

## Expert Elicitation Techniques for Social Scientists

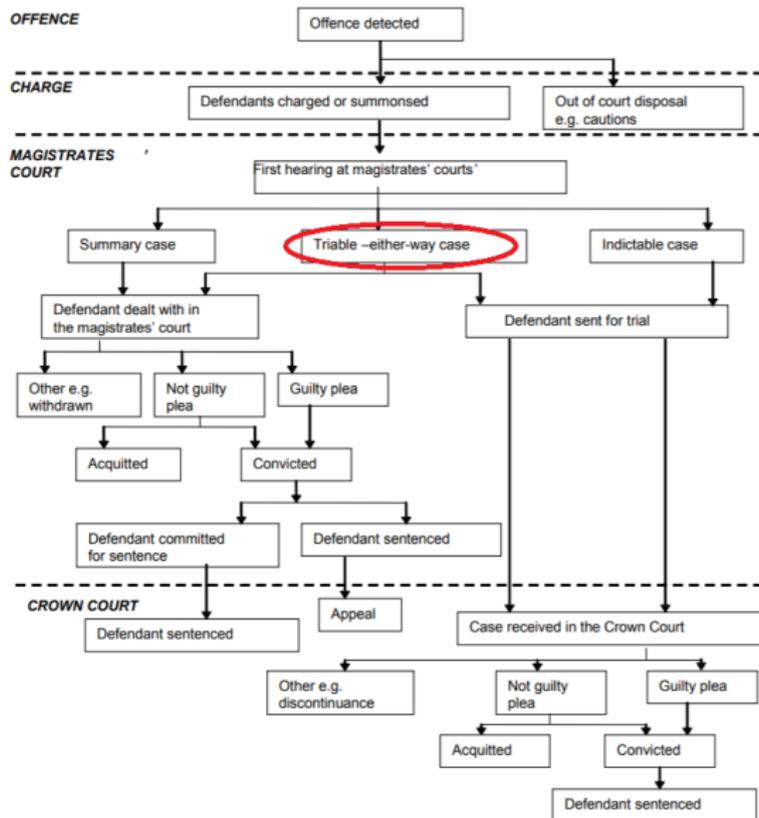
John Paul Gosling (j.p.gosling@leeds.ac.uk)  
Jose Pina-Sánchez (j.pinasanchez@leeds.ac.uk)

6th and 7th of December 2018

## The Crown Court Effect

- In England and Wales, following a charge with an offence by the police, defendants are first seen at a magistrates' court
- At this point there are three possible routes
  - Summary case (sentenced at the magistrates' court)
  - Indictable case (sentenced at the Crown Court)
  - Triable-either-way case (discretionary choice as to where to be sent)
- Government is trying to push for more cases to be dealt at the magistrates' court to save money
- Magistrates are not as experienced as Crown Court judges
  - They are known to be less consistent
  - Known to lean towards more right-wing views (which might be related to more punitive views)

Figure 1: A description of the main court processes for criminal cases



## The Crown Court Effect

- Worth asking how the push to process more cases through the magistrates' court will affect sentencing
  - Holding case seriousness constant (i.e. net of the harm caused, the offender culpability and any other relevant aggravating mitigating factor):
  - Does the type of Court where the case is processed have an effect on sentence severity?
  - Is sentencing more consistent in the magistrates' or the Crown Court?

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- Ideally we would design a few hypothetical scenarios and compare sentences from magistrates and Crown Court judges
  - Needs permission from the Judicial Office
  - Opposed to research into sentence severity
- It is practically impossible to answer this question using sentence data
  - Cannot randomised cases to different courts
  - Secondary sentence data is very limited in the description of cases

## The Crown Court Effect

- EKE with a sample of Crown prosecutors could be an interesting alternative
- Elicit the following probabilities
  - For a case of ‘assault occasioning actual bodily harm’ (ABH) for a first time offender who did not plea guilty
  - Estimate the probability of being sentence to immediate custody in the magistrates court
  - Estimate that probability in the Crown Court
  - Provide bands of uncertainty to reflect the between court variability
  - Repeat the above if the same offender was charged with ‘commercial burglary’
- Consider the following
  - Out of the 9,592 cases of ABH processed in 2012 in England and Wales, 35.4% were sentenced to immediate custody
  - Out of the 22,427 cases of burglary (commercial and domestic) processed in 2012 in England and Wales, 51.7% were sentenced to immediate custody