

Q-estival

Thursday 11th September, 13.00 – 14.00

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Could Sentencing Be as much of a Science as It Is an Art?

On the Benefits of Empirical Sentencing Research

Abstract

Sentencing research in England and Wales has been traditionally dominated by doctrinal and normative approaches. As a result structural reforms such as the development of sentencing guidelines have been undertaken in the absence of adequate empirical evidence. This trend has changed over the last decade under the leadership of the Sentencing Council for England and Wales, which has undertaken impact assessments of its guidelines, commissioned methodological research, and shared new sentencing datasets that have been exploited by academic and other independent researchers.

In this talk I will present some recent empirical developments that have contributed to assess changes in key principles guiding the sentencing practice such as severity, consistency and individualisation. Some of them currently adopted by the Sentencing Council for the evaluation of its guidelines. I will also review some other key questions such as the detection of sentencing discrimination or the development of a framework to measure the presence of proportionality in sentencing; both of them important research questions which could benefit from further empirical work.

In presenting findings and future avenues of research I will make reference to methods such as multilevel modelling, time-series, Thurstone's pairwise comparison, and Bayesian statistics; and to datasets like the Crown Court Sentencing Survey, and the MoJ Criminal Justice Statistics.