

Attitudes to guilty plea sentence reductions

William Dawes, Paul Harvey, Brian McIntosh, Fay Nunney and Annabelle Phillips

Research conducted by Ipsos MORI with academic advice from Emeritus Professor John Baldwin, University of Birmingham

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Key points

This report presents findings from research Ipsos MORI carried out for the Sentencing Council to examine attitudes towards guilty plea sentence reductions. It consisted of a face-to-face quantitative survey with the general public, discussion groups with the general public, interviews with those who had been a victim of crime or who had witnessed a crime and interviews with offenders. Key findings include:

- The public often perceive sentencing as too lenient. They feel that too often it can work in favour of offenders, rather than providing justice for victims. For the public, sentence lengths given to offenders are an important indicator of justice being served.
- The public in this research had limited knowledge of the workings of the Criminal Justice System (CJS), especially sentencing, and they reported their views as being highly influenced by the media and word of mouth. Whilst the quantitative survey revealed a degree of familiarity with the principles of guilty plea sentence reductions, qualitative discussions indicated awareness was based on the broad concept of sentences receiving reductions, with participants less certain of the role guilty pleas played in determining sentence outcome. Therefore, the public were generally unaware of the nuances of the guilty plea reductions principle and initially tended to be generally unsupportive of reductions in sentencing for those entering a guilty plea.
- Those who had a better understanding of the system and how it works were more likely to report confidence in the system and in sentencing policies. As such those who had been a victim or who had witnessed a crime were more likely to be supportive of sentence reductions than a broader general public audience.
- While the general public's view of justice being served centred largely on the sentence handed down, victims and witnesses tended to have a more holistic view. They gave consideration to offender circumstances and whether the punishment allowed for rehabilitation and support as well as closure for victims and witnesses. For many, re-offending was a key concern and so there was support for punishments that acted as a deterrent and changed offender behaviour. Indeed, both the general public and victims and witnesses thought that persistent offenders, through their actions, have forfeited their right to a reduction.
- The public assume that the key motivation for the guilty plea sentence reduction is to reduce resources (time and money), but they prefer the idea of it as something which helps prevent victims having to give evidence and experiencing emotional trauma whilst doing this. There is a strong sense that the drive for cost savings should not impact on a system effectively delivering justice.
- There is more support for sentence reductions if the guilty plea is entered at an early point. The benefits – both economic and emotional – are more tangible at this point, and both the public and victims and witnesses are less likely to feel that the offender can 'play the system'. On the other hand offenders say they are less likely to enter an early plea, but prefer to weigh up the evidence against them first.
- There is generally little support for a reduction for a guilty plea made at the court door or once the trial has started amongst the public and many victims and witnesses, although the small number of victims of more serious offences included in this study often felt that reductions at this stage could be acceptable. There was an indication that the prospect and reality of attending court proved more traumatic for this group, and they therefore may be more open to late reductions.

- For the general public, there was weak support for higher levels of reductions beyond the current guideline range of up to 33% and a fifth (20%) felt that there should be no reduction at all. Supporting this, when survey respondents were asked whether the reduction should be increased from a third if an offender pleads guilty at the earliest opportunity, 58% disagreed and only 22% agreed. A small number of victims of more serious offences were, however, more supportive if it spared them having to testify in court.
- The public (and some victims and witnesses) do not like the idea of a universal approach to reductions – in fact, the public in the survey were less likely to say that an offender pleading guilty to an offence should be given a more lenient sentence in **most/all** cases (21%) and more likely to say it **never** should result in a more lenient sentence (29%). They instead think that this should depend on certain factors/circumstances relating to the offender or offence type. For instance, views were often much more punitive towards violent crimes as opposed to those against businesses, and likewise towards repeat offenders versus first time offenders.
- The language and discourse of the reductions did not sit well with people. They were very resistant to the idea of an offender being ‘rewarded’ for admitting they were guilty of an offence; rather they spontaneously suggested that defendants should be further penalised for not admitting guilt if they are subsequently found guilty.
- Offenders in this study were often unsure what their sentence was likely to be when weighing up how to plead, and felt that decisions on sentence lengths were inconsistent. This made it difficult for them to calculate exactly what the impact of a set reduction to their sentence would be. Offenders also questioned the extent to which reductions for early guilty pleas were actually being applied, with a number feeling that it was very difficult to understand exactly how their final sentence had been determined. However, when probed on the level of reductions, offenders in this study were broadly content with the current discount of a third for an early guilty plea, and felt that without the reduction there was little incentive to admit guilt.
- The main factor determining whether or not offenders plead guilty was the likelihood of being found guilty at trial. The key ‘tipping point’ here was when offenders realised that the chances of them being found guilty were greater than being found not guilty. Weight of evidence and advice from solicitors/barristers were pivotal in offenders’ assessments of whether they were likely to be found guilty and therefore crucial in determining when a guilty plea was entered. There was little evidence from the research that increasing the reduction further would encourage more offenders to plead guilty at an earlier stage, given the reduction only becomes a driver of entering a guilty plea at such a point that an offender considers a conviction to be the likely outcome.

Research summary

Context

This report presents findings from research to examine attitudes towards guilty plea sentence reductions. The Sentencing Council commenced a review of the existing guideline on guilty plea sentence reductions shortly after its creation¹ and this research was commissioned to inform this.

Approach

The research examined the attitudes of three key groups towards guilty plea sentence reductions: the general public, victims and witnesses, and offenders. The research consisted of the following fieldwork, conducted between October and December 2010:

- A face-to-face survey with the general public (987 interviews conducted across England and Wales with respondents aged 15 and over);
- Five extended qualitative discussion groups with the general public;
- Thirty-five in-depth qualitative interviews with victims or witnesses. The majority (30) of these were with victims or witnesses of less serious crimes; and,
- Fifteen in-depth qualitative interviews with offenders (12 in custody, and three undertaking sentences in the community; two of these three had, however, previously served part of their sentence in custody).

The quantitative research gained spontaneous responses to issues relating to guilty plea sentence reductions amongst a representative sample of the general population. In contrast, the qualitative research with the public was intended to facilitate more deliberation and a more considered response.

Interviews with victims, witnesses and offenders largely focused on the process and outcomes concerning their own particular case. Amongst offenders this involved understanding potential motivations for entering an early guilty plea. For victims and witnesses this meant examining the impact on their particular case of a guilty plea being made (or not being made) including the point at which the plea was entered. A range of offences were represented in the offender and victim and witness interviews, including a small number of victims and witnesses of more serious crimes (such as sexual assault and murder). Across both sets of interviews, instances where guilty pleas had and had not been entered were included.

It should be highlighted that whilst the quantitative findings are representative of attitudes amongst the general public in England and Wales, the qualitative findings are not statistically representative and should instead be considered more indicative of a range of views. Qualitative research is by its very nature not designed to represent the views of all, more the range of views of some. This is due to sample sizes, which are low for some of the subgroups involved in this research (particularly amongst the victims, witnesses and offenders), and the non-randomised approach taken to sampling. For instance, the majority of offender interviews were with those in custody and as such are not representative of the actual offender population.

¹ This work was commenced in advance of the Ministry of Justice Green Paper: *“Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders”* (December 2010) and is now currently on hold in light of the proposals contained within this document.

Findings

- The public often perceive sentencing as too lenient. They feel that too often it can work in favour of offenders, rather than providing justice for victims. For the public, sentence lengths given to offenders are an important indicator of justice being served.
- The public in this research had limited knowledge of the workings of the Criminal Justice System (CJS), especially sentencing, and they reported their views as being highly influenced by the media and word of mouth. Whilst the quantitative survey revealed a degree of familiarity with the principles of guilty plea sentence reductions, qualitative discussions indicated awareness was based on the broad concept of sentences receiving reductions, with participants less certain of the role guilty pleas played in determining sentence outcome. Therefore, the public were generally unaware of the nuances of the guilty plea reductions principle and initially tended to be generally unsupportive of reductions in sentencing for those entering a guilty plea.
- Those who had a better understanding of the system and how it works were more likely to report confidence in the system and in sentencing policies. As such those who had been a victim or who had witnessed a crime were more likely to be supportive of sentence reductions than a broader general public audience.
- While the general public's view of justice being served centred largely on the sentence handed down, victims and witnesses tended to have a more holistic view. They gave consideration to offender circumstances and whether the punishment allowed for rehabilitation and support as well as closure for victims and witnesses. For many, re-offending was a key concern and so there was support for punishments that acted as a deterrent and changed offender behaviour. Indeed, both the general public and victims and witnesses thought that persistent offenders, through their actions, have forfeited their right to a reduction.
- The public assume that the key motivation for the guilty plea sentence reduction is to reduce resources (time and money), but they prefer the idea of it as something which helps prevent victims having to give evidence and experiencing emotional trauma whilst doing this. There is a strong sense that the drive for cost savings should not impact on a system effectively delivering justice.
- There is more support for sentence reductions if the guilty plea is entered at an early point. The benefits – both economic and emotional – are more tangible at this point, and both the public and victims and witnesses are less likely to feel that the offender can 'play the system'. On the other hand offenders say they are less likely to enter an early plea, but prefer to weigh up the evidence against them first.
- There is generally little support for a reduction for a guilty plea made at the court door or once the trial has started amongst the public and many victims and witnesses, although the small number of victims of more serious offences included in this study often felt that reductions at this stage could be acceptable. There was an indication that the prospect and reality of attending court proved more traumatic for this group, and they therefore may be more open to late reductions.
- For the general public, there was weak support for higher levels of reductions beyond the current guideline range of up to 33% and a fifth (20%) felt that there should be no reduction at all. Supporting this, when survey respondents were asked whether the reduction should be increased from a third if an offender pleads guilty at the earliest opportunity, 58% disagreed and only 22% agreed. A small number of victims of more serious offences were, however, more supportive if it spared them having to testify in court.

- The public (and some victims and witnesses) do not like the idea of a universal approach to reductions – in fact, the public in the survey were less likely to say that an offender pleading guilty to an offence should be given a more lenient sentence in **most/all** cases (21%) and more likely to say it **never** should result in a more lenient sentence (29%). They instead think that this should depend on certain factors/circumstances relating to the offender or offence type. For instance, views were often much more punitive towards violent crimes as opposed to those against businesses, and likewise towards repeat offenders versus first time offenders.
- The language and discourse of the reductions did not sit well with people. They were very resistant to the idea of an offender being ‘rewarded’ for admitting they were guilty of an offence; rather they spontaneously suggested that defendants should be further penalised for not admitting guilt if they are subsequently found guilty.
- Offenders in this study were often unsure what their sentence was likely to be when weighing up how to plead, and felt that decisions on sentence lengths were inconsistent. This made it difficult for them to calculate exactly what the impact of a set reduction to their sentence would be. Offenders also questioned the extent to which reductions for early guilty pleas were actually being applied, with a number feeling that it was very difficult to understand exactly how their final sentence had been determined. However, when probed on the level of reductions, offenders in this study were broadly content with the current discount of a third for an early guilty plea, and felt that without the reduction there was little incentive to admit guilt.
- The main factor determining whether or not offenders plead guilty was the likelihood of being found guilty at trial. The key ‘tipping point’ here was when offenders realised that the chances of them being found guilty were greater than being found not guilty. Weight of evidence and advice from solicitors/barristers were pivotal in offenders’ assessments of whether they were likely to be found guilty and therefore crucial in determining when a guilty plea was entered. There was little evidence from the research that increasing the reduction further would encourage more offenders to plead guilty at an earlier stage given the reduction only becomes a driver of entering a guilty plea at such a point that an offender considers a conviction to be the likely outcome.

1. Introduction

This report presents findings from research to examine attitudes towards guilty plea sentence reductions. The Sentencing Council commenced a review of the existing guideline on guilty plea sentence reductions shortly after its creation² and this research was commissioned to inform this review.

1.1 Background

It is a well established principle that a plea of guilty should normally attract a reduction of sentence and that the scale of the reduction should be greater the earlier the plea is intimated. The principle was first established in English common law, it was given a statutory form in 1994³ and is now to be found in the Criminal Justice Act 2003.⁴ In 2004 the Sentencing Guidelines Council issued a definitive guideline on the reduction in sentence for a guilty plea and a revised guideline was issued in 2007. This recommended a 'sliding scale' of reductions (Sentencing Guidelines Council, 2007):

- One third reduction in sentence where the guilty plea is entered at the first reasonable opportunity;
- One quarter reduction where a trial date has been set; and,
- One tenth reduction when the defendant pleads guilty at the 'door of the court' or after the trial has begun.

The Sentencing Council was established in April 2010 by the Coroners and Justice Act 2009. It replaces the Sentencing Guidelines Council and the Sentencing Advisory Panel and has a statutory duty to prepare guidelines on reductions in sentences for guilty pleas.⁵

When preparing guidelines the Sentencing Council must have regard to a number of matters⁶ including the need to promote public confidence in the criminal justice system (CJS) and the impact of sentencing decisions on the victims of offences. The Sentencing Council therefore commissioned research to provide evidence from three key groups: the general public, victims and witnesses, and offenders – into attitudes towards guilty plea sentence reductions.

Related research

This study will contribute to a general gap in knowledge around the specific area of attitudes towards sentence reductions for guilty pleas. There is, however, a sizeable academic research literature which has focused on more general public attitudes to sentencing (see Roberts and Hough (2005), Roberts, Hough, Jacobson and Moon (2009) for research in this field). The most recent of these studies found the public have a sophisticated view of the aims and efficacy of sentencing. Roberts et al's research⁷ demonstrated that the public take into account a number of considerations when assessing sentence severity or leniency, such as the seriousness of the crime and whether the offender had a previous criminal history. Notably, this study also found that the general public tend to be less in favour of universal, standardised approaches to sentencing and instead favoured a more flexible approach

² This work was commenced in advance of the Ministry of Justice Green Paper: *"Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders"* (December 2010) and is now currently on hold in light of the proposals contained within this document.

³ s. 48 of the Criminal Justice and Public Order Act 1994.

⁴ s.144 Criminal Justice Act 2003.

⁵ s.120 Coroners and Justice Act 2009 (3).

⁶ s.120 Coroners and Justice Act 2009 (11).

⁷ Roberts et al's (2009) methodology involved a face-to-face, quota sampling survey with 1,023 members of the public aged 18 and over in England and Wales.

whereby "...respondents wanted to keep all sentencing purposes available, and did not support a categorical sentence of custody, even for a serious offence" (Roberts et al., 2009:8).

A number of other studies track public attitudes to sentencing, including the British Crime Survey, as well as research carried out by Ipsos MORI.⁸ Where relevant, findings from these various surveys are referenced throughout this report. In summary, they show that the public are concerned with the leniency they perceive being given towards sentencing and punishment within the CJS.

There is also a significant body of work on the question of the defendant’s decision to plead guilty. While a few academic researchers have focused specifically on the discount principle, the main focus of this research has been upon the pressure to plead guilty and plea bargaining (see for example Baldwin and McConville (1977), Baldwin and McConville (1979), Henham (1999 and 2002). The research carried out by Baldwin and McConville (1977) provides a crucial insight into the ‘negotiated’ nature of the sentencing. Their qualitative study of over 150 offenders drew attention to the power that legal representatives and barristers were capable of exercising over defendants to influence their decision to enter a guilty plea.

1.2 Aims and objectives

The overall aim of this research was to examine attitudes towards guilty plea sentence reductions. In order to do this, the research focused on three key groups to gain a range of attitudes towards the guilty plea process:

- members of the general public;
- those that have been a victim of crime or have witnessed a crime where there has been some degree of CJS involvement; and,
- offenders⁹ including those currently in custody and those undertaking sentences in the community.

To meet this overall aim, the study had a number of objectives, some of which were audience specific. The table below shows how these were addressed across the participant types.¹⁰ A full list of the objectives/issues to be explored by each participant type can be found on the front of the audience specific discussion guides (see Appendices 2, 3 and 4).

Research aims to understand...	Audience		
Circumstances in which a reduction should be available and at what stage	General public	Victims and witnesses	
The level of reduction that should be offered	General public	Victims and witnesses	Offenders
The impact of a guilty plea entered at different stages – examine the value of an early guilty plea reduction	General public	Victims and witnesses	Offenders
The extent of any benefits to victims and witnesses	General public	Victims and witnesses	

⁸ Ipsos MORI have carried out a wide range of tracker surveys for the Home Office since 2006, details are included here: <http://webarchive.nationalarchives.gov.uk/20100418065544/http://www.homeoffice.gov.uk/about-us/publications/our-service-to-you/>

⁹ Please see further detail in the Research Methodology section on the sample profile.

¹⁰ Discussion around these issues may have also arisen in groups/interviews with other participant types, e.g. offenders may have commented on factors relating to victims and witnesses or circumstances in which reductions should be available.

Research aims to understand...	Audience		
The motivation behind entering a guilty plea at different points in the process			Offenders
The incentives and circumstances that might incentivise or discourage an earlier plea			Offenders

In order to provide context for the findings, the research also explored awareness and perceptions of sentencing more generally, and awareness of guilty pleas and confidence in the CJS,¹¹ including the impact of guilty plea reductions on this.

1.3 Research methodology

The grid below provides an overview of the approach taken to meet the research objectives across the different participant types. The rest of this section outlines the approach, whilst full details of the recruitment method used, quotas and the final sample composition of the groups and interviews can be found in Appendix 5. Fieldwork took place between October and December 2010 across England and Wales.

Audience type	Methodology
General public	Quantitative face-to-face survey with the general public (987 interviews with respondents aged 15 years and over)
	5 extended discussion groups with the general public (covering the North, South, East and West of England and one group in Wales)
Victims and witnesses	35 in-depth interviews with victims or witnesses (30 interviews with victims and witnesses of less serious offences, 5 interviews with those involved in more serious offences)
Offenders	15 in-depth interviews with offenders (12 interviews with offenders currently in custody and 3 with offenders undertaking sentences in the community – two of whom had previously served part of their sentence in custody for that offence)

General public

Research with the general public adopted a mixed method approach to data collection. The quantitative element of the project measured public opinion about guilty plea reductions among a representative sample of the public, whilst the qualitative research allowed a more detailed examination of attitudes towards guilty pleas and the impact of certain factors in driving these perceptions.

Quantitative research with the general public

Twenty questions were placed on Ipsos MORI's face-to-face omnibus survey.¹² A total of 987 interviews were conducted across England and Wales with respondents aged 15 and over between 5th and 11th November 2010. Quotas were set to ensure that a representative sample of the population was obtained. Final data was also weighted by age, gender, social class, working status and Government Office Region to reflect the population profile.

The quantitative research gathered participants' more 'spontaneous' views on guilty plea sentence reductions – it covered general views towards the CJS and sentencing as well as awareness and views towards guilty plea sentence reductions. It examined attitudes towards

¹¹ Under its legislative remit, when producing guidelines, the Council is required to have regard to the impact of sentencing decisions on victims and the need to promote public confidence in the CJS.

¹² An omnibus survey is a method of quantitative survey data collection where a range of different subjects are asked about during the same interview.

levels of reduction, possible justifications/rationales for reductions and circumstances in which reductions may be given. As part of the questionnaire, case studies relating to different offences (e.g. serious fraud, serious assault and rape) were used to gain views on the impact of different situations and also to make the concept of guilty pleas less abstract. Full topline survey results, showing each question asked can be found in Appendix 1.

Qualitative research with the general public

Five discussion groups were carried out with members of the general public in a mix of urban and rural locations¹³ throughout England and Wales between October and December 2010. Each discussion ran for 2.5 hours. Recruitment was carried out in-street by trained Ipsos MORI recruiters. Potential participants were informed that the groups would focus on decision-making around sentencing of offenders.

A recruitment questionnaire was used to ensure key demographic and attitudinal representation. Participants in the groups represented a mix of age ranges, social grades and a mix of ethnicities based on the ethnic makeup of the local population, as well as differing attitudes towards the CJS.¹⁴ As victims and witnesses were interviewed separately (see below), those who had been a victim or witness in a criminal offence in the two years prior to the research were screened out during recruitment.

The general public discussion groups took a deliberative approach, which involved briefing participants and explaining new concepts to allow them to respond on a more informed basis. This approach allowed for more considered responses than was possible within the quantitative survey. However, whilst this meant that nuances of the policy could be examined in more detail, findings from the qualitative discussions are less likely to reflect the balance of public opinion than the quantitative research – instead these discussions indicate more the ‘range’ of opinions and attitudes towards the reductions that members of the public may hold.

The discussion groups looked at overall views towards sentencing and initial reactions towards guilty plea reductions as well as examining certain aspects of the policy (e.g. level of reduction, reduction scale) in detail. ‘Case study’ examples were used to tease-out views on a broad range of offences, offenders and different circumstances¹⁵ (see Appendix 2 for further information).

Victims and witnesses

Thirty-five face-to-face in-depth interviews were undertaken with individuals who had been either a victim or witness of crime. Interviews were conducted either in respondents’ homes, places of work or suitable neutral locations as requested (e.g. a cafeteria or coffee shop) and lasted around 45 minutes. These interviews largely focused on the process and outcomes concerning their own particular case, the focus being an examination of the impact of a guilty plea being made (or not being made).

The majority of participants in this strand of the research (30) had been involved with less serious offences, having been recruited through their previous participation in the Witness

¹³ Groups were held in North, South, East and West of England and Wales. Full details of group location can be found in Appendix 5.

¹⁴ Views towards the police can indicate wider attitudes towards the CJS. During recruitment it was asked: “*It is the responsibility of the police and local council working in partnership to deal with anti-social behaviour and crime in your local area. How much do you agree OR disagree that the police and local council are dealing with the anti-social behaviour and crime issues that matter in this area?*” *Can I ask how far you agree or disagree with this statement?*” A quota was set that people with a mix of responses should be recruited.

¹⁵ Case studies used within the qualitative discussion groups included: rape, burglary, serious fraud, murder, vandalism, theft and drug supply.

and Victim Experience Survey (WAVES)¹⁶ in May to July 2010.¹⁷ These represented victims and witnesses of a range of offences, often involving theft/burglary, criminal damage or violence. Participants were recruited across three regional locations and a range of quotas (both demographic and relating to their case) were used (see Appendix 5 for further details).

It should be noted that recruitment through WAVES means that participants were not representative more generally of victims and witnesses – the survey does not include certain offences,¹⁸ victims and witnesses of offences which resulted in no CJS involvement, or cases where the outcome is pending. Individual experiences would also have varied due to differences in the extent of CJS involvement, whether a guilty plea was entered or not (and when), whether the victim/witness needed to go to court, and the court type.

The remaining five victims and witness interviews were recruited through Victim Support and were designed to include people who had been involved in cases of a more serious nature than those included within the WAVES sub-sample. These were specifically victims or witnesses of an offence of domestic violence, a sexual offence or an offence involving a fatality.

As well as representing those who had been victims or witnesses to more serious offences, recruitment through Victim Support concentrated on those where the case had gone to court and as a result the victim had needed to testify. As such, they can be described as a group whose levels of contact with the CJS were relatively high.

It is important to highlight that due to the small number of interviews conducted with victims/witnesses (and particularly those involved in more serious offences), findings should be considered as indicative of the range of views held, rather than representative of a wider group of victims and witnesses.

Offenders

In total, 15 face-to-face in-depth interviews (lasting on average half an hour) were carried out with offenders currently serving a sentence.¹⁹ As detailed further in Appendix 5, these interviews were recruited through staff contacts at a range of prisons and probation offices. Twelve interviews were carried out with offenders who were at the time of interview serving a custodial sentence in prison and three were with those serving their sentence outside of the prison estate. Of the three who were not currently serving a prison sentence, two had also previously served part of their sentence for the offence in custody. Within this, a range of stages at which a plea was entered (including those who pleaded not guilty throughout) were represented, along with a range of offences, sentence lengths and a mix of male and female offenders. Interviews were also conducted with a mix of repeat and first-time offenders, the majority of whom were repeat offenders.

Offender interviews – as with those with victims and witnesses – largely focused on their own particular case (e.g. relating to the offence for which they were at the time of interview serving their sentence). The topics included in the interviews concerned understanding what influenced offender decision-making around whether to enter a guilty plea and when to do this.

¹⁶ WAVES is a quarterly telephone survey conducted by Ipsos MORI on behalf of the Ministry of Justice to understand the experiences of victims and witnesses as they progress through the CJS.

¹⁷ Those who took part in WAVES in May–July 2010 would have been a victim or witness of an offence no less than three months and no more than six months from the date of their WAVES interview.

¹⁸ WAVES does not collect data on crimes where the offender is a family member/household member, motoring offences, drug offences or fraud/forgery.

¹⁹ Offender interviews did not include those who had previously been convicted of an offence but not currently serving a sentence/in contact with the Probation Service.

It is important to note that the offenders interviewed were not representative of the wider offender population; the majority of interviews were conducted with those on custodial rather than community sentences; even amongst those who were interviewed whilst serving a sentence outside of custody, only one participant was on a purely community based sentence (the others had completed the custodial element of their sentence). Also, both prisons visited to carry out the research were closed prisons. Given this, and the small number of interviews conducted, findings should not be interpreted as representative of the views of all offenders. Instead they should be viewed as indicative of a range of views, attitudes and behaviours of offenders.

Research tools

Discussion guides containing topics and prompts were used by researchers to facilitate discussion in both the groups and individual interviews. Separate discussion guides were used for each participant type. An iterative approach was taken to discussion guide design whereby as findings emerged during the course of the research the guides were amended slightly to address particular areas of interest/exploration in the following discussions. This meant that some issues were discussed in some groups/interviews but not others; this has been taken into account at analysis stage. For example in early discussion groups case studies examined more 'serious offences' (see Appendix 2) such as assault and rape. Having seen a clear picture emerging on views towards perpetrators of such offences and sentence reductions, the focus for the remaining two discussion groups was changed to reflect 'less serious' offences, such as theft, to further tease-out public views towards more common or 'bulk' crimes.²⁰ The later discussion groups also probed further on resource issues, addressing issues such as monetary savings relating to court cases (these monetary savings were presented in several ways including thinking about where else the money could be spent e.g. on other services such as schools and hospitals).²¹

All versions of the guides and case studies can be found in Appendices 2–4. In addition to different offence types, the case studies looked at guilty pleas being entered at different stages.

Ethical considerations

Participants were made aware that they would remain anonymous and no responses would be attributed to them in reporting the findings of the research. All participants were informed of the subject to be discussed in the research prior to taking part and consented to participate.²² In all cases where consent was given by participants, groups and interviews were recorded. Note takers also attended the group discussions.

Interpreting quantitative findings

Unless otherwise stated, quantitative results are based on the total sample size (987). Where results do not equal 100% this is due to rounding or the multiple coding of respondents' open-ended answers. A guide to statistical reliability is appended (appendix 6).

²⁰ The British Crime Survey 2009/10 highlighted that the majority of crimes respondents reported were acquisitive (e.g. theft, burglary etc.) rather than violent crimes.

²¹ Alterations were made to the guides used for the last two discussion groups to include additional probes.

²² Further details of consent procedures for different participant types can be found in Appendix 5.

Interpreting qualitative findings

Unlike the general public quantitative research presented in this report, qualitative research is not by its nature designed to be statistically representative. It is intended to be illustrative, providing detailed and insightful levels of in-depth understanding around a research topic. Therefore, claims cannot be made about the extent to which the conclusions may be generalised to the population. Instead, we present the broad range of views given by participants, and where appropriate make reference to overall balance of opinion or general consensus.

Verbatim quotes are used throughout the report to illustrate particular bodies of opinion, but these should not be taken to define the opinions of all general public participants, all victims and witnesses or all offenders. In some cases, sample sizes are small. Quotations labelled as 'general public' are taken from the qualitative element of the general public research, and do not reflect views from the wider reaching survey element.

2. General attitudes towards the CJS and sentencing

Before considering people's attitudes towards guilty plea sentence reductions it is important to understand their starting point. Therefore this chapter covers current perceptions and knowledge of the criminal justice system (CJS), and of the sentences handed down by Crown and magistrates' courts, along with factors that may be influencing these viewpoints.

2.1 General public attitudes

The general public do not appear very confident in the CJS, and are particularly sceptical about the sentences handed down by courts. The survey asked the public a range of questions about their confidence in the CJS and sentencing. It found that confidence in the CJS being fair was mixed²³ – 48% were confident (either very or fairly confident) and 50% not confident, with only a small minority (5%) saying they were very confident. Respondents in the survey were also more likely to feel that sentencing is too lenient²⁴ (65% compared to 3% saying they thought sentencing was tough). Less than a quarter (23%) felt that sentencing is about right.²⁵ Those most likely to think sentences are too lenient included those aged 65+ and those from social grades C1 and C2²⁶ (72% and 70% respectively versus 65% overall).

The survey data highlighted a link between positive perceptions of fairness in the CJS and a view that sentences are 'about right' as they stand. Those who say that sentences are currently 'about right' are significantly more likely to be confident that the CJS is fair (73% compared with 48% overall).²⁷

Members of the public participating in discussion groups felt that the system more often worked in favour of the offender as opposed to the victim:

The criminal is allowed to be a criminal; the balance is in favour of the criminal.
General public, aged 22–40

The perception here was that sentences tended not to reflect the severity of the crime or provide adequate compensation for the victims. It was felt that "justice for the victim" should be the primary consideration and as the public tended to form their assessment of sentencing based largely on sentence length, they felt that justice should be reflected in longer sentences:

There's crimes where people should be sent down and they should be sent down for a long time.

General public, aged 22–40

²³ This mixed confidence in the CJS being fair has been highlighted by previous research. For instance, whilst this was a higher proportion, 59% of respondents in the 2009/10 British Crime Survey said they were confident that the CJS was fair.

²⁴ Concerns about sentencing leniency amongst the public are in line with findings from other research. The 2009/10 British Crime Survey found that when asked what was the main cause of crime, sentences being too lenient was the third most common answer. In addition, Ipsos MORI research on behalf of the Home Office found that in November 2009, issues with punishment/sentences being too lenient were considered the biggest issue facing Britain today when it comes to crime.

²⁵ In addition 10% said they do not know. Figures adding up to over 100% is due to rounding.

²⁶ C1 is defined as lower middle class (for instance those in supervisory or clerical and junior managerial, administrative or professional roles) and C2 is defined as skilled working class (e.g. skilled manual workers). See appendix 7 for a full breakdown of social grade categorisation.

²⁷ As will be illustrated, those confident the CJS is fair are also more likely to be more positive towards guilty pleas and other sentence reductions.

This, and previous research, for instance, Bremner, Burrows, Duffy and Wake (2008)²⁸ has found that favourability towards the CJS often results from familiarity with the workings of the system. This is also the case for sentencing. The majority of general public respondents in the survey did not feel informed about sentencing²⁹ and the public survey highlighted that it was these respondents that were particularly likely to consider sentencing to be too lenient (69% of those who do not feel informed about sentencing said that it is too lenient compared with 59% of those who said they felt informed). Findings from the discussion groups supported this lack of familiarity with aspects of the CJS; despite some knowledge of key criminal justice agencies, knowledge of the mechanics of the CJS and sentencing was low amongst the general public. Perceptions of inconsistent and unfair sentences amongst participants in the discussion groups often originated from the media coverage of flagship crimes and high profile cases which are often felt to demonstrate miscarriages of justice.

2.2 Victim and witness attitudes

The attitudes of the victims and witnesses we spoke to during the course of the research further highlighted that greater familiarity with the CJS leads to increased faith in the system and sentencing. While a key criticism of sentencing among the public was that it did not always result in justice for the victim, some victims and witnesses actually tended to be relatively satisfied with the sentences handed down. Their experiences, especially for those involved in more serious offences (often meaning more contact with the CJS and agencies within the system), meant that they were more knowledgeable about the CJS. As a result, they tended to appreciate the complexities involved in sentencing and so were often content to trust the judge and/or other legal professionals to deliver justice and a fair sentence.

I really feel that's the decision of the judge, because obviously he deals with it every day.

Victim

The research also found that victims' and witnesses' expectations of sentencing tended to vary from the public. As already mentioned, the public tended to assess sentencing based on length of sentence: long sentences associated with justice being done. Victims were more likely to consider a range of aspects as comprising an appropriate sentence – for example, there was often more consideration on changing the behaviour of the offender and preventing re-offending and consequently whether punishment allowed for rehabilitation and support. For victims of more serious crimes especially, emphasis was sometimes placed on the offender taking accountability for the offence rather than the sentence length.

I think that's the most important thing [to rehabilitate offender]. I don't think we are here to revenge anybody.

Victim

²⁸ Bremner et al., (2008); highlighted that the public tend to be more favourable towards the effectiveness of criminal justice agencies that they are more familiar with.

²⁹ 63% versus 35% who stated they are informed overall. Younger age groups were more likely to have low knowledge of sentencing. Seven in ten (71%) of 15–24s did not feel informed compared with six in ten (63%) overall.

2.3 Offenders

Offenders (particularly repeat offenders) had a sound general knowledge of how the CJS worked based on their experience of going through the process. However, this knowledge did not necessarily extend to the specifics of sentencing in their case. Instead, many echoed the wider public belief that sentencing could be inconsistent. They felt it was often unclear how sentences were arrived at and as a result, despite the advice of legal representatives, tended to feel uncertain about what length of sentence they were likely to receive.

The judge said I'm sentencing you to the least possible, to the smallest jail term that I can give you. I thought that was a bit harsh because I've known people who have got like twelve months and I got three years.

Offender

3. Overall reactions to guilty plea sentence reductions

This chapter looks at overall views towards the principle of guilty plea sentence reductions. For the general public – survey and discussion group respondents – this covers their ‘spontaneous’ views to the principle of guilty plea sentence reductions overall. For victims, witnesses and offenders these are usually perceptions based on how guilty plea sentence reductions worked in their case.

3.1 General public initial reactions to guilty plea sentence reductions

There was a feeling amongst the public that sentences were not always served in full and that reductions were given (e.g. through early release or guilty pleas), but there was ambiguity about how this was decided and why this was the case. Within the public discussion groups, people spontaneously cited the fact that sentences could be reduced as an example of sentencing being too lenient. This indicates a starting point of opposition to reductions amongst the public.

Sentencing is a bit of a joke really. When they say life it is up to 25 years but they get [time] off for good behaviour.

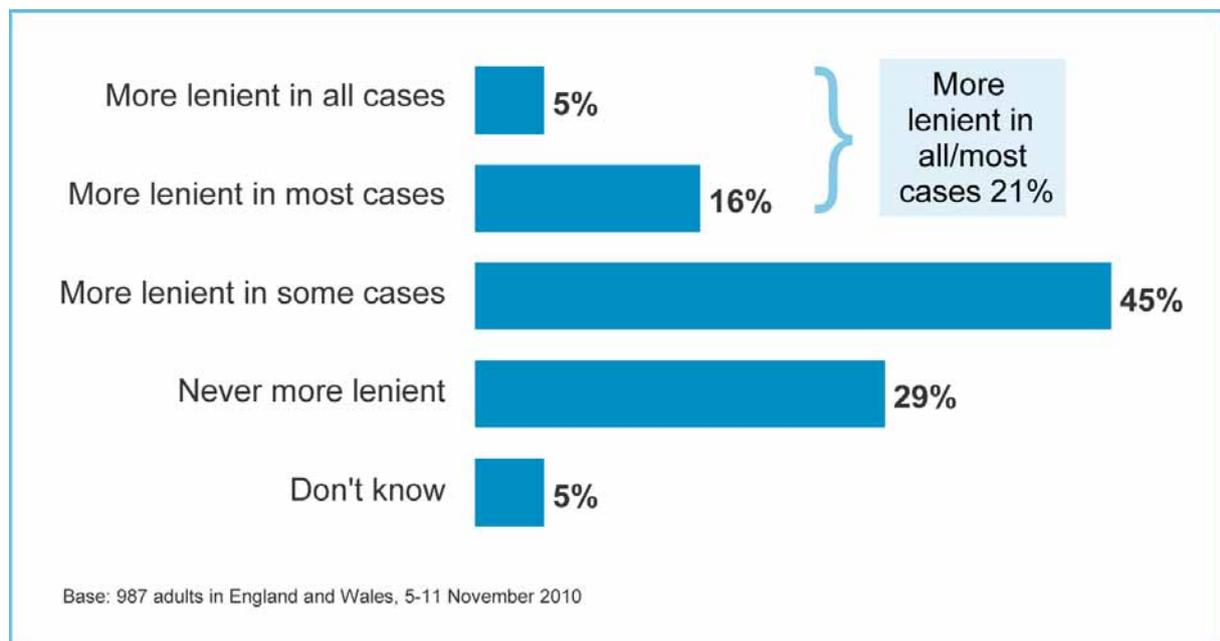
General public, aged 16–21

Despite relatively low knowledge of sentencing generally, specific awareness of the principle of guilty plea sentence reductions appears fairly strong, with the majority correctly stating it is true that offenders who plead guilty receive a lower sentence than those found guilty at trial (84% versus 9% saying this is false). Those reporting an interest in sentences and victims of crime, are more likely to agree that sentence reductions are given for early guilty pleas (90% and 93% respectively, compared with 84% overall).

As shown in figure 3.1, initial reactions amongst the general public towards the universal application of the principle of guilty plea sentence reductions – i.e. in **all/most** cases – were largely negative, with just one in five feeling this should be the case (21%).

In fact, the public were more likely to say that an offender pleading guilty to an offence should **never** result in a more lenient sentence (29%). The most commonly held view was that pleading guilty to an offence should mean an offender receives a more lenient sentence in **some** cases (45%). Therefore, whilst there is support for sentence reductions for those pleading guilty, there is clearly discomfort at discounts being universally applied (the nuances of this will be explored further in the next chapter).

Figure 3.1 Respondent views on whether offenders pleading guilty should receive a more lenient sentence³⁰



Analysis of the survey findings highlights that initial reactions to the guilty plea reduction principle did vary amongst different members of the public:

- Women were particularly resistant to guilty plea reductions resulting in a more lenient sentence, with a third (35%) saying it should never result in a more lenient sentence compared with a quarter (23%) of men.
- Members of the public who were more knowledgeable of sentencing were more likely to be supportive of guilty plea reductions. Those who felt informed about sentences were more likely to say that a reduction should take place in most or all cases (28% compared with 21% overall).
- In addition, a higher proportion of those educated to at least degree level (29%) and readers of broadsheet newspapers³¹ (30%) supported sentence reductions in most or all cases (compared with 21% overall).

In the group discussions, members of the public were often negative towards guilty plea sentence reductions when asked their initial views on the principle. There was a concern that this would mean an offender unconditionally received a reduced sentence if they pleaded guilty. When initially thinking about the guilty plea concept, the first association for many was that it was a 'reduction' for the offender (rather than considering the wider picture in terms of impact upon costs and victims and witnesses). Therefore, offenders were often considered the main beneficiaries of the principle. More broadly, these initial reactions fitted with a wider cynicism displayed towards the CJS generally where the victim was perceived to be a secondary consideration to the offender.

³⁰ Ipsos MORI survey of the general public Q10 "For each statement should this result in a more lenient sentence, in all, most or some cases? Or should it never result in a more lenient sentence?"

³¹ Survey participants were asked which newspaper they read regularly; these are then coded into 'quality' and 'popular' titles. The 'quality' or 'broadsheet' titles include the Guardian, Times, Telegraph, Independent, Financial Times, The Herald and The Scotsman. 'Popular' papers are the Daily Express, Daily Mail, Sun, Mirror, Star, Daily Record, Western Mail and the Belfast Telegraph.

Those pleading guilty should have no reduction – [this will] act as a deterrent as people know that the criminal justice system means business.

General public, aged 41–70

In addition to this general cynicism, members of the public tended to focus in on more serious and violent offences when justifying their views,

If they stabbed someone or beat someone round the head, why should they have two years less for saying, “Well yes I did smash his head in?” Why should they have a lesser sentence? I think that’s wrong.

General public, aged 22–40

It was only when participants were asked to engage with the detail around what guilty pleas involved did they begin to consider exceptions and concessions based around less serious offences. These findings are discussed in detail in chapter 4.

3.2 Victim and witness reactions to guilty plea sentence reductions

Whilst there was not universal support for guilty plea sentence reductions amongst victims and witnesses, on the whole, perceptions were more positive than the general public. In assessing guilty plea sentence reductions they were able to draw on their own experiences; many had experienced the benefits it could offer – such as time savings and avoiding having to attend court – and therefore the concept was less abstract to them. Additionally, in contrast to the general public, sentence length was not the only consideration when assessing whether or not justice had been served. They were also concerned that the outcome of the criminal justice process offered support for victims, served to prevent re-offending, focussed on rehabilitation and also provided ‘closure’ for victims and witnesses.

However views towards the reduction amongst victims and witnesses did vary. Amongst victims and witnesses of less serious crimes³² views were mixed. Some felt that because the offence was not a serious one, it did not have a long term affect on them and therefore a reduction was considered to be more acceptable.

But things like assault, like common crimes, I’d say that happen every day, not too big...a deal. I think it’s fine [to have a reduction for pleading guilty].

Victim

In contrast, for some victims and witnesses there was a degree of negativity towards the reduction as it was felt that a shorter sentence did not provide a large enough deterrence and therefore re-offending was more likely. This view was especially evident amongst those who had been the victim of a similar offence more than once, where there was a perception that the offender continued to re-offend once released or where the sentence, due to the reduction, was deemed to be lenient. In short, whilst sentence length was perhaps less of a concern, victims and witnesses were still keen to see an effective punishment.

If it’s a repeat offender that just does not give up, they should get a longer sentence to make sure that they understand what they’re doing.

Victim

³² This is based on recruitment through the WAVES survey.

Whether victims and witnesses felt a sentence reduction for a guilty plea was acceptable in their case tended to be linked to their attitudes towards the prospect of having to attend court and testify. The case study below outlines the experience of one victim of a less serious crime; whilst they were anxious about the prospect of testifying and recognised the time saving benefits of early guilty pleas, they had a desire to attend court to 'see justice done'.

Case study 1

Erica* was a victim of repeated burglaries to her business. Most recently, the offender was apprehended and Erica was informed that she would probably need to attend court to give evidence. She had some anxieties about having to do this, especially in relation to being cross-examined:

It's something I was prepared to do for the company, but it's not something I especially wanted to do...it's intimidating when someone puts you on the spot...it's intimidating.

Despite this reservation, Erica felt strongly that it was important that justice was seen to be done and therefore was willing to go to court. As a consequence she had mentally prepared herself for the experience of giving evidence in court. However, the defendant entered a guilty plea at the court door which resulted in an overall feeling of frustration for the respondent, especially given the effort and preparation she had put in place to attend.

If it was a case of me having to get up and give evidence [or] them getting a reduced sentence...I would put forward my case

Erica indicated some opposition to the idea of sentence reductions. She felt that it was important that the sentence reflected the fact an offence had been committed and its severity.

If someone does the crime, then they should have to do the time.

Erica was especially concerned that shorter sentences, given as a result of a guilty plea sentence discount, may not be effective in deterring re-offending. As she had experienced the same offence multiple times, this was a particularly important consideration for her:

People will keep coming back and offending – this takes up our time, the police time and the court's time. If he was in prison for an extra period, it would save us time

However, although critical of guilty plea discounts from her personal experience, the respondent did also acknowledge that there were certain situations where discounts for such pleas should be considered, for example with first time offenders.

* Erica is not the real name of the victim this case relates to.

For others, in particular those participants interviewed who were victim to more serious offences, attending court was deemed to be a more traumatic process. The following case study typifies the heightened emotional state of those who feel they have suffered particularly traumatic experiences:

Case study 2

Sarah* was the victim of a rape. The offender was finally arrested over 12 months later through DNA evidence, having been arrested for another offence.

It came as a real shock, it was the last thing I was expecting, I wasn't sure I wanted the whole thing dragged up again – but I was glad that he was finally going to be made to face up to what he'd done to me.

Sarah had very mixed feelings about attending court, torn between wanting to see justice served and the offender being punished, whilst being concerned for how she would respond to reliving the whole incident again. The offender pleaded not guilty and was on remand for several months until the case went to trial. During this time, Sarah became more and more anxious as she waited for the trial and prepared to give her evidence.

It was clear from an early stage that he was going to deny everything, so I had a long time to think about giving evidence – it put my life back on hold, I couldn't really do or think about anything else.

At the trial itself, Sarah was required to give evidence over two consecutive days, finding the night after the first day particularly difficult to deal with. Sarah was unable to sleep, was extremely anxious and found it very difficult to leave her home the next morning to travel to the court. Whilst she felt that she managed to cope a little better in the witness box on the second day, she described the experience as the hardest thing she had ever had to do:

I couldn't believe how stressful the whole situation was, just standing there in front of him [the offender] whilst the defence accused me of lying and being in some way responsible was something I wouldn't wish on anyone.

The offender was found guilty of rape by the jury, and given a custodial sentence. Sarah was initially relieved that it was all over, and pleased with the sentence, but was also conscious that the lengthy custodial sentence had other implications for the offender:

He'll not be able to see his family, nor they him – so I do feel sorry for his family. I wouldn't want that to go on for any longer – I think the sentence itself is fair. He's probably going to struggle to find similar employment again – so I think he's being punished enough.

Sarah had a small breakdown some days after the trial, which she attributes to the anxiety and stress caused by the trial and the build-up to it. On reflection, although part of her feels proud of the fact that she confronted the offender and played her part in the process, she would happily have seen him receive a lighter sentence if it would have meant her not having to go to trial. As such, she was in favour of the reductions on offer for those pleading guilty, feeling that for her, the experience of reliving the trauma of the offence all over again, in front of so many people was in some ways worse than the actual incident itself.

I think that's a really good idea, the whole experience was so stressful – the more people that can avoid having to go through what I went through the better. As long as there is a punishment and offenders accept that what they have done is wrong – then I think that is okay. To be honest I'd give anything not to have to go through all that again.

* Sarah is not the real name of the victim this case relates to.

One recurrent issue, raised by a wide range of victims and witnesses called to give evidence in court, related to the process of giving evidence itself – and in particular being cross-examined when giving their evidence. Outcomes such as becoming ‘tongue tied’ or having their character questioned, were mentioned as particular worries:

If it [the plea] was not guilty then we would be called as witnesses to court...I was just not comfortable with it, I mean...because we would be cross-examined as well by the prosecution and we are not the ones that have done anything wrong.

Witness

In addition to concerns about testifying, participants who had either been a victim or witness of violent and/or serious offences spoke of their additional anxiety at the potential or reality of having to come face-to-face with the offender and their associates in court. One particular worry included being seen by the associates of the offender and the fear that this may lead to them being identified outside of the court and becoming a target of retribution.

I felt a lot more comfortable that we weren't going to be dragged into court.... the actual male had actually threatened to have me shot if I was to report him to the police, so I actually knew a lot about the person who did it, and I happen to know other people... capable of carrying out a serious assault if he was to ask them to.

Witness

I was really quite anxious because I didn't know who the guy was, I didn't know if the guy had any connections and there's quite a lot of rough areas around [town name]. So, it was the easily identifiable thing, if he had any connections or whatever all they'd got to do was look for my [work vehicle] and I'd be there.

Witness

A number of those involved in such cases stated that given the choice their preference would have been not attending court. Therefore, these victims and witnesses were more likely to support the sentence reduction on the grounds that it saves victims and witnesses from testifying, although, interestingly, several of these participants also recognised wider cost saving benefits of an early guilty plea.

Furthermore, those who were victims or witnesses of more serious offences had often been more closely involved in the criminal justice process. From analysis of the accounts provided, it was clear that those victims and witnesses were more aware of the sentence given to the offender and what level of reduction was given. They were able to engage in more detailed discussions around sentencing discounts given as a result of the plea process. This suggests that proximity to the pleas process led to greater awareness and understanding of how this worked in practice, compared to the discussions with the general public where the principle was discussed at a more distant or abstract level.

3.3 Offender views on guilty plea sentence reductions

Offenders were positive about the opportunity to receive a reduced sentence if they pleaded guilty at an early stage and suggested that without such incentive they would be very unlikely to enter a guilty plea early in the process.

However, whilst knowledge of the existence of a sentence reduction or ‘brownie points’ – as a small number of offenders generically termed any reduction or ‘reward’ given for certain behaviour – for pleading guilty was widespread (particularly amongst repeat offenders), understanding of the details about how this worked in practice was limited. For instance, there was limited awareness of the various levels of reductions depending on the stage of

the plea being entered; most associated the reduction with their sentences being decreased by a third and assumed that this was the only discount available for entering a guilty plea.

Well if you plead guilty then you get a third off but then if you plead not guilty and get found guilty then you get a lot longer sentence don't you.

Offender

I've always known that if you throw a guilty plea in you get a third off but I didn't know about all this 'up until the court [date]' and all that.

Offender

Many stated that it was not always clear how the guilty plea had been taken into account at the sentencing stage and what reduction had been applied. In some instances it was felt that the judge would indicate a reduction had been made due to an early plea, while in other instances it had not been explained. There was also a strong sense that the impact of the guilty plea on sentence length was at the judge's discretion rather than being clear levels of reductions (such as a third, a quarter). This left some offenders unsure whether the sentence reduction had actually been applied, despite having been told by their defence team that it would be.

I don't even know if you get time off. They say, you know 'time off' but I don't know, I think they just make it sound good.

Offender

Some offenders in this study stated that to make an informed decision based on what the sentence reduction would amount to, they needed to know the length of the sentence they were likely to receive if found guilty, and the actual length of reduction for pleading guilty prior to entering a guilty plea. They felt that being told a percentage was fairly arbitrary. In practice this meant that some offenders were unsure about whether or not to plead guilty as they could not be sure by how much the sentence would be reduced.

4. Attitudes towards the detail of guilty plea sentence reductions

This section covers the views of the general public, and to an extent victims and witnesses, on the detail of guilty plea sentence reductions.

When designing this research it was hypothesised that public awareness of the intricacies of the guilty plea reductions policy would be low. For many of those who took part, this assumption was confirmed. For this reason, discussion groups with the general public were undertaken to allow more considered responses and to provide the public with certain information, such as the rationale and reasoning, behind guilty plea sentence reductions.

As highlighted in the previous chapter, initial ‘spontaneous’ reactions of the public taking part in the survey towards the concept of the universal application of sentence reductions for those pleading guilty were often negative; the public were not in favour of the reductions being applied in all or most cases.

However, a key observation to emerge from discussions with members of the public (as well as a number of victims and witnesses) was a slight shifting of views as the principle was discussed further. While some remained firmly opposed to the reduction throughout discussions, as deliberation progressed others demonstrated some recognition of possible justifications, benefits and ways in which it may be become more acceptable to them.

4.1 Exploring the rationale for guilty plea sentence reductions

Just under a third of those who took part in the public survey (31%) tended to feel that the courts give lower sentences for guilty pleas to save time (court time, police time etc), with a further third (31%) feeling that it is to provide monetary savings within the criminal justice system (CJS). A small minority (two per cent) thought the courts implement the reductions because it saves the victims and witnesses having to give evidence in court.³³

However, they thought the key justification for the reduction principle **should be** consideration of the victim experience; two in five (40%) because it would saves victims and witnesses from giving evidence, compared to a third (33%) because it would save trial costs and a fifth (21%) because it would save the cost of a police investigation.

The emphasis on benefits for the victim as a key justification was also apparent with the general public in the discussion groups and victims and witnesses. Whilst money, time and prison space savings resulting from an early guilty plea were practical reasons mentioned for offering reductions, the moral element became most important. It was felt that savings should not be made at the expense of securing justice for the victim. Indeed, there was some cynicism about placing a monetary value on justice.

What kind of system are we advocating when we say that justice is all about the money?

General public, aged 41–70

³³ It should be noted that those taking part in the public survey were given less background information than participants in the lengthier qualitative discussions.

This reflected the viewpoint of victims themselves as already discussed; many are willing to accept a reduced sentence for an early guilty plea in order to avoid testifying.

For some people, giving evidence is harder than the actual incident itself.

General public, aged 22–40

However some argued that giving evidence is important in providing closure as it allows a victim to have their say in court and help bring the offender to justice. These people were less accepting of an early guilty plea.

4.2 Attitudes towards the principle of encouraging guilty pleas

The concept of offering offenders reduced sentences as an incentive to entering a guilty plea attracted a great deal of debate during the general public discussion groups, as well as some of the interviews with victims and witnesses. Generally amongst the public, and sometimes amongst victims and witnesses, the concept of reward for an admission of guilt (especially when this was provided beyond the first available opportunity) was felt to be unpalatable.

However, there was support for reserving the longest sentences for those who do not plead guilty until later in the process or at all. Instead of 'rewarding' offenders for pleading early, the public appeared much more sympathetically disposed to imposing a standard sentence for those pleading guilty early in the process, with increased sentences being given to offenders who had not taken the opportunity to plead early and who were subsequently found guilty after a trial. This was spontaneously mentioned during the discussion groups with the public and during interviews with victims and witnesses. There was some consensus amongst all groups that the courts implying the sentence had 'increased' because a defendant did not enter a guilty plea was preferable to 'decreasing' it because they did – even if it meant that in effect sentencing levels for early guilty pleas remain the same. Therefore the way in which the principle is presented is key to levels of public acceptance.

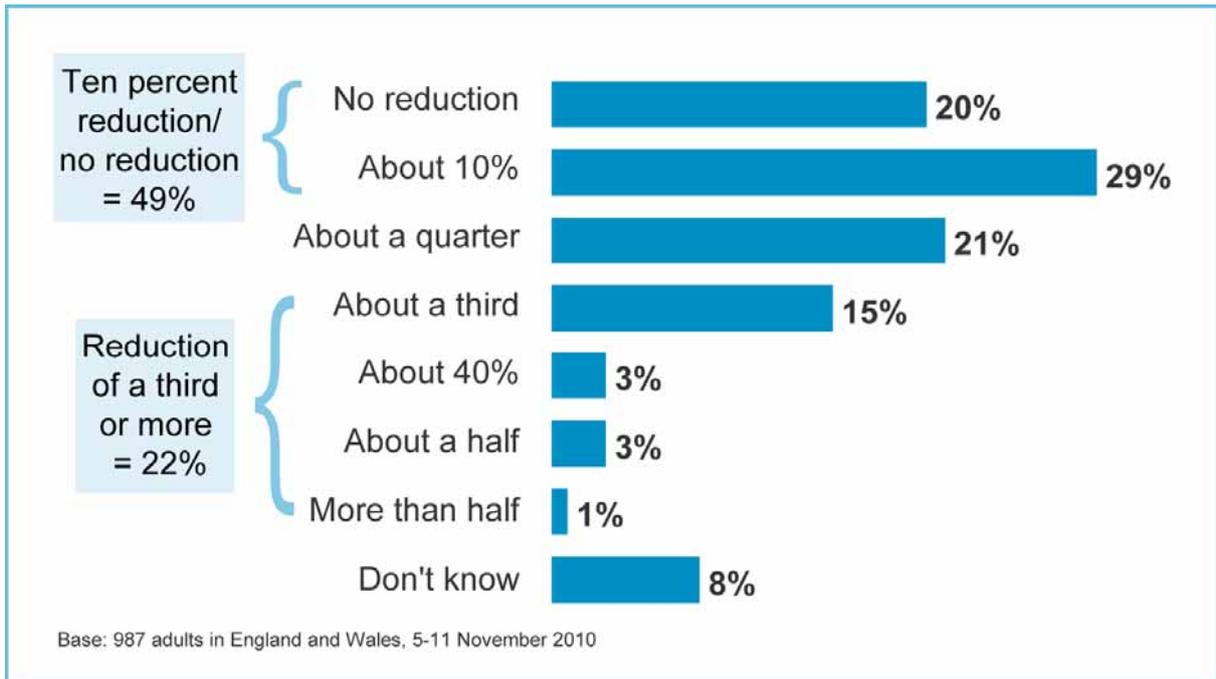
You've been rewarded for committing a crime, but it should be other way round. If you don't plead guilty you should get an extension.

General public, aged 22–40

4.3 Consideration for the levels of reduction

As shown in figure 4.1, findings from the survey with members of the general public showed weak support for higher levels of reduction beyond the current guideline range (which is a reduction of 10% to one third depending upon when the plea is entered); whilst a fifth (20%) said there should not be a reduction at all.³⁴

Figure 4.1 General public views on appropriate levels of sentence reduction for offenders who plead guilty, taking into account monetary benefits and benefits for victims and witnesses associated with entering such a plea³⁵



Supporting this, when survey respondents were asked whether the reduction should be increased from a third if an offender pleads guilty at the earliest opportunity, 58% disagreed and only 22% agreed.

Throughout the discussion groups, there was also resistance to the idea of discounts in excess of one third. Any discount given beyond this level was deemed to be unacceptably excessive. This was linked to more general perceptions already discussed that considered sentences to already be too lenient. A further, albeit minority, point made in discussions with the general public, as well as from some victims and witnesses, was that over incentivising sentencing discounts beyond a third may potentially lead to some defendants feeling pressured to plead guilty even if they were not guilty, especially where the defendant felt the odds were stacked against them. In contrast, discussions with offenders suggested that such an outcome would be unlikely to happen in practice as a guilty plea tended only to be

³⁴ The research also revealed that the public viewed guilty plea sentence reductions 'in addition' to other ways in which sentences are reduced (for example through early release).

³⁵ At this question, respondents were told that "Offenders who plead guilty save the justice system the costs of conducting a trial. For example, ON AVERAGE, the cost of a trial in the Crown Court is £20,000. They also free the court up to try other cases. In addition, if the offender pleads guilty, victims and witnesses do not have to come to court and give evidence." Ipsos MORI General Public Survey Q13 "In your view, which of the following reductions, if any, is appropriate for offenders who plead guilty?"

entered when the offender acknowledged their guilt; they were not entered by those who considered themselves innocent of the offence.³⁶

As in the survey, in some instances, it was felt by general public participants in the discussion groups that a reduction of around ten percent may be a suitable outcome for those entering an early guilty plea.

I thought offering a third at the stage is ridiculous, maybe a tenth but not a third.
General public, aged 22–40

Related to a more favourable stance to guilty plea sentence reductions, a number of victims and witnesses stated that they would not be averse to larger sentencing discounts applied to those pleading guilty, especially if these were to be given in conjunction with a wider focus upon rehabilitating offenders to avoid future law breaking.

4.4 How people think a guilty plea sentence reduction should be scaled

As with sentencing generally, people knew little if anything about the scaling of sentence reductions. Initially people felt a scaled approach presented offenders with too many opportunities to enter a plea and would therefore allow them to play the system.

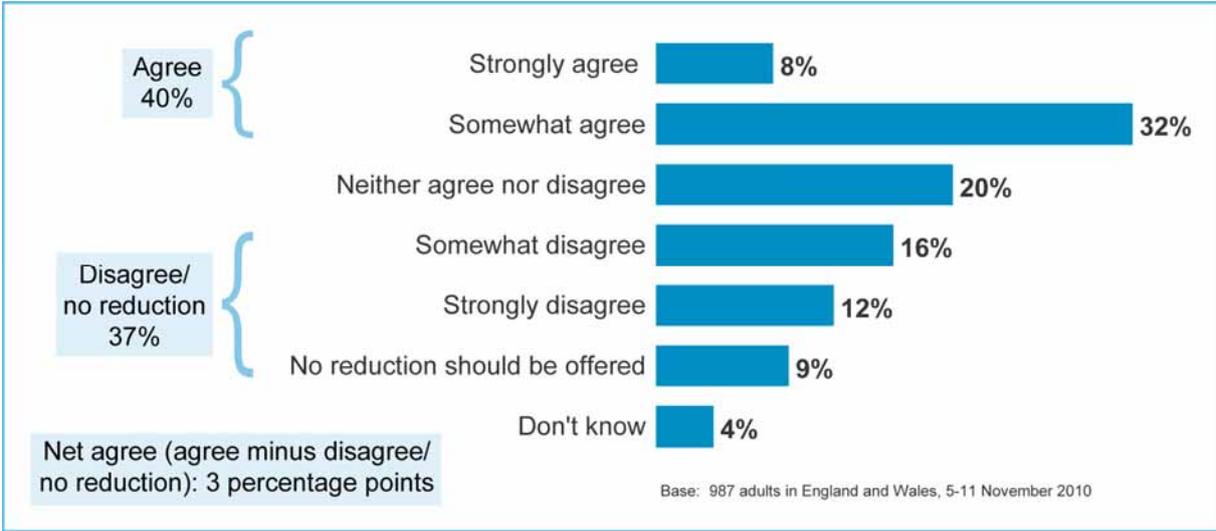
In contrast, those who had been victims or witnesses of serious offences were more favourable to a scaled approach, particularly for those for whom the prospect of having to testify was proving difficult to cope with. For these victims, even a late guilty plea was preferable to them, including a plea on the day of the trial, as they would then not have to attend court and experience the anxieties that came with this (such as being cross examined and coming face-to-face with the accused).

The first reasonable opportunity

Despite mixed reactions to the scaled approach to sentence reductions, support for such a reduction, if a guilty plea is made at the first reasonable opportunity, was greater than for pleas entered at later stages of the process. There was no clear view from the general public survey about whether the size of reductions should differ depending on the stage at which the guilty plea was entered: 40% agreed that those entering a guilty plea at the first reasonable opportunity should receive a bigger reduction, whilst 28% disagreed and a further 9% felt there should be no reduction at all.

³⁶ It should be noted that no offenders said that they considered themselves innocent but changed their plea to guilty to secure the discount. Those who felt that they were innocent pleaded not guilty throughout their case and would not change their plea to secure a reduction.

Figure 4.2 Views on whether offenders who indicate their intention to plead guilty at the first reasonable opportunity should get a bigger reduction to their sentence³⁷



The sub-groups more likely to be supportive of guilty pleas in principle are also more supportive of a greater reduction for a guilty plea at the first opportunity – those from social grades AB³⁸ and readers of broadsheet newspapers (47% of AB respondents and 49% of broadsheet newspaper readers say this compared with 40% of the sample overall). These groups were also more likely to be confident that the CJS is fair. In line with gender differences on the principle of guilty pleas, men were more likely than women to feel a greater reduction should be offered for a guilty plea at the first opportunity (45% versus 34% women).

In the discussions with the public, some felt there was a justification for greater discounts being given for early guilty pleas, especially once factors such as impact on victims had been considered. Some believed that an early guilty plea reflected remorse and therefore viewed offenders who admitted guilt at this point more positively. However, in situations where the offender was caught red-handed, there tended to be a degree of consensus that a lesser reduction, if any, should be given – in these situations, the case against the offender was ‘water tight’ and therefore would not need evidence to be given by victims and witnesses, and would be a less costly process.

Overall, victims and witnesses tended to recognise the benefits of guilty pleas made at the first reasonable opportunity compared to at a later stage:

Well it's got to be a good idea because it doesn't clog the courts up, it's cheaper for the taxpayer in the long run. And it just saves a lot of time and.....really for witnesses as well, because all witnesses, when you're going to court, you're very anxious sitting, you've worried about it, you don't actually want to do it, and it saves, in the long run, it saves a lot of pain to witnesses.

Victim

³⁷ Ipsos MORI General Public Survey Q8 “To what extent do you agree or disagree that offenders who indicate their intention to plead guilty at the first reasonable opportunity should get a bigger reduction to their sentence than those who plead guilty at a later stage?”

³⁸ Social grade is a way of classifying socio-economic grouping according to the occupation of the main income earner in the household. Grades AB refer to those from the Upper Middle and Middle Classes (see Appendix 7 for full breakdown of social grade categorisation).

Respondents in the survey held mixed views when considering when the first opportunity to plead guilty could be. Most said it is either at the first court appearance when they are formally charged (29%), at the point at which they are arrested (28%) or at the police station after arrest (28%). In the discussion groups, similar divisions emerged. One strong consensus was the need for those charged with offences to be able to make fully informed decisions – based on the full facts and given a sense of the evidence that is going to be used against them. Offenders were often described as being in a vulnerable position when first brought into custody, and under a lot of pressure, possibly not in the best state to be making considered decisions. As such, the public were keen for those in custody to be given the opportunity to speak with their legal representatives before being given their ‘reasonable opportunity’ to make an early plea/admission.

Court door

For both the general public and many victims and witnesses (especially those who had been involved in comparatively less serious offences), sentence reductions for those entering a guilty plea at the court door or once the trial had begun were unpalatable. It was felt that a plea being changed at this stage indicated dishonesty; concerns about offenders playing the system were greatest at this stage.

I don't like the idea of changing your plea, the idea that you can change your plea promotes dishonesty.

General public, aged 22–40

You shouldn't be shown leniency if you make your plea at the end.

General public, aged 16–21

It was also felt that a plea at this late stage removed the factors which were considered by some to in part justify sentence reductions for guilty pleas: the victim/witness would still have undergone significant emotional cost preparing for the trial and monetary costs would still have been incurred.

At that point, I think they've gone too far ... at that point they'd given up all their rights because all the costs have gone into, at that stage, you've had witnesses called to the court, you've had Police called to court, expert witnesses. I think it's too late for them to say, all right, I can see the evidence is too much against me, I'll plead, at least I'll get my 10% off ... after the first time they go to Court, at that point I don't think there should be an entitlement to a reduction.

Victim

Victims and witnesses of less serious crime did not tend to consider the prospect of testifying to be as traumatic as those involved in more serious offences. Therefore, for this group, once it became clear that the case would go to court they actually wanted to testify as they felt they had prepared themselves to do so (even if an early guilty plea would have been preferable). This meant that they often found court door guilty pleas to be frustrating.

Alternatives to current reduction scale: one opportunity for a reduction

During the discussion groups, the public often suggested that guilty plea sentence reductions would be more palatable to them if there was only one opportunity for an offender to receive a reduction for entering a guilty plea. It was felt that this would stop offenders using the scale tactically in their interests and waiting until the court door to enter a guilty plea. However, there was lack of consensus around when this first opportunity should be available.

Generally, it was felt that it should be once an offender is aware of all evidence and has received legal advice, but not so late that it removes benefits such as victims and witnesses being spared the anxiety of testifying or any other savings. However, while this may be a popular notion with the public, analysis of offender interviews reveals that they would be

more likely to plead not guilty in order to assess whether or not the case was likely to go to trial and there was sufficient evidence to lead to a prosecution.

4.5 Circumstances in which offenders are seen as deserving or undeserving of guilty plea sentence reductions

As already highlighted, initial reactions from the public opposed a universal guilty plea reductions approach being applied to all sentences. Instead it was felt such reductions should be considered on a case by case basis. These findings around the desire for a 'case by case' approach to sentence severity and leniency mirror those found by Roberts et al (2009) in their quantitative survey of public attitudes towards sentencing. There were stringent boundaries and 'non-negotiable' factors identified from the discussions as to whom and what should be considered for guilty plea sentence discounts. The same factors were also mentioned by victims and witnesses.³⁹

Offence types

Generally, amongst both the public and victims and witnesses there was more acceptance of reductions for minor crimes or those without an obvious victim, as long as sentences were sufficient to act as a deterrent. Attitudes changed as offences became more serious; the key decider often being the 'human' element, for example, where offences involved significant physical or emotional harm to the victim(s) – another human being. Other research has found similar attitudes amongst the public, especially where harm to the victim occurred and where the victim was seen as being from a vulnerable group.⁴⁰ For serious offences, such as financial crimes, like large-scale fraud, that can carry significant custodial sentences, but where a less 'human' element was immediately visible to participants, there was considerably more support for discounts.

There was a strong level of agreement amongst the public, many victims and witnesses⁴¹ and many offenders that in no circumstances should offences that caused significant physical or mental harm (especially those with a lasting effect) qualify for any reduction. Chief amongst these were murder⁴² and sexual offences; in these instances the offence overrode any possible benefits of reductions.

If someone as a result has physically been harmed or killed or damaged and the rest of their lives have been affected, it doesn't matter what point they plead guilty, they should have to suffer the [full] consequences of their actions.

General public, aged 41–70

³⁹ Often when discussing these factors, victims and witnesses were referring to views on guilty plea reductions more generally, rather than in their own cases.

⁴⁰ In particular Roberts et al. (2009) found that when asked about serious crimes, members of the public felt that the main purpose of sentencing in such cases should be to punish the offender (as opposed to the purpose being to rehabilitate, for example). Specifically, this purpose came to be seen as the most important element of sentencing when violent crimes were involved with 92% of their sample stating that this should be the overriding priority.

⁴¹ On initial reading it may appear that this statement contradicts the finding that victims of more serious crimes often had more accepting attitudes towards reductions. It is important to note that this finding – that those who cause physical harm should not receive a reduction tended to be when it was discussed hypothetically amongst victims and witnesses of more minor crimes, e.g. when discussing wider circumstances outside their particular case that should and should not qualify.

⁴² By law, the sentence for murder is a life sentence. The court that imposes the sentence is required by law to set a minimum term that has to be served in prison before the Parole Board may start to consider whether to authorise release on licence. If an offender is released, the licence continues for the rest of the offender's life. The current guilty plea guideline states that it is appropriate to consider reducing the minimum term having regard to the plea of guilty; the reduction will not exceed one sixth and will never exceed five years. Where a court determines there should be a whole life term for murder there will be no reduction for a guilty plea.

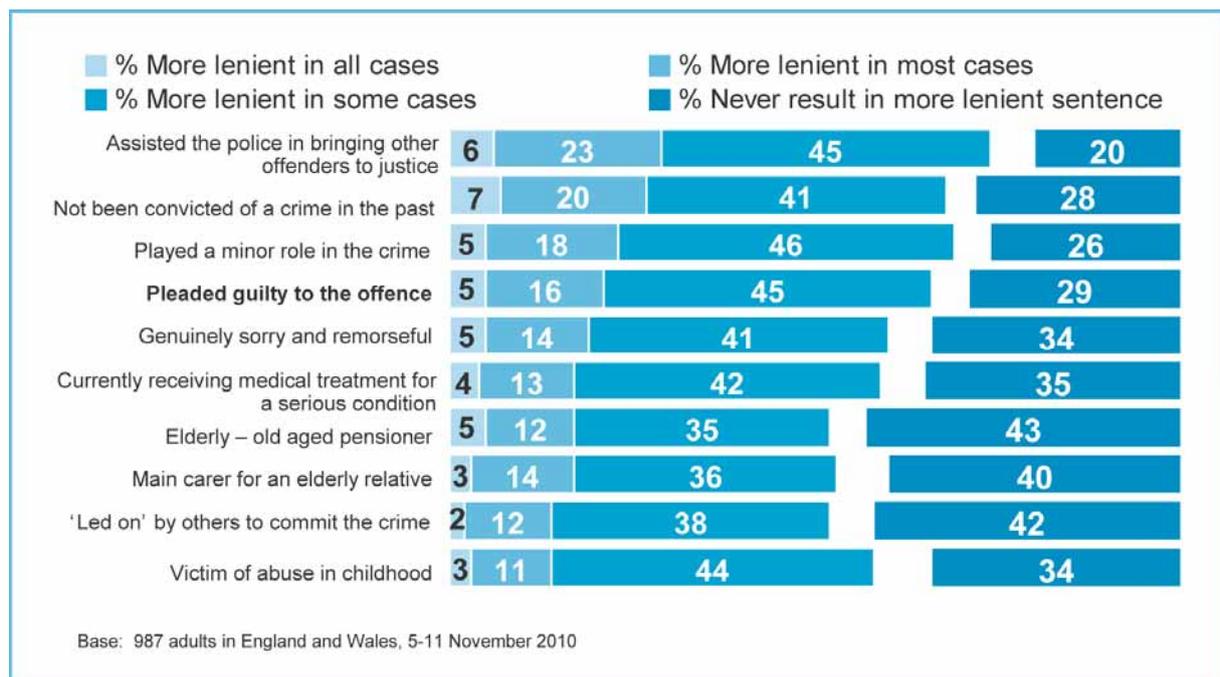
Findings from the quantitative survey supported this. When asked about people who have committed murder, most (68%) said they should not receive a reduced sentence for pleading guilty.

However, it should be noted that victims of more serious offences did not always echo the views that offences that cause significant harm should be excluded from any reduction (often because their strong desire to avoid the court process means that they may be more accepting of reductions, as discussed in detail in chapter 2).⁴³

Offender types

Views also varied according to offender type. Figure 4.3 shows the public response to a range of circumstances in which reductions may be given, some of which relate to offender characteristics. Whilst just one in five (21%) members of the public stated that a more lenient sentence should be offered in **most or all** instances of a defendant pleading guilty, consideration around some aspects of offender behaviour emerged as important. For instance, offenders who assist the police in bringing others to justice (29%), and those who had not been convicted of a crime in the past (26%)⁴⁴ were seen as more deserving of reductions in most or all cases.

Figure 4.3 General public views on whether characteristics of offenders justify a more lenient sentence⁴⁵



Similar factors were mentioned during group discussions with the public and interviews with victims and witnesses. Where the offence was not serious, and the perpetrator was a first time offender, then a sentence reduction was more palatable. In some instances, first time

⁴³ This is based on a small number of interviews.

⁴⁴ The difference here compared to 27% when these two response categories are split out in the chart is due to rounding.

⁴⁵ Ipsos MORI General Public Survey Q10 "Some characteristics of the offender may justify a more lenient sentence. I am going to read out some statements about the offender. For each statement, should this result in a more lenient sentence in all, most or some cases? Or should it never result in a more lenient sentence?"

young offenders were mentioned where a sentence discount based upon an early plea of guilt would be more acceptable.

If it is someone younger, they are scared and will never do it again...in that situation it may work.

General public, aged 22–40

Repeat offenders were not seen as deserving of reductions regardless of the offence type. This was often underpinned by a cynicism that such offenders would simply use this principle to 'play the system', and that it reduced the deterrent effect of sentencing.

People will keep coming back and offending. This takes up our time, the police time and the courts' time. If he was in prison for an extra period, it would save us time.

Witness

Motive and remorse

When deciding on the acceptability of offering a discount, the motive behind the offence as well as the offender's reasons for pleading guilty were deemed to be important considerations. Where the motive was to intentionally cause harm there was broad agreement that such cases should not be eligible for a discount; however some motives were considered more 'legitimate', even if the crime itself was of a serious nature.

If a woman's been abused by her husband and lashes out – she should be dealt with differently.

General public, aged 22–40

Many members of the general public and victims and witnesses initially expressed the view that those who displayed genuine remorse for the behaviour should get a reduction in their sentence for pleading guilty.⁴⁶ However, while entering a plea at the earliest opportunity was seen as a 'test' of remorse, there was cynicism that genuine remorse was difficult to judge.

For those who are genuinely remorseful it's [a sentence reduction for guilty plea] fine.

Victim

People can be very good at saying sorry if they feel it will benefit them.

General public, aged 22–40

Similarly, other research has also identified the importance of mitigating factors in relation to public attitudes towards sentencing. In their survey, Roberts et al., (2009) identified that the public were less severe in their attitudes **in some cases**, towards offences that were either 'committed in an emergency', where the offender had no prior convictions, where the offender role in the crime was minor. This survey also found that remorse was an important consideration for their respondents when considering sentence leniency. This led to the authors reflecting that "*Survey and focus group participants displayed an interest in the particular circumstances of offences, and did not make categorical judgements on crime seriousness alone*" (Roberts et al., 2009:8). These similar results therefore add rigour to the findings identified in this report, indicating that public attitudes towards sentencing generally, as well as attitudes to guilty plea sentence reductions, can vary, and even be less punitive, when other factors are taken into consideration.

⁴⁶ While the issue of remorse did not seem to emerge as being as important as other factors in terms of the survey findings, those who took part in the qualitative interviews had more time to deliberate on the issue of remorse, and as such this issue came out more strongly in discussions.

5. Offender motivations

This section focuses on the views of offenders interviewed both in prisons and serving sentences in the community. We examine motives for entering pleas and views towards the impact of sentence reductions as an incentive to enter a guilty plea at an early stage. As highlighted in the introduction, as the sample of offenders included in this study was small and largely involved those in custody, findings should not be considered representative of the views of all offenders.

5.1 What are the key ‘tipping points’ in encouraging early guilty pleas?

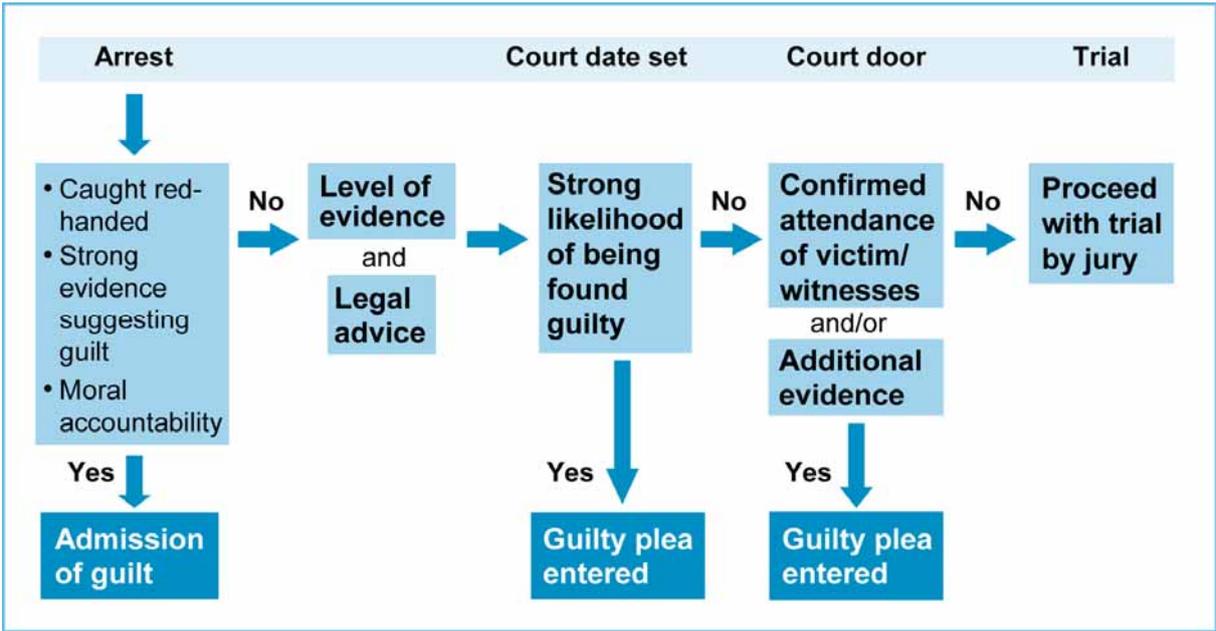
The main factor determining whether or not offenders plead guilty was the likelihood of being found guilty at trial. The key ‘tipping point’ here was when offenders realised that the chances of them being found guilty were greater than being found not guilty.

If the chances are you are going to get found guilty then go guilty and get your third off.

Offender

Weight of evidence and advice from solicitors/barristers were pivotal in offenders’ assessments of whether they were likely to be found guilty and therefore crucial in determining when an early guilty plea was entered. For a large number of offenders, decisions as to whether to enter a guilty plea were only made after they had judged the level of evidence against them and/or took on board the legal advice they had been given. If offenders judged that based on these factors the likelihood of conviction was low, they were unlikely to enter a guilty plea. However, as shown in figure 5.1, they would re-assess their plea decision if there was a shift in the likelihood of them being found guilty during the course of the case.

Figure 5.1 Reasons for offenders entering a guilty plea at various points in the process (for cases going to the Crown Court)



Evidence

In cases where offenders realised early on that prosecution evidence was strong, the guilty plea was entered at the earliest possible point.

I was caught at the scene of the crime anyway, so it was either go not guilty and try and fight the system which wasn't going to work because they had evidence, they had a witness, the victim was there.

Offender

Some offenders interviewed had waited until later in the process before deciding whether to enter a guilty plea as they were unsure of the weight of evidence. However, as soon as it became apparent that the evidence would most likely lead to a conviction, a guilty plea was entered.

I wanted to know what kind of evidence they had like, and then obviously because they had saliva, I had to go guilty at that point.

Offender

Linked to the importance of evidence, one offender mentioned waiting until the trial started to see if witnesses attended the trial. Their view was that the absence of the witness would weaken the prosecution, but that witnesses testifying heightened the probability of being found guilty and therefore a guilty plea was entered at this point.

Sometimes I have said not guilty just to see what would happen and if they [the witnesses] would turn up at court, and if they turn up at court it is a guilty plea straight in. If they don't turn up you've got a stronger case of being not guilty and if you go not guilty.

Offender

Legal Advice

The majority of offender interviews highlighted the importance of legal advice from solicitors/barristers in helping offenders decide whether to enter a guilty plea. Solicitors and barristers were identified by many offenders as being the definitive source on the likely outcome of their case, and as such, high premium was bestowed upon their advice. For many offenders, there was a clear sense that their actions over guilty pleas were largely determined by this advice.

I always make my decision on what they say. When I asked my barrister what my chances were of being found guilty and he said a very good chance I pleaded guilty, 'cause you are going to get longer aren't you.

Offender

When my solicitor told me about it [the evidence]...He's saying "right, if we plead guilty on this from what evidence I have seen in the police station, CCTV footage, caught bang to rights then you will get a third off if you plead guilty at the earliest stage".

Offender

5.2 How much of a role does the discount have in encouraging an early guilty plea?

The reduction acts as the key incentive for offenders to indicate a guilty plea, but only at the point at which it becomes obvious to them that they are likely to be found guilty. Whilst offenders mentioned a range of reasons for pleading guilty (including a desire to do the right thing), if they thought they would be convicted their primary focus appeared to move to securing the shortest sentence length possible.

That third is the biggest incentive going to plead guilty. Without that you might as well run a trial.

Offender

The reduction of one third is a big plus. It does help people go guilty a lot quicker.

Offender

The research found though that in instances where offenders felt there was a sufficient chance of being found not guilty, the sentence reduction was not really a consideration – even where the offender knew their own guilt. Offenders that held off pleading until a later stage or pleaded not guilty throughout were generally aiming to be found innocent and so were not, at that stage, considering receiving a sentence of any type, with or without a reduction for entering a guilty plea.

However, the importance of having a reduction available to those who do plead at a later stage was highlighted. It was noted that without the prospect of a sentence reduction there was no incentive not to take a case to trial, even if evidence was in place to secure a conviction. Therefore whilst later reductions (e.g. at the court door) are unpopular with the public and some victims and witnesses, it appears that they may be necessary in preventing more offenders taking the case through the trial process.

If there isn't credit, what's the point of pleading guilty? If there a 0.1% chance that you are going to get off with it you never know. Why not run a trial? If you run a trial, maybe, just maybe you are going to get off.

Offender

Impact of possible sentence length on likelihood of entering a guilty plea

Some offenders in this study said that if they were facing significant sentence lengths they would be particularly likely to defer entering a guilty plea until later in the process in the hope of being found not guilty. In these instances, the discount appeared to act as less of an incentive as offenders reasoned that the sentence would be sizeable even with the discount.

If you are going to get 10 or 12 years then personally it is worth running the risk because they would still get a long sentence with the discount anyway.

Offender

5.3 Importance of size of the reduction in encouraging earlier guilty pleas

Offenders in this study, on the whole, tended to be satisfied with current sentence reductions that were in place, as the discount of one third was deemed to be substantial.

Offenders were asked their views on whether increasing the reduction to larger than a third would act as a greater incentive for early guilty pleas. It should be noted that offenders did not spontaneously mention the need for greater sentence reductions; in fact some were

dubious as to whether this could happen or surprised that this had been suggested. However, perhaps unsurprisingly, most felt that this would be a good idea.

I think everyone [offenders] would throw their hands up if they were going to get a lesser sentence [bigger reduction beyond one third] if you know what I mean.

Offender

However, offenders stating that increasing the discount would be more likely to encourage an early guilty plea tended to be those who had made an early guilty plea anyway. Given this, it was difficult to ascertain if there was a point at which the reduction would be considered large enough that it would act as a tipping point to encourage more offenders to plead early; these offenders were talking hypothetically rather than providing insight based on their own behaviour.⁴⁷ Therefore, there was little evidence from the research that increasing the reduction further would encourage more offenders to plead guilty at an earlier stage given the reduction only becomes a driver of entering a guilty plea at such a point that an offender considers a conviction to be the likely outcome.

5.4 What would incentivise an earlier guilty plea?

A small number of offenders said that the possibility of being guaranteed a non-custodial sentence would possibly have encouraged them to submit a guilty plea earlier. For these offenders, avoiding losing their freedom was therefore a crucial 'tipping point' in terms of what would heighten the likelihood of entering a guilty plea at the first possible opportunity. As the majority of offenders interviewed received a custodial sentence there was not much awareness of whether this would happen in practice. However, for an offender serving a community sentence, avoiding a custodial sentence by entering a guilty plea had been a consideration. This offender believed⁴⁸ that entering a guilty plea at this point had made the judge look more favourably on them and as a result had made the difference between them being handed a community rather than custodial sentence.⁴⁹

5.5 Other factors considered when deciding to enter a guilty plea

Other factors that encouraged offenders to enter a guilty plea earlier included preferring to be sentenced rather than serving part of their sentence on remand⁵⁰ and also the desire for swift justice.

I just like it all to be over and done with instead of like trying to drag it out and get your remand time and that, I'm not that bothered.

Offender

If I've done something [an offence], I've done it.

Offender

⁴⁷ To explore the extent to which a higher proportion reduction would encourage an earlier guilty plea, more prompts on this were written into the guide for the last few offender interviews. However, these interviews were with offenders who had either put in a guilty plea at the first opportunity or maintained their innocence and as such they could not comment on this from their own experiences.

⁴⁸ This was based on the offender's own perceptions.

⁴⁹ This is indicative only as it emerged through the only interview with an offender on a purely community based sentence. Therefore it is difficult to determine how widely this view was held amongst offenders on community sentences.

⁵⁰ Being held on remand was not a popular outcome for offenders interviewed as part of this research as there was awareness that being held in custody on such terms denied them access to various programmes, including drug treatment.

Some of the considerations and perceived benefits of guilty plea reductions that held most salience with the public and victims and witnesses were also mentioned by offenders. For instance, some recognised that they had avoided wasting court time and resources by entering a guilty plea. However this was only a motivation for a small number of those we spoke to and, where mentioned, it was felt that this could potentially contribute towards the Judge looking favourably on them.

The extent to which victims and witnesses were considered was mixed. In many interviews, it became clear that the victim played a secondary, if any, role in decisions made around entering a guilty plea. Indeed, for a large number of those interviewed, it was only mentioned following a prompt by the interviewer. Only in a small minority of cases did the offenders report considering the impact of their crime on the victim.

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Appendix 1: General public survey topline findings

A note on reading the results: The code options in bold at each question (e.g. confident/not confident or agree/disagree) were not asked on the questionnaire. Instead they are combination figures for analysis and reporting purposes. They are the sum of two or more individual codes (e.g. the 'confident' combination code is the sum of 'very confident and 'fairly confident'). The combination code may not exactly match the sum of the percentages of the individual codes due to rounding – i.e. totals are rounded after summing the unrounded individual codes.

Findings are based on 987 adults (aged 15+) across England and Wales. Fieldwork took place 5–11 November 2010.

		Total
	Base size (all):	987
Q.TH01	How confident are you that the criminal justice system is effective in bringing people who commit crimes to justice?	
	Very confident	4%
	Fairly confident	41%
	Not very confident	35%
	Not at all confident	18%
	Don't know	3%
	Confident (very and fairly)	45%
	Not confident (not very and not at all)	52%
	Net confident (confident minus not confident)	-7%
	Base size (all):	987
Q.TH02	And how confident are you that the criminal justice system as a whole is fair?	
	Very confident	5%
	Fairly confident	43%
	Not very confident	34%
	Not at all confident	16%
	Don't know	2%
	Confident (very and fairly)	48%
	Not confident (not very and not at all)	50%
	Net confident (confident minus not confident)	-2%
	Base size (all):	987
Q.TH03	How informed do you feel, if at all, about the sentences given to people convicted of crime in England and Wales?	
	Very informed	3%
	Fairly informed	32%
	Not very informed	48%
	Not at all informed	15%
	Don't know	2%
	Informed (very and fairly)	35%
	Not informed (not very and not at all)	63%
	Net informed (informed minus not informed)	-27%

		Total
	Base size (all):	987
Q.TH04	<p>And to what extent are you interested in hearing about what sentences are given to people convicted of crime in England and Wales?</p> <p>Very interested Fairly interested Not very interested Not at all interested Don't know</p> <p><i>Interested (very and fairly)</i> <i>Not interested (not very and not at all)</i> <i>Net interested (interested minus not interested)</i></p>	<p>17% 48% 25% 8% 1%</p> <p>65% 34% 31%</p>
	Base size (all):	987
Q.TH05	<p>In general, would you say that sentences handed down by the courts, that is both the Crown Court and magistrates' courts, are too tough, about right, or too lenient?</p> <p>Much too tough A little too tough About right A little too lenient Much too lenient Don't know</p> <p><i>Tough (much too and a little)</i> <i>Lenient (a little too and much too)</i> <i>Net tough (tough minus lenient)</i></p>	<p>1% 3% 23% 37% 28% 10%</p> <p>3% 65% -62%</p>
	Base size (all):	987
Q.TH06_1	<p>I would now like to read you a couple of statements about the sentencing of offenders. For each one, please can you tell me whether you think it is true or false, to the best of your knowledge.</p> <p>(A) Offenders who are convicted for the first time receive a less severe sentence than offenders who have been convicted of crimes in the past.</p> <p>Definitely true Probably true Probably false Definitely false Don't know</p> <p><i>True (definitely plus probably true)</i> <i>False (probably plus definitely false)</i> <i>Net true (true minus false)</i></p>	<p>23% 58% 9% 3% 7%</p> <p>81% 12% 69%</p>

		Total
	Base size (all):	987
Q.TH06_2	<p>(B) Offenders who plead guilty receive a less severe sentence than offenders who plead not guilty but who are found guilty at trial.</p> <p>Definitely true</p> <p>Probably true</p> <p>Probably false</p> <p>Definitely false</p> <p>Don't know</p> <p><i>True (definitely plus probably true)</i></p> <p><i>False (probably plus definitely false)</i></p> <p><i>Net true (true minus false)</i></p>	<p>29%</p> <p>55%</p> <p>7%</p> <p>2%</p> <p>7%</p> <p>84%</p> <p>9%</p> <p>75%</p>
	Base size (all):	987
Q.TH07	<p>As far as you know, when is the first reasonable opportunity at which an offender can indicate their intention to plead guilty?</p> <p>At their first court appearance when they are formally charged and asked for their plea</p> <p>At the point at which they are arrested</p> <p>At the police station after arrest</p> <p>After they have been charged but before a trial date has been set</p> <p>After they have been charged and a trial date has been set, but before the start of the trial</p> <p>On the day of the trial, when asked for their plea</p> <p>On the day of the trial, but before the trial has begun</p> <p>Other (specify)</p> <p>Don't know</p>	<p>29%</p> <p>28%</p> <p>26%</p> <p>5%</p> <p>2%</p> <p>1%</p> <p>1%</p> <p>0%</p> <p>8%</p>
	Base size (all):	987
Q.TH08	<p>To what extent do you agree or disagree that offenders who indicate their intention to plead guilty at the first reasonable opportunity should get a bigger reduction to their sentence than those who plead guilty at a later stage?</p> <p>Strongly agree</p> <p>Somewhat agree</p> <p>Neither agree nor disagree</p> <p>Somewhat disagree</p> <p>Strongly disagree</p> <p>No reduction should be offered for a guilty plea</p> <p>Don't know</p> <p><i>Agree (strongly plus somewhat agree)</i></p> <p><i>Disagree (somewhat plus strongly disagree)</i></p> <p><i>Net agree (agree minus disagree)</i></p>	<p>8%</p> <p>32%</p> <p>20%</p> <p>16%</p> <p>12%</p> <p>9%</p> <p>4%</p> <p>40%</p> <p>28%</p> <p>12%</p>

		Total
	Base size (all):	987
Q.TH09A	What percentage or proportion do you think they get taken off their sentence if they plead guilty at the first opportunity?	
	0%	13%
	1-9%	7%
	10-19%	17%
	20-29%	25%
	30-39%	8%
	40-49%	2%
	50-59%	5%
	60-69%	1%
	70-79%	0%
	80-89%	0%
	90-100%	0%
	Don't know	23%
	<i>Mean</i>	17.82
	<i>Standard error</i>	0.53
	0%/no reduction	13%
	1-10%	22%
	11-25%	27%
	26-33%	7%
	34-50%	7%
	51-67%	1%
	68-100%	0%
	Don't know	23%
	Base size (all):	987
Q.TH09B	Why do you think the courts would give lower sentences to offenders who plead guilty?	
	Saves time/court time/police time/speeds up justice system	31%
	Saves on costs/money/taxpayers' money	31%
	Admission of guilt/owning up to the crime	15%
	Truth is told/encourages/rewards honesty	7%
	Remorse is shown	5%
	Less work/paperwork/easier/less trouble/effort	5%
	Sentences should not be lowered	4%
	Prisons are overcrowded/reduce prison population	3%
	Saves victim/witnesses going to court	2%
	Depends on the crime/circumstances	2%
	Makes sense/to show leniency/suits the system/to give people a chance/rehabilitate	2%
	Incentivise/encourage them/others to do the same	1%
	Stops re-offenders	1%
	Other	2%
	Don't know	22%

		Total
	Base size (all who provide answer as to why courts give lower sentences):	766
Q.TH09C	And how confident are you in that answer? Very confident Fairly confident Not very confident Not at all confident Don't know Confident (very and fairly) Not confident (not very and not at all) Net confident (confident minus not confident)	29% 54% 14% 1% 2% 83% 15% 69%
	Base size (all):	987
Q.TH10_1	For each statement, should this result in a more lenient sentence in all, most or some cases? Or should it never result in a more lenient sentence? A1. Offender has not been convicted of a crime in the past Should result in a more lenient sentence in all cases Should result in a more lenient sentence in most cases Should result in a more lenient sentence in some cases Should never result in a more lenient sentence Don't know More lenient in all/most cases	7% 20% 41% 28% 5% 26%
	Base size (all):	987
Q.TH10_2	A2. Offender is genuinely sorry and remorseful. Should result in a more lenient sentence in all cases Should result in a more lenient sentence in most cases Should result in a more lenient sentence in some cases Should never result in a more lenient sentence Don't know More lenient in all/most cases	5% 14% 41% 34% 6% 19%
	Base size (all):	987
Q.TH10_3	A3. Offender pleaded guilty to the offence. Should result in a more lenient sentence in all cases Should result in a more lenient sentence in most cases Should result in a more lenient sentence in some cases Should never result in a more lenient sentence Don't know More lenient in all/most cases	5% 16% 45% 29% 5% 21%
	Base size (all):	987
Q.TH10_4	A4. Offender played a minor role in the crime. Should result in a more lenient sentence in all cases Should result in a more lenient sentence in most cases Should result in a more lenient sentence in some cases Should never result in a more lenient sentence Don't know More lenient in all/most cases	5% 18% 46% 26% 5% 22%

		Total
	Base size (all):	987
Q.TH10_5	A5. Offender is elderly – an old aged pensioner. Should result in a more lenient sentence in all cases Should result in a more lenient sentence in most cases Should result in a more lenient sentence in some cases Should never result in a more lenient sentence Don't know More lenient in all/most cases	5% 12% 35% 43% 5% 17%
	Base size (all):	987
Q.TH10_6	A6. Offender was victim of abuse in childhood. Should result in a more lenient sentence in all cases Should result in a more lenient sentence in most cases Should result in a more lenient sentence in some cases Should never result in a more lenient sentence Don't know More lenient in all/most cases	3% 11% 44% 34% 8% 14%
	Base size (all):	987
Q.TH10_7	A7. Offender has assisted the police in bringing other offenders to justice. Should result in a more lenient sentence in all cases Should result in a more lenient sentence in most cases Should result in a more lenient sentence in some cases Should never result in a more lenient sentence Don't know More lenient in all/most cases	6% 23% 45% 20% 5% 29%
	Base size (all):	987
Q.TH10_8	A8. Offender is currently receiving medical treatment for a serious condition. Should result in a more lenient sentence in all cases Should result in a more lenient sentence in most cases Should result in a more lenient sentence in some cases Should never result in a more lenient sentence Don't know More lenient in all/most cases	4% 13% 42% 35% 6% 17%
	Base size (all):	987
Q.TH10_9	A9. Offender was 'led on' by others to commit the crime. Should result in a more lenient sentence in all cases Should result in a more lenient sentence in most cases Should result in a more lenient sentence in some cases Should never result in a more lenient sentence Don't know More lenient in all/most cases	2% 12% 38% 42% 5% 15%

		Total
	Base size (all):	987
Q.TH10_10	<p>A10. Offender is the main carer for an elderly relative.</p> <p>Should result in a more lenient sentence in all cases</p> <p>Should result in a more lenient sentence in most cases</p> <p>Should result in a more lenient sentence in some cases</p> <p>Should never result in a more lenient sentence</p> <p>Don't know</p> <p><i>More lenient in all/most cases</i></p>	<p>3%</p> <p>14%</p> <p>36%</p> <p>40%</p> <p>6%</p> <p>17%</p>
	Base size (all):	987
Q.TH11_1	<p>To what extent do you agree or disagree with the following statement.</p> <p>(A) Offenders who plead guilty at the first opportunity save the country money by saving the cost of a police investigation and subsequent trial. We should therefore offer offenders a more lenient sentence to encourage those who really are guilty to plead guilty.</p> <p>Strongly agree</p> <p>Somewhat agree</p> <p>Neither agree nor disagree</p> <p>Somewhat disagree</p> <p>Strongly disagree</p> <p>Don't know</p> <p><i>Agree (strongly plus somewhat agree)</i></p> <p><i>Disagree (somewhat plus strongly disagree)</i></p> <p><i>Net agree (agree minus disagree)</i></p>	<p>12%</p> <p>41%</p> <p>15%</p> <p>14%</p> <p>15%</p> <p>4%</p> <p>53%</p> <p>28%</p> <p>24%</p>
	Base size (all):	987
Q.TH11_2	<p>(B) Offenders who plead guilty at the first opportunity save victims and witnesses having to come to court to give evidence at trial. We should therefore offer offenders a shorter sentence to encourage them to plead guilty.</p> <p>Strongly agree</p> <p>Somewhat agree</p> <p>Neither agree nor disagree</p> <p>Somewhat disagree</p> <p>Strongly disagree</p> <p>Don't know</p> <p><i>Agree (strongly plus somewhat agree)</i></p> <p><i>Disagree (somewhat plus strongly disagree)</i></p> <p><i>Net agree (agree minus disagree)</i></p>	<p>11%</p> <p>42%</p> <p>15%</p> <p>15%</p> <p>15%</p> <p>3%</p> <p>53%</p> <p>30%</p> <p>23%</p>

		Total
	Base size (all):	987
Q.TH11_3	<p>(C) The fact that an offender pleads guilty does not change the seriousness of the crime they have committed. Therefore, offenders who plead guilty should get the same sentence as those who plead not guilty but who are found guilty after a criminal trial.</p> <p>Strongly agree Somewhat agree Neither agree nor disagree Somewhat disagree Strongly disagree Don't know</p> <p><i>Agree (strongly plus somewhat agree)</i> <i>Disagree (somewhat plus strongly disagree)</i> <i>Net agree (agree minus disagree)</i></p>	<p>21% 31% 17% 21% 7% 3%</p> <p>52% 28% 25%</p>
	Base size (all):	987
Q.TH12	<p>Why do you believe that offenders who plead guilty should get a less severe sentence?</p> <p>Is it primarily because it saves the cost of a trial Is it primarily because it saves the cost of a police investigation Is it primarily because it saves victims and witnesses from having to give evidence at trial Don't know</p>	<p>33% 21% 40% 6%</p>
	Base size (all):	987
Q.TH13	<p>Offenders who plead guilty save the criminal justice system the costs of conducting a trial. For example, on average, the cost of a trial in the Crown Court is £20,000. They also free the court up to try other cases. In addition, if the offender pleads guilty, victims and witnesses do not have to come to court to give evidence. In your view, which of the following reductions, if any, is appropriate for offenders who plead guilty?</p> <p>No reduction About 10% About a quarter About a third About 40% About a half More than half Don't know</p> <p><i>Mean</i> <i>Standard error</i> Less than a third (net) More than a third (net)</p>	<p>20% 29% 21% 15% 3% 3% 1% 8%</p> <p>17.69 0.48 71% 21%</p>

		Total
	Base size (randomly selected half of all respondents):	491
Q.TH14A	<p>Now I would like to ask you to consider the sentence appropriate for a specific case. John Smith has been charged with a serious fraud. He worked in an accountancy firm and is alleged to have defrauded his employer of several million pounds. If he were to plead guilty, he would be sentenced without the need for a trial, and the victim (his employer) and many other witnesses will not have to attend court and give evidence.</p> <p>If John Smith pleads guilty he will expect to receive a shorter sentence than if he is convicted after a lengthy trial. In your view, what reduction to John Smith's sentence, if any, is appropriate if he decides to plead guilty?</p>	
	0%	29%
	1–9%	8%
	10–19%	20%
	20–29%	18%
	30–39%	7%
	40–49%	3%
	50–59%	2%
	60–69%	1%
	70–79%	0%
	80–89%	0%
	90–100%	0%
	Don't know	10%
	<i>Mean</i>	13.6
	<i>Standard error</i>	0.71
	0%/no reduction	29%
	1–10%	27%
	11%–25%	20%
	26%–33%	6%
	34%–50%	6%
	51%–67%	2%
	68%–100%	0%
	<i>Don't know</i>	10%

		Total
	Base size (randomly selected half of all respondents):	496
Q.TH14B	<p>Now I would like to ask you to consider the sentence appropriate for a specific case. John Smith has been charged with a serious fraud. He worked in an accountancy firm and is alleged to have defrauded his employer of several million pounds. If he were to plead guilty, he would be sentenced without the need for a trial, and the victim (his employer) and many other witnesses will not have to attend court and give evidence. In addition, there will be no need for a lengthy and complex trial and the justice system will save approximately £400,000.</p> <p>If John Smith pleads guilty he will expect to receive a shorter sentence than if he is convicted after a lengthy trial. In your view, what reduction to John Smith's sentence, if any, is appropriate if he decides to plead guilty?</p>	
	0%	22%
	1–9%	5%
	10–19%	21%
	20–29%	22%
	30–39%	12%
	40–49%	3%
	50–59%	3%
	60–69%	0%
	70–79%	0%
	80–89%	0%
	90–100%	0%
	Don't know	12%
	<i>Mean</i>	16.42
	<i>Standard error</i>	0.71
	0%/no reduction	22%
	1–10%	22%
	11%–25%	25%
	26%–33%	11%
	34%–50%	7%
	51%–67%	0%
	68%–100%	0%
	<i>Don't know</i>	12%

		Total
	Base size (randomly selected half of all respondents):	512
Q.TH15A	<p>Now I would like to ask you to consider the sentence for a further case. Philip Jones has been charged with a serious assault. He allegedly attacked an innocent member of the public in a pub causing lasting injuries to the victim. If he were to plead guilty he would be sentenced without the need for a trial. This would mean that the victim, who is trying to forget about the crime and get on with his life, as well as several witnesses, will not have to attend and give evidence. In addition, there will be no need for a trial and the justice system will save approximately £45,000.</p> <p>If Philip Jones pleads guilty he will expect to receive a shorter sentence than if he is convicted after a trial. In your view, what reduction to Philip Jones's sentence, if any, is appropriate if he decides to plead guilty?</p>	
	0%	30%
	1–9%	7%
	10–19%	24%
	20–29%	16%
	30–39%	8%
	40–49%	2%
	50–59%	3%
	60–69%	1%
	70–79%	0%
	80–89%	0%
	90–100%	0%
	Don't know	11%
	<i>Mean</i>	12.86
	<i>Standard error</i>	0.67
	0%/no reduction	30%
	1–10%	28%
	11%–25%	18%
	26%–33%	7%
	34%–50%	5%
	51%–67%	1%
	68%–100%	0%
	<i>Don't know</i>	11%

		Total
	Base size (randomly selected half of all respondents):	475
Q.TH15B	<p>Now I would like to ask you to consider the sentence for a further case. Philip Jones has been charged with a serious assault. He allegedly attacked an innocent member of the public in a pub causing lasting injuries to the victim. If he were to plead guilty he would be sentenced without the need for a trial. This would mean that the victim, who is trying to forget about the crime and get on with his life, as well as several witnesses, will not have to attend and give evidence.</p> <p>If Philip Jones pleads guilty he will expect to receive a shorter sentence than if he is convicted after a trial. In your view, what reduction to Philip Jones's sentence, if any, is appropriate if he decides to plead guilty?</p>	
	0%	30%
	1–9%	9%
	10–19%	21%
	20–29%	18%
	30–39%	7%
	40–49%	2%
	50–59%	1%
	60–69%	0%
	70–79%	0%
	80–89%	0%
	90–100%	0%
	Don't know	12%
	<i>Mean</i>	11.75
	<i>Standard error</i>	0.63
	0%/no reduction	30%
	1–10%	28%
	11%–25%	20%
	26%–33%	7%
	34%–50%	3%
	51%–67%	1%
	68%–100%	0%
	<i>Don't know</i>	12%

		Total
	Base size (randomly selected half of all respondents):	513
Q.TH16A	<p>Jake Barnes has been charged with rape. If there is a trial, the victim and several witnesses will have to attend and give evidence. The victim in this case does not wish to give evidence at the trial. If she is required to give evidence, the victim will be forced to relive in court a very unhappy and distressful experience.</p> <p>If Jake Barnes pleads guilty, there will be no trial and the victim will not have to give evidence. In your view, what reduction to Jake Barnes' sentence, if any, is appropriate if he decides to plead guilty?</p>	
	0%	43%
	1–9%	8%
	10–19%	19%
	20–29%	9%
	30–39%	5%
	40–49%	1%
	50–59%	1%
	60–69%	1%
	70–79%	0%
	80–89%	0%
	90–100%	0%
	Don't know	14%
	<i>Mean</i>	8.65
	<i>Standard error</i>	0.63
	0%/no reduction	43%
	1–10%	25%
	11%–25%	11%
	26%–33%	5%
	34%–50%	1%
	51%–67%	1%
	68%–100%	1%
	<i>Don't know</i>	14%

		Total
	Base size (randomly selected half of all respondents):	449
Q.TH16B	<p>Jake Barnes has been charged with rape. If there is a trial, the victim and several witnesses will have to attend and give evidence. The victim in this case does not wish to give evidence at the trial. If she is required to give evidence, the victim will be forced to relive in court a very unhappy and distressful experience. If Jake Barnes pleads guilty, there will be no trial and the victim will not have to give evidence. In addition, if Jake Barnes pleads guilty there will be no need for an investigation or a trial and the justice system will save approximately £45,000.</p> <p>In your view, what reduction to Jake Barnes' sentence, if any, is appropriate if he decides to plead guilty?</p> <p>0% 43%</p> <p>1–9% 5%</p> <p>10–19% 16%</p> <p>20–29% 12%</p> <p>30–39% 7%</p> <p>40–49% 1%</p> <p>50–59% 2%</p> <p>60–69% 0%</p> <p>70–79% 0%</p> <p>80–89% 0%</p> <p>90–100% 1%</p> <p>Don't know 14%</p> <p><i>Mean</i> 10.49</p> <p><i>Standard error</i> 0.76</p> <p>0%/no reduction 43%</p> <p>1–10% 19%</p> <p>11%–25% 14%</p> <p>26%–33% 6%</p> <p>34%–50% 4%</p> <p>51%–67% 0%</p> <p>68%–100% 1%</p> <p><i>Don't know</i> 14%</p>	
	Base size (all):	987
Q.TH17	<p>Which of the following statements comes closest to your opinion?</p> <p>Offenders convicted of murder should receive no discount for pleading guilty because the offence is so serious 68%</p> <p>Offenders convicted of murder should receive a smaller discount (of less than a third) for pleading guilty because although the crime is very serious, the cost of a trial will be saved and the victim's family will be spared from going through a trial 15%</p> <p>Offenders convicted of murder should receive the usual discount (of up to a third), because this saves the state the cost of a trial and spares the victim's family from going through a trial 11%</p> <p>Don't know 5%</p>	

		Total
	Base size (all):	987
Q.TH18	<p>Currently offenders who plead guilty at the first reasonable opportunity can expect to have their sentence reduced by around a third. If a larger reduction was offered, this may encourage more offenders to plead guilty at the earliest opportunity. On the other hand some people would say that increasing the discount was inappropriate. To what extent do you agree or disagree that the reduction in sentence length should be increased from a third if an offender pleads guilty at the earliest reasonable opportunity?</p> <p>Strongly agree Somewhat agree Neither agree nor disagree Somewhat disagree Strongly disagree Don't know</p> <p><i>Agree (strongly plus somewhat agree) 22%</i> <i>Disagree (somewhat plus strongly disagree) 58%</i> <i>Net agree (agree minus disagree) -35%</i></p>	<p>3% 20% 15% 22% 36% 5%</p>
	Base size (all):	987
Q.TH19	<p>Have you been a victim of crime within the past year?</p> <p>Yes No Don't know Refused</p>	<p>8% 92% 0% 0%</p>
	Base size (all):	81
Q.TH19A	<p>Was it...?</p> <p>A crime involving property A crime of violence Other Don't know Refused</p>	<p>68% 23% 9% 0% 0%</p>
	Base size (all):	987
Q.TH20	<p>How much of a problem, if at all, is crime in your local area?</p> <p>Very big problem Fairly big problem Not a very big problem Not a problem at all Don't know</p> <p><i>A problem (very big problem plus fairly big problem) 21%</i> <i>Not a problem (not a very big problem plus not a problem) 78%</i> <i>Net problem (a problem minus not a problem) -57%</i></p>	<p>4% 17% 62% 16% 2%</p>

	Base size (all):	Total
		987
Demogs		
Sex		
Male		50%
Female		50%
Age		
15–24		15%
25–34		17%
35–44		19%
45–54		14%
55–64		15%
65+		20%
Social grade		
AB		27%
C1		26%
C2		23%
DE		24%
ACORN		
Wealthy achievers		22%
Urban prosperity		12%
Comfortably off		26%
Moderate means		18%
Hard pressed		22%
Working status		
Working		55%
Not working		45%
Education		
GCSE/O-Level/CSE/NVQ12		32%
A-Level or equivalent		15%
Degree/Masters/PHD		27%
No Formal Qualification		16%
Geographical region		
North		26%
Midlands		28%
South		31%
London		15%
Income		
Up to £11,499		17%
£11,500–£24,999		22%
£25,000 plus		30%
Don't know		12%
Refused		20%
Interviewee chief income earner		
Yes		63%
No		38%
Children in household		
Yes		35%
No		65%
Daily newspaper readership		
Quality		13%
Popular		32%

Appendix 2: General public discussion guide and case studies

Research with the general public aims to:

- Understand overall views towards sentencing;
- Understand views towards the rationale for guilty pleas (look at issues such as cost, rehabilitation of offenders, impact on victims/witnesses);
- Examine the level of reduction that should be offered;
- Examine public views towards the level of reduction that should be offered in different circumstances;
- Understand views towards the impact of making pleas at different stages by examining the relationship between size of reduction and stage at which plea tendered;
- Examine attitudes towards current guidelines and any suggested changes; and
- Look at impact of guilty plea reductions on overall confidence in criminal justice system.

We will aim to cover all of the following material across the sample as a whole. However, the amount and depth of coverage typically varies according to the individuals interviewed. For example, we may not ask all the questions listed or they may be asked in a different order.

Warm up session	Purpose	Timing
<ul style="list-style-type: none"> • Thank participants for taking part in the research • Introduce self, Ipsos MORI • Explain purpose of research and that group will last for about 2.5 hours and will be audio recorded (gain permission to record) for analysis purposes. No one will be able to identify them from the research findings • Explain that we are talking to the general public to gain their views on sentencing (don't be too specific here as we want to get general views on sentencing before discussing guilty pleas). • Reassure re: confidentiality/MRS Code of Conduct. We are independent researchers and want to hear about your experiences and views. • Do you have any questions about the discussion group? • Can I start by asking you to introduce yourself? <ul style="list-style-type: none"> – Please tell us your name and where you live/how long you have lived in the area. 	Introduce the research and put participants at ease in the group environment	10 minutes
General attitudes towards the CJS/Sentencing	Purpose	Timing
What do you understand by the 'criminal justice system'? Moderator probe: <ul style="list-style-type: none"> • what do you think of when you think of the CJS? Brainstorm & probe for positive/negative perceptions • which agencies do they think of (courts, prisons, probation, police etc)? Moderator, write agencies involved in CJS on flip chart and put on wall for reference Moderator: if necessary explain what CJS is all agencies that make up criminal justice system How effective do you think the criminal justice system is? Why	To gauge respondent understanding of CJS and put into context later views about sentence reductions	15 minutes

<p>do you say this? Probe for specific areas/examples</p> <p>Is the criminal justice system fair? Why/why not? Moderator probe:</p> <ul style="list-style-type: none"> • bringing people who commit crimes to justice • giving punishments that fit the crime • meeting the needs of victims • achieving the balance between the rights of the offender and rights of the victim <p>In general, would you say that sentences given by the courts, are too tough, about right, or too lenient?</p> <p>Why do you think that?</p> <ul style="list-style-type: none"> • Does it depend? IF yes – what does it depend on? (offence type? Offender history? Court type? Sentence type?) Probe fully <p>And how effective do you think courts/sentences currently are? Probe fully around</p> <ul style="list-style-type: none"> • Serving the public interest • Meeting victim and witness needs • Acting as a deterrent/punitive measure • Have you heard of sentence reductions? • What do you understand this to mean? • In what circumstances do you think sentence reductions may be offered? • In what context have you heard about these? 		
<p>General views towards sentence reductions</p> <p>Moderator: explain principle of sentence reduction (we only want a very topline explanation here – details around sentence reduction will be examined later)</p> <p>Moderator read: Courts have the power to reduce the length of sentences if people plead guilty before the end of their court case. This would be a reduction on the sentence they would have given if a defendant had been found guilty at the end of the trial process.</p> <p>Above printed out in poster form and stuck up around the room for reference</p> <ul style="list-style-type: none"> • What do you think about this? Why do you say that? <p>Probes:</p> <ul style="list-style-type: none"> • Would you say that you are in favour of this or against it? Why/why not? • Are there any circumstances where you think this is beneficial? • Are there any circumstances where you think this should not happen? Probe – what would these be? Specific case 	<p>Purpose</p> <p>To gauge respondent initial 'spontaneous' views towards guilty plea sentence reductions. We would keep the information we tell respondents at this point to a minimum</p>	<p>Timing</p> <p>20 mins</p>

<p>types? Repeat/serial offenders?</p> <ul style="list-style-type: none"> • How should size of sentence reductions that can be applied be decided? • Is this an important issue? What impact do you think this could have on whether the criminal justice system is fair? (Impact on offender, impact on victims) 		
<p>Rationale of sentence reductions</p>	<p>Purpose</p>	<p>Timing</p>
<p>What purpose do you think offering a reduced sentence if a defendant pleads guilty could serve? Probe What would this mean for the CJS (particularly police and courts)/victim/witnesses/offenders)?</p> <p>Moderator: present evidence as to why guilty plea reduction used: The purpose of the guilty plea reduction is to encourage defendants who are going to plead guilty to plead guilty early. If a guilty plea is made early then victims and witnesses do not have to come to court and testify.</p> <p>Above printed out in poster form and stuck up around the room for reference</p> <ul style="list-style-type: none"> • Does this justify reducing sentences for guilty pleas? Why/why not? <p>Moderator: present evidence as to why guilty plea reduction used: If a guilty plea is made early, the case does not take up police investigative and court time. Offenders who plead guilty save the taxpayer the costs of investigating and conducting the trial (for example, the average cost of a trial in the Crown Court is £25,000).</p> <p>Above printed out in poster form and stuck up around the room for reference</p> <ul style="list-style-type: none"> • What do you think about this? • Does this justify reducing sentences? Why/why not? • Does this apply in all cases or some? Why do you say that? <p>Moderator read out: Sentences are designed to reflect the serious nature of different crimes and their circumstances.</p> <p>What impact would a reduction to the sentences have on this reflection? Is this an important consideration?</p> <p>Why do you say that? Probe fully</p> <p>Can you think of any drawbacks to offering reduced sentences to those pleading guilty? What are they? What are the implications?</p> <p>What are the key considerations in justifying whether guilty plea sentence reductions should be used? Moderator – write each mention on post it note. If not spontaneously mentioned probe on:</p> <ul style="list-style-type: none"> • Cost savings/time savings 	<p>To understand what participants see as the purpose of sentence reductions and their reactions to the rationale for this.</p>	<p>25 mins</p>

<ul style="list-style-type: none"> • Victim/witness not needing to testify • That the offender is sufficiently 'punished'/that justice gained for the victim • Anything else? Probe around any perceived benefits of offenders serving their sentence straight away/sooner if they plead guilty as not waiting for trial process to finish before sentencing. <p>Ask group to discuss which factor is most important and why, which is next most important, which is least important, etc and display post it notes accordingly</p>		
<p>Tea/coffee break</p>		<p>10 mins</p>
<p>Timing of plea and reductions</p>	<p>Purpose</p>	<p>Timing</p>
<p>Moderator explain: The level of reduction given to offenders is a proportion of the total sentence that would have been imposed had the guilty verdict been reached at the end of the trial process. The reduction is determined by the stage at which the guilty plea is entered. If an offender pleads guilty, when deciding on the length of the sentence/reduction in the sentence, the court must take account of the stage at which the offender indicated their intention to plead guilty.</p> <p>(So: the reduction in sentence length may vary depending on when an offender says they are going to plead guilty.)</p> <p>Above printed out in poster form and stuck up around the room for reference</p> <p>Moderator – don't tell participants at this point what reductions may be as we want to gain spontaneous views on this first</p> <ul style="list-style-type: none"> • What do you think about this? Why do you say that? • Should when offender pleads guilty make a difference to the amount of reduction they get on their sentence (why/why not?). Are there other factors to consider (e.g. type of crime)? What else is important here? <p>Gaining participant views on what reductions should be</p> <p>Moderator: explain reduction scale exercise:</p> <ol style="list-style-type: none"> 1. Overall – not taking into account the offence: this diagram shows different stages of the process from a defendant being in the police station, all the way up to the verdict in court. <p>Moderator draw diagram showing stages that plea could be entered/intention to enter guilty plea could be indicated:</p> <ul style="list-style-type: none"> • At the point at which they are arrested, at the police station after arrest, at their first court appearance when they are formally charged and asked for their plea, after they have been charged but before a trial date has been set, after they have been charged and a trial date has been set, but before the start of the trial, on the day of the trial, but before the 	<p>To look at views towards the relationship between the level of reduction and the stage at which the plea was entered (the sliding scale). To examine how 'just' respondents feel that this is currently and also what they feel these reductions should be/what stages reductions should be available. During this and later sections we do not want participants debating the existence of guilty pleas overall but focusing on more specific issues relating to these</p>	<p>30 mins</p>

trial has begun, and on the day of the trial, when asked for their plea;

- Split into two groups and discuss the stages at which you think (1) the first stage where if a defendant pleads guilty/indicates their intention to plead guilty, they should have their sentence reduced (2) after the first stage you have marked, any stages at which the sentence reduction should change.

Moderator: allow time (5 mins) for this exercise then discuss as a group what each group have said

2. **Taking in account offence/particular scenarios:** give each group a case **study/scenario [use example 4a1 + 4a2 here (criminal damage). Give 4a1 to one group and 4a2 to other half]** and 'scale' showing proportion that sentence could be reduced by. Ask them to think about that scenario and mark on the scale what proportion the sentence should be reduced by.

Ask group to explain why they chose the reduction they did for each case study & get views of rest of the group:

- How did you come to this figure?
- What about if they had pleaded earlier? Is there any stage you think that they should have got more of a reduction? Is there any stage you think they should have got less of a reduction?
- What impact does the cost associated with the trial have on your thinking? Does it affect how you think about the issue? How/why?
- Let's take an example: The average trial at the **Crown Court** costs the taxpayer £25k. This is the equivalent of a nurses' salary for a year)

Note to moderator: The Crown Court only covers the most serious types of cases. The £25k figure relates to Crown Court cases only.

- What do you think about this? Why?
- What does it make you feel about the money spent on trials?
- **Now also consider the *scale of savings* to the taxpayer when you take into account the number of offenders found guilty at trial at the Crown Court. For example, in 2009, around 11,000 were found guilty.**
- **What are your reactions to this?** How does it **now** make you feel about reductions to sentences being offered in terms of financial saving?

Note to moderator: Refer to savings in general terms e.g. millions of pounds

- What are your reactions to this? How does it make you feel

about the reductions to sentences being offered in terms of financial saving?

- How does this make you feel about the justice system as a whole?
- What benefits would there be if this sort of money was saved each year?

Probe if needed What else could the money be spent on? Should it be retained for criminal justice, for example the police, or diverted to other services like schools and hospitals? What other benefits could these savings bring?

3. Assessing actual outcome: for each case study discussed above then tell participants 'actual' outcome in terms of how much reduction & gauge views on this. **Moderator: tell participants that for case study 4a1 there would be a reduction of a tenth of the sentence + for case study 4a2 there would be a reduction of one quarter of sentence.**

- How do you feel about this? Is it more or less of a reduction than you thought there should be?
- Do you think that this means justice for the victim in the case? Why/why not? What length of reduction would still mean the victim gets justice (**would need to probe around 'no reduction' here**)
- How would you feel if the number of hours an offender served as part of his sentence were reduced by, say, a third?

Views on reductions currently

Currently the guideline on amount of reduction depending on when the plea is entered is (**moderator, we will give each participant a showcard [current reduction showcard] with this written on too – hand these out) and put a copy on wall:**

- At the first reasonable opportunity: recommended one third reduction in sentence;
- When a trial date has been set: recommended one quarter reduction in sentence
- At the door of the court or when a trial has begun: one tenth reduction in sentence

Moderator explain that 'at first reasonable opportunity' may vary from case to case: this may be the first time that a defendant appears before a court and has the opportunity to plead but in some cases it could be indicated during police interview.

What do you think about these?

- From what we've discussed so far, are they the right stages to offer a reduction? Why/why not?

<ul style="list-style-type: none"> • What do you think of the reduction at each stage? Are there any stages where it is too high or too low? (probe what percentage if too high/too low) • Do you think that these reductions offer justice for the victim – why/why not? • How fair do you think these reductions are? What length of reduction would be fair? Do you think this would still encourage an offender to plead guilty early? <p>Do you think that guilty pleas issued before the trial are beneficial or not for victims and witnesses? What impact do you think the case not going to court may have on them (probe negative impact/positive impact)?</p> <p>Do you think that there are certain offenders who are most likely to take up the guilty plea? Who would this be? Why?</p> <p>Are there any other ways that offenders should be encouraged to plead guilty early? Probe if needed – such as having a structure where there is a sentence for people who plead guilty and a series of higher/longer sentences for those not pleading guilty but ultimately being found guilty by the courts/their peers?</p> <ul style="list-style-type: none"> • What do you think of this concept? Would this be viewed any differently to the reductions currently on offer? How is that? What would the implications be? • How would this make you feel about the value of sentences? How would this make you feel about the criminal justice system? • How would victims of crime feel? Would this approach make them feel any differently? • Would this be fair to offenders? Why, why not? 		
<p>Circumstances & reductions</p>	<p>Purpose</p>	<p>Timing</p>
<p>Moderator explain: In determining the sentence, the court must take into account the circumstances in which the offender indicates that they will plead guilty. In some circumstances an offender may be caught red-handed or the prosecution case against them is overwhelming. At the moment, the guidelines state that in these circumstances a smaller reduction should be given.</p> <ul style="list-style-type: none"> • Do you think that this is right? Why/why not? • Should any reduction be given at all in these cases? Why/why not? <p>Understand views on circumstances of plea/prosecution case</p> <p>Case study 2 where someone caught red handed/prosecution case overwhelming</p> <ul style="list-style-type: none"> • Should there still be a sentence reduction in this case? Why/why not? • Should the sentence reduction be the same if someone is 		<p>30 mins</p>

caught red-handed? Why/why not?

Understand views on offender type/circumstances in relation to reduction: (use example 5a and 5b)

2 x case study using different types of offence (one related to a theft and the other a drug offence) and different types of offender (one repeat offender and one first time offender).

Moderator: hand out case study 5a and discuss

Note to moderator: For case 5A the sentence starting point would be a community order but with his previous convictions, we think a high level community order is the likely starting point.

- Assuming the sentence if convicted after trial is a high level community order what sort of sentence would you impose if the defendant pleads guilty at the first opportunity?
- Why do you say this?
- What were you considering when you came to this length of sentence? What was the most important factor in your decision?

Moderator: repeat for **case study 5b**

Note to moderator: for case 5b the sentence is likely to be a 2 year custodial sentence.

- Are there any offences that should not qualify for a reduction if defendant pleads guilty?
- Should the reduction be less for some offences than others? What offences are these?
- Currently, reductions are not offered in murder cases where the offender is sentenced to a whole life term. Do you think this is right or not? Why/why not?
- In murder cases where the sentence is not a life term there can be a reduction but it can not exceed 1/6 of the sentence or five years – do you think this is right or not? Why/why not? (Moderator, for info only: Whole life terms are reserved for the “most serious” murder cases e.g. where there are multiple murders. Most murders will get a tariff (minimum term which must be served before they can be considered for release by the Parole Board) which although substantial e.g. 30 years for a murder committed with a knife will not be whole life terms.)
- Should the guilty plea sentence reduction apply if the offender was their son/daughter/sibling?
- **If reduction is thought to be fair** – what reduction should apply in murder cases? Why do you say this? **Probe fully**
- Should murder be looked at differently to manslaughter? **(read out definition/distinction so people are clear)** Why do you say this?
- What about other violent offences – are these viewed any

<p>differently? Are guilty plea reductions valid for all violent offences? Or none? Why do you say that? Where are the limits/distinctions?</p> <ul style="list-style-type: none"> • And what about other more 'serious' offences, such as sexual assault or rape? How do you view sentence reductions here? Are there any key considerations we have not already discussed? 		
<p>Summing up</p>	<p>Purpose</p>	<p>Timing</p>
<p>How would you say reductions in sentence length because of a guilty plea impacts on the 'fairness' of the CJS?</p> <p>Probe:</p> <ul style="list-style-type: none"> • For the public • For the V+W • For the offender <p>How important is the length of the reduction offered? Why do you think this?</p> <p>Is there anything else that you would like to mention that hasn't already been discussed today?</p> <p>Thank and close</p>		<p>10 mins</p>

Case studies used in groups 1-3

Example 1A1

Jake Barnes has been charged with rape. The victim in this case does not wish to give evidence at the trial. If she is required to give evidence, she will have to answer personal questions from lawyers for both sides in the case. If Jake Barnes pleads guilty, there will be no trial and the victim will not have to give evidence. In addition, if Jake Barnes pleads guilty there will be no need for an investigation or a trial and the justice system will save approximately £45,000. His original sentence would have been six years. Jake Barnes pleads guilty at the first opportunity when being interviewed by police.

Example 1A2

Jake Barnes has been charged with rape. The victim in this case does not wish to give evidence at the trial. If she is required to give evidence, she will have to answer personal questions from lawyers for both sides in the case. If Jake Barnes pleads guilty, there will be no trial and the victim will not have to give evidence. In addition, if Jake Barnes pleads guilty at the first opportunity, there will be no need for an investigation or a trial and the justice system will save approximately £45,000. His original sentence would have been six years. Jake Barnes does not plead guilty at the first opportunity he has but he does plead guilty once the trial has begun.

Example 2

Dennis Brown has been charged with burglary. He was caught by the police leaving a property with a stolen television and computer. Dennis pleaded guilty to the charges as soon as he had the opportunity to.

Example 3A

John Smith has been charged with a serious fraud. He worked in an accountancy firm and is alleged to have defrauded his employer of several million pounds. If there is a trial, the victim, the bank he worked for, and many witnesses will have to attend and give evidence. In addition, the justice system will have to conduct a lengthy and complex trial which will cost approximately £400,000.

Example 3B

Chris Hughes has been charged with murder. He attacked and killed another young man outside a bar following a disagreement earlier in the night. Some members of the victim's family and witnesses want to put this behind them, whilst others want to see Chris in court. If there is a trial, the family of the victim and several witnesses will have to attend and give evidence. In addition, the cost of the trial will be approximately £45,000.

Case studies used in groups 4 and 5

Example 4A1

The police arrested two men in connection with vandalism in the local park. This involved graffiti and equipment being broken. Whilst there were no witnesses to the vandalism, CCTV evidence led to the arrest of the two men. The defendants pleaded guilty to the criminal damage charges on the day the trial was due to begin.

Example 4A2

The police arrested two men in connection with vandalism in the local park. This involved graffiti and equipment being broken. Whilst there were no witnesses to the vandalism, CCTV evidence led to the arrest of the two men. The defendants pleaded guilty to the criminal damage charges once the trial date had been set.

Example 5A

The police stopped Steve McBain who was riding his bicycle without any lights on a dark winters evening. After checking the bicycle's serial number against their stolen bikes register, they found that the bike Steve was riding had in fact been stolen the previous day from a bike shop. He was charged with theft of the bicycle. Steve pleaded guilty to the charge at the earliest opportunity. The magistrate also found that Steve had previously been convicted of similar bike thefts from commercial premises four times in the last five years.

Example 5B

Louisa Johnson has been charged with intent to supply cocaine. She was stopped in her car, and after a police search, was found to be in possession of four grams of cocaine, which has a street-value of approximately £100. Louisa said that the cocaine was for use by her and her friends. She is 21 years old and this is the first time she has been charged with a criminal offence. Louisa pleaded guilty to the charges as soon as she had the opportunity to.

Example 2

Dennis Brown has been charged with a burglary at a warehouse. He was caught by the police leaving an electronic suppliers' warehouse with a stolen television and computer. Dennis pleaded guilty to the charges as soon as he had the opportunity to.

Appendix 3: Victim and witness discussion guide

Research with V+W aims to:

- Understand the views of v+w towards sentencing and CJS;
- Understand awareness of guilty pleas and views of v+w towards the use of guilty pleas generally;
- Examine how a guilty plea being/not being made affected their experience (both practically and also perception of whether justice delivered);
- Understand whether a guilty plea reduction is preferable to experiencing court case;
- Understand impact of the stage at which the guilty plea indicated on the v+w experience & views on level of reduction depending on stage at which plea entered.

We will aim to cover all of the following material across the sample as a whole. However, the amount and depth of coverage typically varies according to the individuals interviewed. For example, we may not ask all the questions listed or they may be asked in a different order.

Warm up session	Purpose	Timing
<p>Thank participants for taking part in the research Introduce self, Ipsos MORI</p> <p>Explain purpose of research and that interview will last for about 45 minutes and will be audio recorded (gain permission to record) for analysis purposes. No one will be able to identify them from the research findings. Also reiterate where contact details sourced from</p> <p>Explain that we are talking to people who have been victims/witnesses (whichever appropriate) to gain their views on sentencing</p> <p>Reassure re: Confidentiality/MRS Code of Conduct. We are independent researchers and want to hear about your experiences and views.</p> <p>Do you have any questions about the interview?</p> <p>Can I start by asking you to introduce yourself?</p>	<p>To explain the research to the respondent and ensure that they are comfortable with the process</p>	<p>3-5 mins</p>
Guilty plea reduction in their specific case	Purpose	Timing
<p>We'd like to understand a bit more about your specific case.</p> <p>Mapping exercise: moderator – write out on sheet of paper with respondent. This should be done for all respondents whether plea entered or not by defendant in their case</p> <p>Can you talk me through the stages of your case going to court please? Moderator – explain that we are not wanting them to talk about details of their case in terms of offence/what happened to them. We're interested in issues relating to the process of investigating & prosecuting the case/case going to court.</p>	<p>Examine details of how a guilty plea being made/not being made affected their experience, whether a guilty plea reduction is preferable to experiencing a court case and the impact of the stage at which the plea</p>	<p>20 mins</p>

<p>So to start with, what happened, after the incident initially took place...</p> <p>And what happened next, who did you speak to in the CJS next (prompt, contact with police, solicitors, courts etc)</p> <p>As far as you're aware, was a plea of guilt made in your case?</p> <p>If plea was entered: What was the plea that was entered? And at what stage in this process was the plea entered? Use mapping to discuss what happened after that</p> <p>If guilty plea entered: And what did you understand that the plea would mean for your case? How did you feel at this point? What were you told about the plea at the point that it was entered?</p> <p>What were you told about how the plea being entered would affect your case? PROBE: For you, (if witness, probe for victim, if victim probe for witnesses) for the offender?</p> <p>Looking back on it, what do you feel that the implications of the plea were on your case? Why/why not?</p> <p>Did this fit with what you were told would happen? (Moderator: Want to understand whether feel that initial conversation about guilty plea represented what actually happened).</p> <p>How did the offender getting a reduced sentence as a result of pleading guilty make you feel in your case? Why do you say this?</p> <p>If guilty plea entered and participant unsure of implications explain:</p> <p>Courts have the power to reduce the length of sentences if offenders plead guilty before the end of their court case. The reduction would be against the sentence that the judge would have applied had a guilty verdict been reached at the end of the trial process. The purpose of the guilty plea reduction is to encourage defendants who are going to plead guilty to do so early in the CJS process.</p> <ul style="list-style-type: none"> • What do you think about this? Why do you say that? <p>Probes:</p> <ul style="list-style-type: none"> • Would you say that you are in favour of this or against it? Why/why not? • Are there any circumstances where you think this is beneficial? • Are there any circumstances where you think this should not happen? What would these be? Why do you say that? 	<p>entered and the level of reduction in v+w feeling the outcome was 'just'</p>	
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- How should size of sentence reductions that can be applied be decided? What are the key factors here?

If guilty plea in advance of trial ask – How did you feel about your case not going to trial?

Would you have preferred the case to go to trial and for the defendant to receive a lower sentence reduction?

How important was it to you to feel that the offender went to trial?

Can it feel like justice has been given to the victim if offender does not go to trial?

How did you feel about not having to give evidence and be cross-examined?

Why/why not?

Probe around whether they would have preferred to have a say at trial or did they feel that giving statement/early evidence collecting by prosecution offered them enough of a say?

If on day of trial/during trial - How did you feel about going to court/giving evidence in court? Would you have preferred the plea to have been entered earlier even if it had meant a bigger reduction in sentence for the offender?

Use map if necessary: probe at points prior to start of trial what it would had meant for participant if plea had been entered at these stages instead

What happened after the plea was entered? How was the guilty plea explained to you? Who explained this? Do you feel it was explained to you well enough – why/why not?

Do you know what sentence reduction was granted as a result of the plea being entered? What was this?

How do you feel about the amount of reduction given?

Probe: Too lenient, about right? Does the sentence still fit the crime in your view? **Probe fully here** why do you say that?

Do you feel that a plea being entered when it was should have meant a sentence reduction? Why/why not?

Overall, do you feel that the reduction offered had a positive or negative impact on your case?

- **Probe** offender getting reduced sentence compared with case continuing for longer – which would have been preferable? What would you have liked to have seen happen?

If plea was not entered and had to give evidence in court

Moderator – in these cases respondent may be less familiar with guilty plea process so be prepared to explain

Courts have the power to reduce the length of sentences if offenders plead guilty before the end of their court case. The reduction would be against the sentence that the judge would have applied had a guilty verdict been reached at the end of the trial process. The purpose of the guilty plea reduction is to encourage defendants who are going to plead guilty to do so early in the CJS process.

- What do you think about this? Why do you say that?

Probes:

- Would you say that you are in favour of this or against it? Why/why not?
- Are there any circumstances where you think this is beneficial?
- Are there any circumstances where you think this should not happen?
- How should size of sentence reductions that can be applied be decided?

How did you feel about going to court/giving evidence in court?

Would you have preferred a guilty plea to have been entered so that you would not have had to give evidence, even if it had meant a reduction in the offender's sentence?
IF **yes**: taking into account the offence, what level of reduction would you have found acceptable? Would this have been instead of the case going to trial/you going to court to testify?

How important was it to you that you had a say in your case? Did you feel that you got to have this?

Is there another way that you would have preferred to have a say (**moderator: use map to probe on other times may have had opportunity to have a say e.g. having your statement read out – is this enough even if it means offender gets more of a discount or is testifying preferable?**)

With all participants

Moderator explain that: currently, the level of reductions depend on the stage of the court proceedings at which the offender enters the plea, with the largest reduction if the plea is entered at the first

<p>reasonable opportunity. There is a scale whereby reductions decrease the later in the process that the plea is entered.</p> <p>Moderator explain that ‘at first reasonable opportunity’ may vary from case to case: this may be the first time that a defendant appears before a court and has the opportunity to plead but in some cases it could be done during interview</p> <ul style="list-style-type: none"> • At the first reasonable opportunity: recommended one third reduction in sentence; • When a trial date has been set: recommended one quarter reduction in sentence; • At the door of the court or when a trial has begun: one tenth reduction in sentence. <p>Moderator: gain initial reaction on ‘fairness’ of the reduction at each stage</p> <p>How would you have felt if a plea had been entered at any of these stages in your case?</p> <p>Would you have felt justice had been done? Why/why not?</p> <p>What benefits do you think there are for the victim/witnesses of pleas being entered here?</p> <p>If didn’t happen in their case, probe on each stage where plea not made in their specific case: What would the benefits have been for you if plea entered here? (probe around not going to court – are there any benefits in not having to experience this vs providing closure on case/feeling of justice being done?)</p> <p>Would you consider this reduction to be right?</p> <p>For trial date/door of court: How would you feel if the case got to this stage and no further? Would you have preferred the case to go to court at this stage? Why?</p> <p>Moderator, on customer journey map already created, ask at each point: What would this have meant for you if a plea had been entered here?</p>		
<p>Summing up</p>	<p>Purpose</p>	<p>Timing</p>
<p>Do you feel that reducing sentences if offenders plead guilty offers a fair outcome for victims? Why?</p> <p>What justifies a guilty plea sentence reduction? What are the benefits/drawbacks of guilty plea sentence reductions? Moderator probe on:</p> <ul style="list-style-type: none"> • Cost savings/time savings • Victim/witness not needing to testify (or is this actually what victims/witnesses want to do?) • That the offender is sufficiently ‘punished’/that justice gained for the victim 		<p>3-5 mins</p>

If don't feel that guilty plea reduction beneficial to them: Are there ever any instances where a guilty plea may be beneficial to the victim/witness? What are these?

Do you feel that guilty plea sentence reductions are decided upon with the victim/witness in mind? Why/why not? If not, what do you think drives these decisions (e.g. costs, prison overcrowding, other factors?)

If time allows and not come up already in discussions

How confident are you that the criminal justice system as a whole is fair? Why/why not? **Moderator probe:**

- bringing people who commit crimes to justice
- giving punishments that fit the crime
- meeting the needs of victims
- achieving the balance between the rights of the offender and rights of the victim
- reducing crime

How do you feel about the criminal justice system as a result of the sentence reduction?

- **Probe:** Has it increased/decreased your confidence in the system? Overall, would you say your experience of the criminal justice system in this case was positive or negative? Why?

Is there anything else that you'd like to discuss that we haven't already covered?

Thank respondent

Appendix 4: Offender discussion guide

Research with offenders aims to:

- Understand the views of offenders towards sentencing and CJS;
- Understand awareness of guilty pleas and views of offenders towards the guilty plea process generally;
- Understanding what/who influenced the offender’s decision as to whether or not they entered a plea;
- Examine whether levels of reductions are appropriate and act as an ‘incentive’ to issue a guilty plea and at what stage of the process;
- Understand any incentives and circumstances that may encourage or discourage an earlier plea.

We will aim to cover all of the following material across the sample as a whole. However, the amount and depth of coverage typically varies according to the individuals interviewed. For example, we may not ask all the questions listed or they may be asked in a different order.

Warm up session	Purpose	Timing
<p>Thank participants for taking part in the research</p> <p>Introduce self, Ipsos MORI</p> <p>Explain purpose of research and that interview will last for about 30 minutes and will be audio recorded (gain permission to record) for analysis purposes. No one will be able to identify them from the research findings</p> <p>Explain that we are talking to people in PRISON/on probation to gain their views on sentencing</p> <p>Reassure re: confidentiality/MRS Code of Conduct. We are independent researchers and want to hear about your experiences and views.</p> <p>Ensure the following is made clear to the participant:</p> <p>Everything that is said during the interview will be kept confidential ‘unless something you say suggests a risk or harm to yourself or others’. Inform them that if such comment comes to light that this information will have to be passed on to their probation office. Also let them know that if this happens you will inform the participant that you intend to do this.</p> <ul style="list-style-type: none"> • Do you have any questions about the interview? • Can you introduce yourself? • How long have you been on your sentence so far? <p>If probation: When did you finish your sentence?</p>		3 mins

Specific to their case	Purpose	Timing
<p>We'd like to understand a bit more about your specific case and the impact of guilty pleas on that.</p> <p>Moderator – we want to know about the case relating to the offence for which they are now serving a sentence/their most recent offence where found guilty. Explain that we are interested in the criminal justice system processes in their case and what happened in the prosecuting and sentencing of their case, not details of what the offence was.</p> <p>Moderator – carry out mapping exercise with respondents. Map throughout using A3 paper to document</p> <p>So, just to start off can you tell me a bit about your case? I'd like to know about the process involved in your case. Can you start with when you were first arrested/first at the police station...</p> <ul style="list-style-type: none"> • What was it for? • What happened? • When they read you your rights did they tell you anything else? • What kind of outcome and sentence did you think you might be looking at? Who spoke to you about what sentence you were likely to get? • What exactly did they tell you? Did you understand how the likely sentence would be determined? • What did you think about the likely sentence (e.g. surprised, expected etc)? • Did you make any admission at the police station? If yes: Why did you make an admission at this time? <p>Moderator – probe for all key points in case e.g. points of contact with CJS and map them. Probe on each court appearance. Probe on when evidence was made available to them – was this straight away or after longer investigation. If appropriate – how did the presentation of evidence impact on your plea?</p> <p>For each stage:</p> <ul style="list-style-type: none"> • Who was involved at this stage – solicitor, police, family and friends, anybody else? • What advice were you given at each stage? Who from? • How did you plead initially? • What was the first point at which you had an opportunity to plead? Do you think that this is the right point to have the chance to enter a plea? E.g. wanting to put in a plea at first chance versus having opportunity to hear evidence. Why do you say this? • When you first entered a plea what happened? How much did you know about the charges against you? 	<p>Understand how the guilty plea process worked in their case – particular focus on what determined whether they issued a guilty plea and how much of an incentive sentence reduction was for them to do this</p>	<p>15 mins</p>

- How much did you know about the evidence against you when you entered your plea? What did you understand this meant for your particular case?
- How did you find out about entering a plea? **Probe around whether they had prior knowledge of this from previous cases/convictions.**
- Do you remember how this was explained to you? Who spoke to you about this?
- **For those who did not plead guilty initially** – Did you enter a guilty plea at any stage? What stage was this?
- **If entered a guilty plea** – We'd like to understand a bit more about why you decided to enter a guilty plea. Can you tell me what made you decide to do this? **Probe around:**
 - Wanting a reduction in sentence
 - Because of the prosecution evidence
 - Caught red handed
 - Advice from friends/family
 - Advice from solicitor
 - Police
 - Thinking of the victim/wanting to take responsibility
 - Previous experience of guilty pleas.
- What was the key factor? PROBE – weight/level of evidence against them versus reduced sentence... which was the key driver?

If offender has previous experience of sentencing/guilty pleas: probe to understand further if this is a factor (moderator: try to understand at this point extent to which entering a plea was due to understanding of the system/how this would be beneficial to them).

If sentenced previously: Did they enter a guilty plea on a previous occasion? Why/Why not? Do they wish they had/hadn't? What impact did this previous experience have on their decision to enter a plea in this case?

All who entered a guilty plea

- What was the most influential factor in you deciding to plead guilty when you did rather earlier or later?
 - Size of reduction in sentence for entering plea at that point
 - Caught red handed
 - Because of evidence/becoming aware of the evidence
 - Other factor (what was this?)
- Were you aware that entering a guilty plea would entitle you to a reduction in sentence?
- How did you find out about this? Who did you speak to about this? What impact did having a reduction in sentence have on your decision to enter a plea?

- What size sentence were you expecting to receive at this point (e.g. before the reduction)? Were you expecting a community or custodial sentence? Why was this? Did you think the guilty plea would have an impact on this? If so, what did you think that would be?
- Were you aware that the amount your sentence could be reduced by depended on when the plea was entered? **If yes:**
 - What size reduction did you think that you would receive? Was the size of the reduction you would receive clear to you?
 - What were you told about how much your sentence could be reduced by? Who did you talk to about this?
 - How much of an impact did this have on you entering your plea when you did? What else was going on at this time? Were there any other influences? What were they?

For those who did not enter plea at first opportunity: (moderator – use journey map to highlight different points where could have entered a plea at an earlier stage if helpful):

- Why did you plead guilty at this point? Why not here (discuss each earlier point where could have entered plea)
- Would a larger reduction in your sentence have encouraged you to enter the plea earlier? Why/why not? Were any factors more important than the size of the reduction? What were these? PROBE for role of prosecution evidence on their propensity to plead guilty
- PROBE: What size reduction may have encouraged you to enter the plea earlier? Probe: 50% reduction, larger than 50% reduction. Would any reduction (e.g. a much larger reduction than a third) have encouraged them to enter a plea? Why/why not?

Moderator: want to understand whether there was a ‘tipping point’ when size of reduction outweighs wanting to hold off to hear evidence

- Is there anything that may have made you enter the plea earlier? Is there anything that would have made you enter a plea later? What is this?

Probe: More advice from friends/relatives, more advice from solicitor, better understanding of what entering a plea would mean for you, knowing more about what evidence there was earlier

Ask all

Moderator explain that: currently, the level of reduction depends on the stage of the court proceedings at which the offender enters the plea, with the largest reduction if the plea is entered at the first reasonable opportunity. There is a scale whereby reductions decrease the later in the process that the plea is entered.

Did you know about this scale previously? How do you know about this? **If yes: ask participant to detail what they think the stages/reductions are**

- At the first reasonable opportunity: recommended one third reduction in sentence;
- When a trial date has been set: recommended one quarter reduction in sentence;
- At the door of the court or when a trial has begun: one tenth reduction in sentence.

Moderator: gain initial reaction on ‘fairness’/‘incentive’ of the reduction in encouraging plea at each stage

- Is a reduction of a third of a sentence enough to encourage offenders to plead guilty at the first opportunity do you think? Why/why not? Does it depend? If so, on what:
 - Guilt
 - Evidence against them
 - Previous convictions/criminal history
 - Offence type (**probe around what offences a reduction of a third may be more/less of an incentive**)
- **For those who did not indicate intention to plead guilty at first opportunity:** Were you made aware that a reduction of a third of your sentence could be possible if you pleaded guilty at the first opportunity? Why did you not plead guilty knowing that you could get a reduction of a third of your sentence?
- **For those who entered plea late in the process:** From what we’ve said about this reduction scale, what size reduction would have encouraged you to enter a plea earlier?

At present – those charged with committing an offence have the opportunity to alter their plea at any point up to and including once a trial has commenced – and as discussed, there would be a reduction applied to the sentence for those altering their plea to guilty.

- It has been suggested during the course of this research that the offer of a sentence reduction ought to be a ‘one time only offer’ – i.e. for those pleading guilty at the first opportunity only. This might mean that those subsequently changing their plea from not-guilty to guilty, would not receive a reduction to their sentence, regardless of when that change to the plea was made.

<ul style="list-style-type: none"> • Would this have any impact on your attitudes towards the reduction? Why do you say that? Would it have made you act any differently in your particular case? Why/why not? When would be a fair time to make this offer? 		
Summing up	Purpose	Timing
<p>What are the key benefits to entering a guilty plea? And the main things that might put someone off? Any drawbacks?</p> <p>In your view do most people enter a guilty plea or not? Why? Why not?</p> <p>Is there anything else that you'd like to discuss that we haven't already covered?</p> <p>If there was one thing you'd like me to tell the Sentencing Council on the impact of sentence reductions what would this be?</p>		3 mins
Thank respondent		

Appendix 5: Details of the qualitative research programme

General Public

Recruitment was carried out in-street and each group ran for 2.5 hours. A summary of the demographic and attitudinal make up of group discussions are provided in the table below.

Area	No. attendees	Age group	Attitudes	Other quotas
London	9	41–70	Mix of levels of confidence in the police ⁵¹ and newspaper readership ⁵²	Mix of ethnicity representative of local population. Balanced mix of gender: at least 4 males and 4 females. At least 1 x social grade B, 1 x C1, 1 x C2 and 1 x D per group.
South Wales (Swansea)	9	22–40	Mix of levels of confidence in the police and newspaper readership	Mix of ethnicity representative of local population. Balanced mix of gender: at least 4 males and 4 females. At least 1 x social grade B, 1 x C1, 1 x C2 and 1 x D per group.
South West (Taunton)	9	22–40	Mix of levels of confidence in the police and newspaper readership	Mix of ethnicity representative of local population. Balanced mix of gender: at least 4 males and 4 females At least 1 x social grade B, 1 x C1, 1 x C2 and 1 x D per group
Cambridgeshire (Rural)	TBA	41–70	Mix of levels of confidence in the police and newspaper readership	Mix of ethnicity representative of local population. Balanced mix of gender: at least 4 males and 4 females. At least 1 x social grade B, 1 x C1, 1 x C2 and 1 x D per group.
Greater Manchester – Urban	11	16–21	Mix of levels of confidence in the police and newspaper readership	Mix of ethnicity representative of local population. Balanced mix of gender: at least 4 males and 4 females. At least 1 x social grade B, 1 x C1, 1 x C2 and 1 x D per group.

⁵¹ Levels of confidence in the police gives indication of wider CJS confidence and it was important to get a mix of views here.

⁵² Newspaper readership (e.g. tabloid vs. broadsheet) can be an indicator of types of views held.

Victims and Witnesses

Recruiting victims and witnesses from the WAVES sample

The majority of participants in the victim and witness interviews (30 participants) were recruited through the Witness and Victim Experience Survey (WAVES)⁵³ database. These were respondents who had previously taken part in WAVES and had given consent to be contacted for future research. WAVES respondents in the areas where research was taking place (South Wales, London and Greater Manchester) were selected and a letter was sent to them informing them of this research. They were then contacted by telephone and if they were willing to take part an interview was arranged.

Recruiting victims and witnesses through Victim Support

An additional five interviews were recruited through Victim Support. This is because there are certain offences (including some of the most serious offences) that are not picked up in the WAVES sample. It was felt however that in order to gain a rounded picture of the impact of guilty plea reductions the experiences of those who had been a victim or witness of more serious offences should be included (particularly domestic violence, sexual offences and offences involving a fatality). In order to represent victims or witnesses of the offences not included in the WAVES sample, Victim Support were asked to help identify potential participants. A letter was sent to contacts at Victim Support explaining the research and who we would like to speak to. Victim Support then approached potential participants (an information sheet for participants was also provided). If they were willing to take part in the research participants then signed a consent form (there was also a telephone version confirming verbal consent) providing consent for their contact details to be passed to Ipsos MORI. They were then contacted by Ipsos MORI and an interview arranged.

Interviews with victims and witnesses

Interviews with victims or witnesses were conducted in home and lasted around 45 minutes. A breakdown of demographic and case related characteristics of those who took part in these interviews is below. In addition to the characteristics below, quotas were also set by age, gender and type of court where the case was heard for the WAVES sample. For the recruitment through Victim Support, limited quotas were set (although offence types of domestic violence, sexual offences and offences involving a fatality were the focus).

No. of interviews	Recruitment	Location	Type of crime	Case outcome
9	WAVES	South Wales	Mix of offences	Mix of guilty plea entries and cases that went to court
12	WAVES	London	Mix of offences	Mix of guilty plea entries and cases that went to court
9	WAVES	Greater Manchester	Mix of offences	Mix of guilty plea entries and cases that went to court
5	Victim support	South East	Serious offences	All cases went to court – a mix of guilty and not guilty pleas entered

Across the 30 interviews using the WAVES sample, 19 victims and 11 witnesses were interviewed. In 19 instances the case had been heard in a magistrates' court and in 11 instances this was a Crown Court.

⁵³ Carried out by Ipsos MORI on behalf of the Ministry of Justice.

Offenders

In total 15 face-to-face depth interviews were carried out with offenders in custody and on probation. Twelve interviews were carried with offenders currently serving a prison sentence and three were with those undertaking sentences in the community (two of whom had previously served part of their sentence in custody for that offence). Two prisons were identified (one male and one female) and the Governors of these as well as contacts at several Probation offices were sent a letter detailing the research and asking whether we would be able to conduct interviews at the establishment/office. Staff members at prisons and Probation offices were asked to identify participants who had entered a mix of guilty and not guilty pleas, covering a range of offences and age ranges. Interviews lasted around 30 minutes. Participants were provided with an information leaflet detailing the research and provided written consent to participate. A summary of who we spoke to is provided below:

Location	No. of interviews	Offence type	Plea outcome
Custody	9 x male 3 x female	Mix of offences	Mix of pleas
Probation	3 x male	Mix of offences	Mix of pleas

Incentives

Discussion group participants were given £50 cash for their participation, while £20 cash was given to those participating in the victim and witness interviews. No incentives were provided to offenders.

Data collection

Discussion guides were created for each of the audiences that took part in the qualitative element of this project. These contained topics and prompts to be used in the discussions with members of the public, victims and witnesses and offenders. A copy of each guide is included in appendices 2–4. An iterative approach was taken to discussion guide design whereby as findings emerged during the course of the research the guides were amended slightly to address particular areas of interest/exploration in following discussions. During the group discussions case studies were used to help gain the views of the public towards the use of guilty plea reductions in certain offence based scenarios. Between groups 1-3 (conducted in October) and 4 & 5 (conducted in December) the scenarios were altered to include less serious offences to gauge whether this impacted views. The guides appended are those used in the final groups/interviews. All versions of the case studies are appended.

In all cases where consent was given by participants, groups and interviews were recorded. Note takers also attended the group discussions.

Appendix 6: Statistical reliability and comparability

When comparing differences in the results between subgroups of the survey sample, the difference may be 'real', or it may occur by chance (because not everyone in the population has been interviewed). The differences between the two results compared must be greater than the values given in the table below:

Size of samples compared	Differences required for significance at or near these percentage levels		
	10% or 90%	30% or 70%	50%
	±	±	±
Sub groups – 500 versus 500	4	6	6
Sub groups – 700 versus 300	4	6	7
Sub groups – 900 versus 100	6	10	10

Appendix 7: Guide to social classification

The table below contains a brief list of social class definitions as used by the Institute of Practitioners in Advertising. These groups are standard on all surveys carried out by Ipsos MORI.

Social grades		
	Social class	Occupation of chief income earner
A	Upper Middle Class	Higher managerial, administrative or professional
B	Middle Class	Intermediate managerial, administrative or professional
C1	Lower Middle Class	Supervisor or clerical and junior managerial, administrative or professional
C2	Skilled Working Class	Skilled manual workers
D	Working Class	Semi and unskilled manual workers
E	Those at the lowest levels of subsistence	State pensioners, etc, with no other earnings

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