



The Law Pages

Gender and
Sentencing

Discrimination

Between-Judge
Disparities

Recap

CCJS Seminar Series

Research Collaboration on Sentencing Studies

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Sentencing Research

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Recap

- Sentencing scholars have been ‘blessed’ by the vast amount of data available on the topic
- Particularly true if interested in US jurisdictions and more recently in England and Wales
- However, much information regarding the offender and the sentencer characteristics tends to be omitted
- So, for over the last three years I have been looking at alternative sources in search of this ‘sensitive’ data



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- The Law Pages, a commercial website that offers a vast archive of sentence transcripts
- These transcripts capture the type of offence, sentence outcome, guilty plea, etc., but also the name of the offender and the judge
- According to the 'Copyright, Designs and Patents Act 1988', this information can be exploited for research purposes



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Recap

- I do not have a clue of the sampling method used, and there is definitely selection bias
- However, the sample size is remarkable:
 - About 15,000 cases sentenced in the Crown Court from the year 2007 to 2016
 - 1,781 homicides, focusing on the 2009-2014 period these are roughly 38% of cases sentenced in England and Wales



Potential Research Questions

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Recap

- The effect of gender (offender and judge) on sentencing
- Discrimination against South Asian and Muslim offenders
- Between-judge disparities

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Recap

- Very few studies assessing differences in sentencing by gender in the UK
- Looking at the gender of the offender Carly has found evidence supporting the chivalry hypothesis
- It would be interesting to explore the interaction between the offender and the judge's gender
- Would it also be interesting to look at the gender of the barrister?



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- For what I have seen this is also relatively unexplored in the UK
- Using the name of the offender and a list of South Asian names created by the NHS it could be inferred whether the offender's origin is South Asian
- Alternatively, using a list of Muslim names, the offender's religion could be inferred
- Undoubtedly, there will be problems of misclassification, but this problem can be attenuated using sensitivity techniques such as MC-SIMEX (Kuchenhoff et al., 2006)



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Recap

- This question relates directly to my main research interest, measuring consistency in sentencing
- To do so I have often relied on multilevel modelling techniques
- This method allow us to measure disparities at different levels
- So far, I have only been able to look at the court level
- And I have found little evidence of inconsistency



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Recap

- Using this new data I will be able to assess the judge level too
- Which will allow to explore some interesting questions:
 - Is there evidence of inconsistency between-judges?
 - Do judges sentence differently when doing it from different courts?
- Additionally, this three-level multilevel model could be turned into a four-level model by including barristers as another layer



Recap

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Recap

- If you think you could give me a hand with this let me know
- I am embarrassingly ignorant with regards to gender and ethnic studies
- But even researchers knowledgeable in sentencing theory/practice would be welcome
- Help in any capacity would be most welcome