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# Is Uniformity the Price for Consistency in Sentencing? An Analysis of Assault Offences in England and Wales

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- It is indisputable that consistency in sentencing is desirable
- 'Like cases should be treated alike'
- It is less clear how to promote that



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- It is indisputable that consistency in sentencing is desirable
- 'Like cases should be treated alike'
- It is less clear how to promote that
- Various jurisdictions have issued sentencing guidelines
- Restraining judicial discretion risk generating uniformity
- 'Different cases treated alike'



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- Uniformity undermines the principle of proportionality
- The Sentencing Commission Working Group noted that, rejecting the application of US-style guidelines

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- Uniformity undermines the principle of proportionality
- The Sentencing Commission Working Group noted that, rejecting the application of US-style guidelines
- These are grid-based guidelines
- Where a sentence range is prescribed based on two criteria: crime seriousness and criminal history

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- Uniformity undermines the principle of proportionality
- The Sentencing Commission Working Group noted that, rejecting the application of US-style guidelines
- These are grid-based guidelines
- Where a sentence range is prescribed based on two criteria: crime seriousness and criminal history
- Instead the England and Wales guidelines established a system of 9-steps
- It is unclear what has been their effect



## Analysis: Data

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- Crown Court Sentencing Survey
- Offences of assault receiving a custodial sentence in 2011
- The first new guideline came into force in July

# Analysis: the Concept

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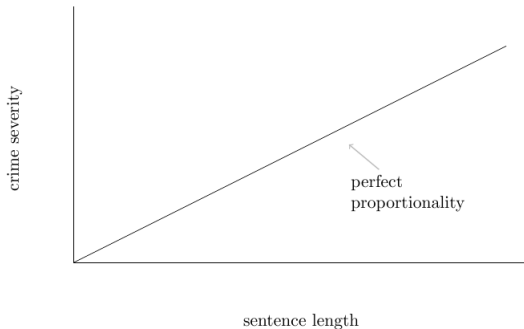
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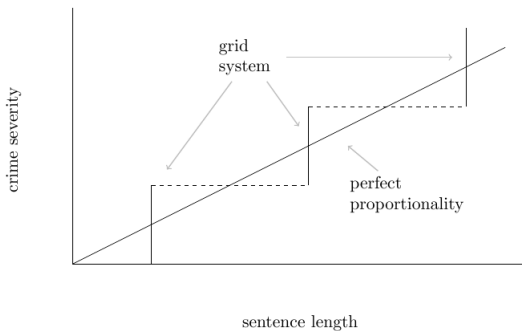
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## Findings: Assault

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$n = 6,743$

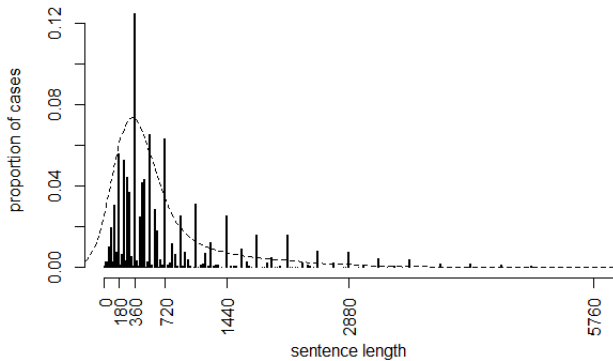
unique = 194

Top-10 = 56.1%

Sentence length	360	540	720	180	240	270	480	450	300	1080
Percentage of cases	12.5	6.6	6.3	5.6	5.3	4.4	4.3	4.2	3.7	3.1

## Findings: Assault

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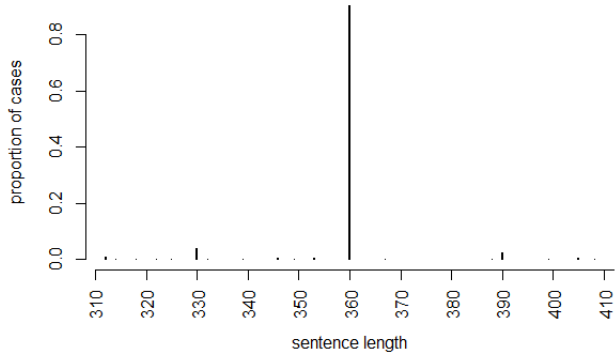
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## Findings: GBH

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$n = 1,526$

unique = 75

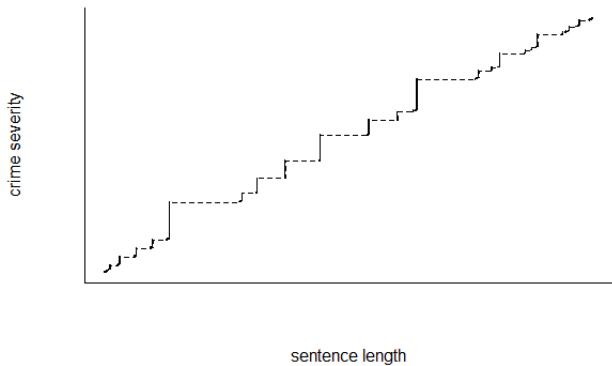
Top-10 = 71.3%

Top-20 = 91.5%

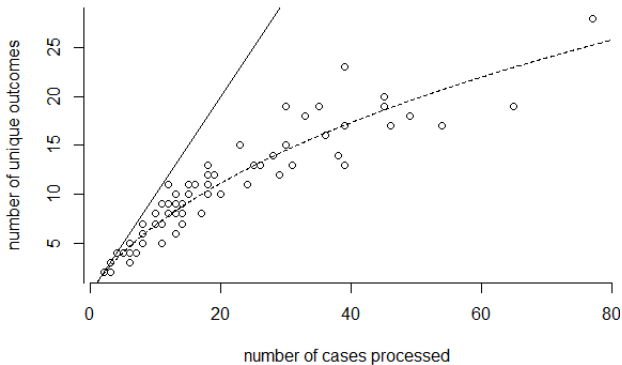
Sentence length	360	720	540	480	600	450	900	1080	630	420
Percentage of cases	14.3	12.0	9.8	7.1	5.8	5.8	5.2	5.0	3.2	3.0

## Findings: GBH

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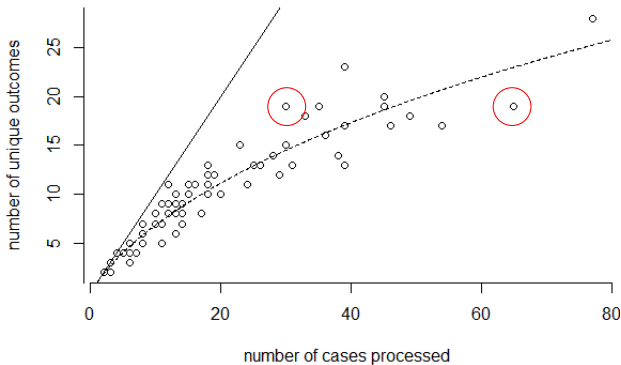


## Findings: GBH by Court



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Swansea:  $u = 19, n = 30$

Newcastle-upon-Tyne:  $u = 19, n = 65$





## Conclusion

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- Remarkable clustering of sentences within specific outcomes
- Not worse than what we would expect under grid-based system
- Some courts performing much better than others