The Impact of the 2011 Assault Guideline on Sentence Consistency

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–   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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13th October 2010	16th March 2011	13th June 2011
Consultation	Publication	Into Force

Longitudinal Study of Residuals

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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.

Longitudinal Study of Residuals

	Before	After
Constant	**5.78** (.03)	**5.52** (.05)
GBH	**.39** (.02)	**.55** (.03)
Intent	**1.51** (.03)	**1.74** (.03)
Prev. convictions	-.02 (.01)	**.11** (.02)
First opportunity	**-.09** (.02)	**-.08** (.03)
Remorse	**-.14** (.02)	**-.13** (.03)
Carer	**-.12** (.04)	-.16 (.11)
Gang	.03 (.02)	.02 (.04)
Vulnerable	**.12** (.03)	**.18** (.04)
Public worker	-.03 (.05)	-.10 (.06)
Sustained	**.21** (.02)	**.20** (.03)
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    a) variability due to inconsistent sentencing practice: intra or inter-judge disparities;

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

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- To put it differently, sentences are now more predictable.

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- Specifically we group sentences by weeks, take the residuals of those sentences and calculate their variance.

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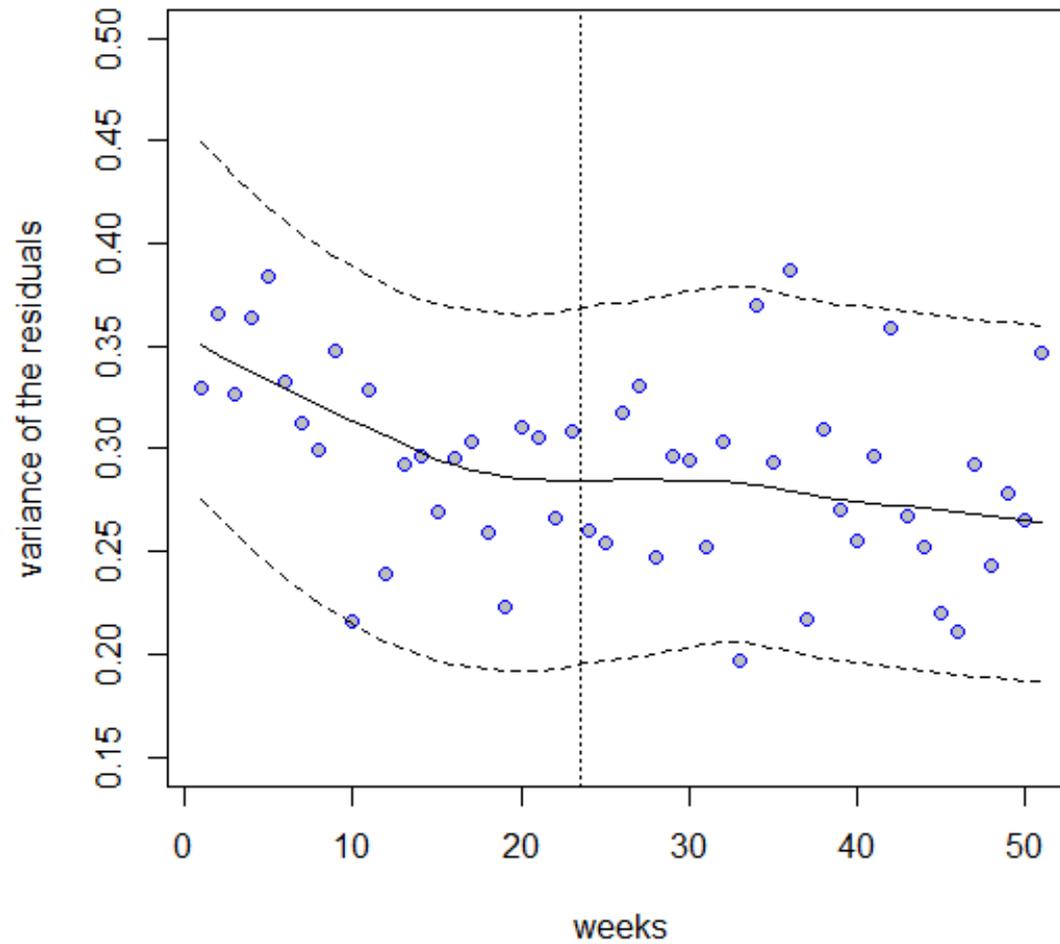
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– Exact matching operationalises directly what is commonly understood by consistency in sentencing: the extent to which "like cases are treated alike".

– Besides being fairly intuitive, exact matching, doesn't rely on modeling assumptions.

Exact Matching

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.