a range of questions about the role of remorse. For example, it is possible to compare sentences imposed in cases where remorse was taken into account with others where remorse was absent – having controlled for the influence of other correlated variables (such as previous convictions). In addition, it is possible to *quantify* the mitigating effect of remorse on sentencing – compared to other important mitigating factors such as whether the offender was a sole carer. Finally, it is also possible to see how remorse interacts with aggravating factors, and this question is addressed in Chapter 10 of this volume.

Limitations of the CCSS

All databases have their limitations, and the Crown Court sentencing survey is no exception. It is important to understand these limitations and their impact on the conclusions that may reasonably be drawn from research using this database. First, the CCSS has been operational only since 2011 and cannot therefore be used to explore historical trends – for these there is no substitute for the annual Ministry data. Second, the survey captures most but not all sentencing decisions. Response rates are variable: The response rate is in excess of 90% in some Crown Court locations; elsewhere it is significantly lower (see Sentencing Council, 2013, Chart 1.11). In 2013, the Council reported a completion rate across all Crown Court locations of 60%, although the response rate is now somewhat higher.

Missing data represent a potential threat to the validity of any survey. Sentencing Council researchers have addressed the non-response issue by comparing CCSS records to the Ministry of Justice CREST database,[13] which contains all Crown Court sentences (see Sentencing Council, 2013). These comparisons suggest that relatively robust conclusions may be drawn from data collected by the survey. If the current response rate were to decline, however, non-response would become an important

threat to validity. If the sentencers with low response rates were different from those completing all returns, the CCSS would suffer from bias.

Third, the CCSS records the factors taken into account by Crown Court sentencers, but not necessarily *all* the factors affecting sentence. The form that sentencers are asked to complete lists all the guideline factors and provides respondents with the opportunity to note any other factors taken into account. Other factors which are not captured by the form may have influenced the sentence imposed. If the information is provided by the sentencer, the survey cannot detect the influence of extra-legal factors on the sentencing outcome – racial or ethnic status for example. This kind of information must be collected by alternative methodologies such as observational studies, qualitative research involving defendants and legal practitioners, or bespoke surveys (e.g., Hood, 1992). The most important limitation on the Crown Court Sentencing Survey, however, is that it collects data by definition in the Crown Court only. Since the vast majority of sentences – 92% in 2013 – are imposed in the magistrates' courts, this constitutes an important limitation on our awareness of sentencing.

Sentencing research priorities

In this concluding section, we offer some reflections on the emerging priorities for sentencing scholars in England and Wales, and also for the agencies such as the Ministry of Justice and the Sentencing Council who share an obligation to promote, conduct and disseminate research and statistics. We begin with some comments on the role of research in policy development.

The role of research in the evolution of sentencing policy

Absent a robust and comprehensive sentencing database, sentencing policy evolves in a vacuum. Solutions to the problems confronting sentencing will only emerge once there is a realistic appreciation of the nature and magnitude of those problems. We offer one example of what we mean. The sentencing trends presented in Chapter 3 of this volume reveal that the custody rate in England and Wales has been relatively stable over the past 15 years. Comparative analyses have for years demonstrated that England and Wales has one of the highest rates of incarceration in Western Europe. Sentencing scholars have been aware of this tendency for many years. Politicians and policymakers, however, appear oblivious.

The continued reliance on custody as a sanction is hard to understand in an era in which austerity has led to significant cuts throughout the public service sector. Two explanations may be offered: first, politicians have been indifferent to the results of research in the field of sentencing. The politics of penal populism in this country and elsewhere have demonstrated politicians' willingness to legislate in the field of sentencing without due regard to the consequences for the prison population. The second explanation relates to the low visibility of sentencing statistics, which demonstrate the comparatively high use of custody as a sanction. Only systematic research can establish whether this characterisation of sentencing in England and Wales is correct.

Helping to establish the custody threshold

There may be a lack of consensus about the appropriate length of sentence for various crimes, but there is agreement that custody should be reserved for the most serious offenders. This consensus is reflected in the custodial threshold found in the *Criminal Justice Act 2003*. Section 152(2) states that a court 'must not pass a custodial sentence unless it is of the opinion that the offence ... was so serious that neither a fine alone nor a community sentence can be justified for the offence'. One view of the prison population is that all prisoners have been convicted of a crime for which only imprisonment was appropriate. Is this an accurate interpretation?

A useful research contribution to the debate about the use of short sentences would involve documenting the profile of admissions to custody with a focus on the prisoners serving short custodial terms. In an era of austerity with respect to public services, the search for economy should not overlook the criminal justice system. Within the realm of sentencing, austerity should generate a search to find disposals which fulfil the same objectives as prison terms, but which are cheaper. In all likelihood, this means replacing some of the shorter prison sentences with punitive community-based sentences. In addition, it might be reasonable to expect a greater use of fines as a sanction during a time of financial crisis.

The prison estate has not escaped the attention of the current (2014) coalition government, although not in a way that has been informed by research. Consider an analogy involving the medical rather than penal estate. A&E units in England and Wales are currently overburdened and in need of additional resources, both in terms of personnel and facilities. One way of reducing the costs of A&E would be to restrict the number of patients being treated in these facilities (rather than

in community-based facilities).[14] Indeed, proposals have been made or implemented with this objective in mind. These include the creation of out-of-hours GP clinics and more effective use of telephone advice lines. The goal of these diversionary strategies is to ensure that A&E received only those patients who cannot be safely and effectively treated by primary care clinicians in alternate medical facilities. An alternative approach would be to let A&E units continue to silt up with thousands of cases which could be treated elsewhere, but to cut the costs of running the ward. No sane hospital administrator would advocate such an approach.

Yet this is the strategy adopted by the current coalition government with respect to the prison estate. The government proposes to reduce the costs of the prison estate by lowering the cost of imprisonment, rather than restricting the intake of prisoners. In 2014 the National Offender Management System announced plans to reduce the costs of incarceration by £2,200 per prison place.[15] Penal austerity has meant the introduction of larger, more cost-effective prisons and lower expenditures on prison facilities without attempting to restrict the number of offenders being committed to custody. The savings resulting from this approach will be minimal – compared to diverting the least serious cases away from prison. There appears to be a clear role here for research in terms of determining the most cost-effective ways of holding offenders accountable.

Using sentencing guidelines to manage the size of the prison population

In the first five years of its life, the Sentencing Council for England and Wales has set out to promote consistency in sentencing, to adjust sentencing for a small number of existing offences and to set guidelines for new offences. The consequence is that the overall severity of the sentencing system remains stable. This is an improvement on the uncontrolled upward drift in sentencing severity that characterised the 1990s and early 2000s. However, it is possible to use guidelines in a more dynamic way to ensure that expenditure on punishment falls within specified limits. This was a strategy that was considered by the Gage Committee (Sentencing Commission Working Group, 2008b) but not pursued thereafter, no doubt being regarded as too contentious. It would require quite extensive statistical research to lay the groundwork for this to become a reality. There would be a need for a comprehensive statistical model of the sentencing system that would provide quite precise answers to 'what if' questions relating to sentencing changes.

The Ministry of Justice already has some modelling capacity at present – but not enough to permit fine-tuning to guidelines that would control the size of the prison population.

Establishing public tolerance for non-custodial sentences

Part of the public's opposition to restricting admissions to custody is based upon the misperception that all prisoners have been convicted of a serious crime and all represent a serious threat to public security. Sentencing statistics have a role to play in refuting this assertion. If the public were aware of some of the cases being sent to prison – and this is a function of sentencing statistics and research – we believe they would be more interested in community penalties, if only to save funds. In fact, we have empirically demonstrated that when people are made aware of the costs of imprisonment, support for custody as a sanction declines (Roberts and Hough, 2012).

Although this research and studies by other researchers have laid the foundation for research on the relationship between sentence practice and public opinion (e.g., Roberts and Hough, 2005), much more needs to be done both at a conceptual and empirical level. It is intuitively persuasive that there are links between public tolerance of practice and the legitimacy of the courts and of the criminal law. However, the precise links between sentencing practice and the perceived legitimacy of sentencing is likely to be complex. Robinson and Darley (2007) argue that reference to public opinion is an acceptable way of making decisions about the relative severity of different types of offence. However, de Keijser (2014) has found that although the Dutch public themselves are tougher than judges when 'passing sentences' in sentencing exercises, they thought it right that judges should operate to different (and more lenient) criteria. There is a need for more research that will locate the drivers of the legitimacy of sentencing in a way that will allow the development of a more intelligent policy on issues relating to the role of public opinion.

Understanding defendants' experience of sentencing

Although defendants obviously occupy a central position in sentencing, little research has been done on how they experience both the court process and the outcome. The limited work (e.g., Jacobson et al., 2015) suggests that most tend to be passive and disengaged, often failing to appreciate the implications of what is happening to them. If sentencing is to have a more positive impact on defendants' lives, it is clearly important to find ways of ensuring that they are less marginalised

in the process. There is a need for more research in the desistance tradition (e.g., Farrall et al., 2011), to examine the diverse routes that offenders take in their efforts to stop offending. An appreciation of the desistance process strikes us as a prerequisite for intelligent sentencing.

Surveying the magistrates' courts

As noted earlier, the Council's sentencer-based survey exists only in the Crown Court. However, there is no escaping the fact that most sentencing decisions are taken in the lower courts. Lay magistrates, who have a limited amount of training, impose almost all of these sentences. Due to their intermittent sittings, compared to Crown Court sentencers, magistrates have fewer occasions to become familiar with the increasingly complex guidelines being issued by the Sentencing Council. An important priority is therefore to launch some kind of data collection exercise in the magistrates' courts, even though it will require taking a sample of cases rather than a census of all decisions – due to the high volume of cases.

Effectiveness and cost-effectiveness of different disposals

Finally, we still need a great deal more research into the effectiveness – and especially the cost-effectiveness – of different sentencing options. The overall picture on variations in reconviction rates has changed little since the 1990s. Differences in outcomes for different sentences – controlling for relevant risk factors – remain small, although there are some consistent patterns in these marginal changes. Given that sentencers (and politicians) ought to have modest expectations about the impact of sentencing on people's lives, there is a strong case for robust and up-to-date information not just on effectiveness but on cost-effectiveness. A Crown Court judge sitting on a sentencing day may pass sentence on six to ten cases. As many of these typically result in custodial sentences, the judge may commit £0.5 million of public money in a single day. Sentencers need to know more precisely what benefits their decisions have bought the taxpayer, and at what cost.

Notes

1. The very useful sentencing volume for practitioners published by Banks and Harris (2014) contains tables of data derived from the Ministry data, but they are offence-specific, designed to inform a practitioner interested in the latest trends for a specific crime. They are not intended to provide a comprehensive portrait of sentencing patterns.
2. See http://open.justice.gov.uk.

3. See http://sentencingcouncil.judiciary.gov.uk/.
4. There is no equivalent publication in England and Wales, although the Sentencing Council publishes a sentencing practice bulletin as part of its consultation exercise prior to issuing a guideline.
5. The fact that the bulletins are read and cited by the courts is noteworthy; it suggests that sentencing statistics may also promote consistency in sentencing. Knowing about the distribution of sentences imposed for any given offence will mean that judges in that jurisdiction have a common context in which to determine sentence.
6. We restrict our discussion to court records, although other documentary sources of information exist. For example, presentence reports provide insight into decision-making at sentencing (see McNeill, 2002; Gelsthorpe and Raynor, 1995).
7. Palys and Divorski (1986) report one of the best-known of these studies. They provided a sample of judges with a set of cases to sentence. The researchers then examined the range of disposals imposed for each case, and the results were striking. In one case of robbery, the most lenient sentence was a suspended sentence, and the most severe was 13 years immediate custody.
8. The Sentencing Council has a statutory duty as per s. 120(3)(a) of the Coroners and Justice Act 2009 to prepare a guideline on the reduction in sentences for a guilty plea. The Council has indicated that a draft guideline will be issued for consultation in 2015.
9. It is also unique; no other jurisdiction routinely collects data directly from the sentencer.
10. The data are available on the Council's website.
11. Although it takes us beyond the domain of research, the CCSS may also contribute to the effectiveness of the guidelines. The survey form captures all the elements of the guideline including all the guideline factors. In completing the form a sentencer is therefore proceeding through the guideline, and this will increase his or her familiarity with the guidelines.
12. It may be argued that judges may misrecall the effect that a given factor has on their decision-making. There is a significant body of research in experimental social psychology which suggests that in a number of contexts, people lack insight into their own decision-making, and fail to recognise the influence of factors which affect their judgement. In our view, this experimental research has little significance for responses to the CCSS. At sentencing, legal professionals note the factors they took into account and record these factors on the forms – bearing in mind that their decision may be subject to appeal. We see little reason to suspect that errors of memory affect the outcomes.
13. This is the case management system used by Crown Courts to track case progression through the court system.
14. Hospital beds are (or should be) reserved for patients whose ailments cannot be adequately treated in a community outpatient clinic. Prison spaces should follow the same parsimonious approach – being reserved for those individuals for whom a community-based sanction is inadequate. There is clear evidence in England and Wales to suggest that the penal equivalent of hospital 'bed blocking' is occurring. Cases are sent to prison when they could be punished

in the community, and they spend longer inside than is necessary for the purposes of sentencing.

15. See 'Prisons Governors ordered to cut costs by £149m a year'. *Guardian*, 29 April 2014. http://www.theguardian.com/society/2014/apr/29/prisons-ordered-cust-costs-149-million-a-year.

References

Ashworth, A. et al. (1984) *Sentencing in the Crown Court*. Oxford: Centre for Criminological Research, University of Oxford.

Ashworth, A. (2003) Sentencing and sensitivity: a challenge for criminological research. In: L. Zedner and A. Ashworth (eds) *The Criminological Foundations of Penal Policy*. Oxford: Oxford University Press.

Ashworth, A. (2010) *Sentencing and Criminal Justice*. Fifth Edition. Cambridge: Cambridge University Press.

Banks, R. and Harris, L. (2014) *Banks on Sentence*. Ninth Edition. East Sussex: Banks.

Barclay, G. (ed.) (1991) *Digest. Information on the Criminal Justice System in England and Wales*. London: Home Office.

Blumstein, A., Cohen, J., Martin, S. and Tonry, M. (1983) *Research on Sentencing*. Washington, D.C.: National Academy Press.

Bottoms, A. (1991) The Suspended Sentence in England, 1967–1978. *British Journal of Criminology*, 21: 1–26.

Bottomley, K. and Pease, K. (1986) Sentencing trends and statistics of imprisonment. In: *Crime and Punishment. Interpreting the Data*. Milton Keynes: Open University Press.

Corbett, C. (1987) Magistrates' and court clerks' sentencing behaviour: an experimental study. In: D. Pennington and S. Lloyd-Bostock (eds) *The Psychology of Sentencing*. Oxford: Centre for SocioLegal Studies.

Davies, M., Takala, J.P. and Tyrer, J. (2002) Sentencing burglars in England and Finland: a pilot study. In: C. Tata and N. Hutton (eds) *Sentencing and Society. International Perspectives*. Aldershot: Ashgate.

De Keijser, J. (2014) Penal theory and popular opinion: the deficiencies of direct engagement. In: J. Ryberg and J.V. Roberts (eds) (2014) *Popular Punishment. The Normative Significance of Public Opinion for Sentencing Theory and Practice*. New York: Oxford University Press.

Diamond, S. (1990) Revising Images of Public Punitiveness: Sentencing by Lay and Professional English Magistrates. *Law and Social Inquiry*, 15: 191–221.

Farrall, S., Hough, M., Maruna, S. and Sparks, R. (eds) (2011) *Escape Routes: Contemporary Perspectives on Life After Punishment*. London: Routledge.

Fielding, N. (2011) Judges and Their Work. *Social and Legal Studies*, 20: 97–115.

Fitzmaurice, C. and Pease, K. (1986) *The Psychology of Judicial Sentencing*. Manchester: Manchester University Press.

Flood-Page, C. and Mackie, A. (1998) *Sentencing Practice: An Examination of Sentencing Decisions in the Magistrates' and the Crown Courts in the mid 1990s*. London: Home Office.

Gelsthorpe, L. and Raynor, P. (1995) Quality and Effectiveness in Probation Officers' Reports to Sentencers. *British Journal of Criminology*, 35: 188–200.

Gilchrist, E. and Blissett, J. (2002) Magistrates' Attitudes to Domestic Violence and Sentencing Options. *The Howard Journal,* 41: 348–363.

Hall, J. E. (1965) Sentencing in transition. In: T. Grygier, H. Jones and J. Spencer (eds) *Criminology in Transition*. London: Tavistock.

Henham, R. (1990) *Sentencing Principles and Magistrates' Sentencing Behaviour*. Aldershot: Avebury.

Henham, R. (2002) Sentencing policy and guilty plea discounts. In: C. Tata and N. Hutton (eds) *Sentencing and Society*. Aldershot: Ashgate.

Hood, R. (1962) *Sentencing in Magistrates' Courts*. London: Tavistock.

Hood, R. (1972) *Sentencing the Motoring Offender: A Study of Magistrates' Views and Practices*. London Heinemann.

Hood, R. (1992) *Race and Sentencing. A Study in the Crown Court*. Oxford: Oxford University Press.

Hough, M., Jacobson, J., and Millie. A. (2003) *The Decision to Imprison: Sentencing and the Prison Population*. London: Prison Reform Trust.

Jacobson, J. and Hough, M. (2007) *Mitigation: The Role of Personal Factors at Sentencing*. London: Prison Reform Trust.

Jacobson, J. and Hough, M. (2010) *Unjust Deserts: Imprisonment for Public Protection*. London: Prison Reform Trust.

Jacobson, J. and Hough, M. (2011) Personal Mitigation: An Empirical Analysis in England and Wales. In: J.V. Roberts (ed.) *Mitigation and Aggravation at Sentencing*. *Cambridge Studies in Law and Society*. Cambridge: Cambridge University Press.

Jacobson, J., Hunter, G. and Kirby, A. (2015) *Inside Crown Court: Personal Experiences and Questions of Legitimacy*, Bristol: Policy Press.

Maslen, H. and Roberts, J.V (2013) The role of remorse at sentencing: an analysis of guidelines and empirical practice. In: A. Ashworth and J.V. Roberts (eds) *Sentencing Guidelines*. Oxford: Oxford University Press.

Mason, T., de Silva, N., Sharma, N., Brown, D. and Harper, G. (2007) *Local Variation in Sentencing in England and Wales*. London: Ministry of Justice.

McNeill, F. (2002) Assisting sentencing, promoting justice? In: C. Tata and N. Hutton (eds) *Sentencing and Society*. Aldershot: Ashgate.

Merrall, E., Dhami. M. and Bird, S. (2010) Exploring Methods to Investigate Sentencing Decisions. *Evaluation Review*, 34: 185–219.

Millie, A., Tombs, J. and Hough, M. (2007) Borderline Sentencing: A Comparison of Sentencers' Decision-Making in England and Wales, and Scotland. *Criminology and Criminal Justice*, 7: 243–267.

Ministry of Justice (2011) *Sentencing Statistics: England and Wales 2010*. London: Ministry of Justice. Available at: www.justice.gov.uk. Table A5.25.

Ministry of Justice (2012) *Judicial and Court Statistics, 2011*. London: Ministry of Justice. Available at: www.justice.gov.uk.

Palys, T. and Divorski, S. (1986) Explaining Sentence Disparity. *Canadian Journal of Criminology*, 28: 347–361.

Pina-Sanchez, J. and Linacre, R. (2013) Sentence Consistency in England and Wales. Evidence from the Crown Court Sentencing Survey. *British Journal of Criminology*, 53: 1118–1138.

Raine, J. and Dunstan, E. (2009) How Well Do Sentencing Guidelines Work: Equity, Proportionality and Consistency in the Determination of Fine Levels in the Magistrates' Courts of England and Wales. *The Howard Journal,* 48: *13–36*.

Roberts, J.V. (1988) *Empirical Research on Sentencing*. Ottawa: Department of Justice Canada.

Roberts, J.V. (2008) *Punishing Persistent Offenders. Community and Offender Perspectives on the Recidivist Sentencing Premium*. Oxford: Oxford University Press.

Roberts, J.V. (2013) Sentencing patterns in England and Wales: findings from the Crown Court Sentencing Survey. In: A. Ashworth and J.V. Roberts (eds) *Sentencing Guidelines: Exploring the English Model*. Oxford: Oxford University Press.

Roberts, J.V. and Bradford, B. (2015) Sentence Reductions for a Guilty Plea: New Empirical Evidence from England and Wales. *Journal of Empirical Legal Studies*, in press.

Roberts, J.V. and Hough, M. (2005) *Understanding Public Attitudes to Criminal Justice*. Maidenhead: Open University Press.

Robinson, P.H., & Darley, J.M. (2007) Intuitions of Justice: Implications for Criminal Law and Justice Policy. *Southern California Review,* 81: 1–67.

Sentencing Advisory Council (2013) *Arson. Sentencing Snapshot*. Melbourne: Sentencing Advisory Council.

Sentencing Commission Working Group (2008a) *Crown Court Sentencing Survey*. London: Sentencing Commission Working Group.

Sentencing Commission Working Group (2008b) *Sentencing Guidelines in England and Wales: An Evolutionary Approach*. London: Sentencing Commission Working Group.

Sentencing Council (2013) *Guide to Crown Court Sentencing Statistics*. London: Sentencing Council of England and Wales.

Sentencing Council (2014) *Crown Court Sentencing Survey*. London: Sentencing Council of England and Wales.

Sentencing Guidelines Council (2007) *Reduction in Sentence for a Guilty Plea. Definitive Guideline. Revised*. London: Sentencing Guidelines Council.

Shute, S., Hood, R., and Seemungal, F. (2005) *A Fair Hearing? Ethnic Minorities in the criminal courts*. Cullompton: Willan.

Tarling, R. (2006) Sentencing Practice in Magistrates' Courts Revisited. *The Howard Journal*, 45: 29–41.

Turner, A. (1992) Sentencing in the magistrates' court. In: C. Munro and M. Wasik (eds) *Sentencing, Judicial Discretion and Training*. London: Sweet and Maxwell.

Ward, J. (2013) Punishing Drug Possession in the Magistrates' Courts: Time for a Rethink. *European Journal of Criminal Policy and Research*, 19: 289–307.

Wasik, M. (2012) The Crown Court Sentencing Survey. *Criminal Law Review*, 8: 569–571.

Index

PROOF Dimitri B. Papadimitriou 9 The last three chapters belong to the field of applied economics. As was mentioned above, Godley avoided the strict specialization, so common to mainstream economists. He was interested in the practi- cal relevance of theoretical debates. In their chapter, Philip Arestis and Malcolm Sawyer concentrate on the Levy Economic Instituteâ€™s model that Godley developed in the late 1990s (1999), to explore the impact of fiscal policy on the level of economic activity. They derive the scale of fiscal and monetary multipliers and effects of fiscal and monetary policy on t This applies for the list of table in the same way as it does for the list of figures. \caption[short caption for lof/lot]{long figure/table caption}. Share thisÂ You can only add the list of figures to your table of contents after creating it. So simply change the order of the following two commands: \addcontentsline{toc}{chapter}{Liste Des Figures} \listoffigures. I have created a List of Tables and a List of Figures, but both of them are missing quite a few captions. For each Figure and Table, I used the add caption function. It appears that they are only listing captions from the first 8 sections, or about 15 pages. Everything after that is being ignored. I have checked to make sure that all of the captions are not inserted in-line or in a text box.

Contents. Land Acknowledgement. Acknowledgements. Introduction. Image Description.Â Using the Insert â†' Caption â€¦ function will allow Word to keep track of the Figure and Table numbering for you, and allow you to auto-create a List of Figures and Tables at the beginning of your document. If you donâ€™t use the Insert Caption function, then you should manually change the font of your captions to distinguish them from body text. Caption font is usually slightly smaller than body font and is often italicized. The numbered portion is often bolded in both the caption and in the in-paragraph reference to the figure or table for ease of cross-referencing. Referring to Tables and Figures in your Text. Any figures or tables you use in your document must be discussed in your text. v ACKNOWLEDGEMENTS. vii LIST OF TABLES. ix LIST OF FIGURES. xi FOREWORD GARY ORFIELD. Chapter 1 13 state merit scholarship programs: an overview. Donald e. heller.Â ACKNOWLEDGEMENTS In 2002, The Civil Rights Project (CRP) at Harvard University released the report â€œWho Should We Help? The Negative Social Consequences of Merit Scholarships.â€ This new report, building on and extending that initial research, could not have been produced without the leadership of CRPâ€™s Director, Gary Orfield, and the dedicated researchers who contributed its chapters. Genealogical tables of the sovereigns of the world, from the earliest to the present period; exhibiting in each table their immediate successors, collateral branches, and the duration of their respective reigns; so constructed as to form a series of chronology; and including the genealogy of many other personages and families distinguished in scared and profane history; particularly all the nobility of these kingdoms.Â Genealogical tables of the sovereigns of the world, from the earliest to the present period; exhibiting in each table their immediate successors, collateral branches, and the duration of their respective reigns; so constructed as to form a series of chronology; and including the...