

We have published several research reports and evaluations with relevant information:

[Attitudes to Guilty Plea Sentence Reductions \(sentencingcouncil.org.uk\)](https://www.sentencingcouncil.org.uk)

This was a report of findings from research Ipsos MORI carried out for the Sentencing Council in 2011 to examine attitudes towards guilty plea sentence reductions. Some relevant points:

- 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
- 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
- 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 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

It should be noted that the sample size of offenders in this study was very small – fifteen.

[Reduction in sentence for a guilty plea research report \(sentencingcouncil.org.uk\)](https://www.sentencingcouncil.org.uk)

This report summarises four stages of research (the first being that summarised above) carried out during the development of the Sentencing Council guideline for reduction in sentence for a guilty plea, between 2011 and 2016

A small qualitative exercise with defence representatives found that:

- there was a sense that the guideline was placing undue pressure to plead at a very early stage in proceedings, which may be unfair in certain cases
- there were elements of the guideline that were welcomed: in particular, the clear statement that the appropriate reduction should be given irrespective of the weight of evidence against a defendant was generally seen as a positive change, which would result in earlier pleas in appropriate cases

[Assessing the impact and implementation of the Sentencing Council's Reduction in Sentence for a Guilty Plea Definitive Guideline](#)

This report (published in 2019) explored the impact of the 2017 guideline. Findings include:

- Analysis of trend data suggests that the guideline did not have an impact on the proportion of defendants who pleaded guilty, which was as expected. The guideline also did not have an impact on the stage at which offenders pleaded guilty or on sentence lengths for adult offenders.
- Content analysis of a small sample of Crown Court judges' sentencing remarks found that the guilty plea reductions applied to sentences seemed to be in line with the guideline in most cases. This is supported by an analysis of judgments from the Court of Appeal (Criminal Division) which were found to interpret the guideline as intended by the Council. Analysis of data collected in a sample of magistrates' courts also found that in most cases, sentencers applied the reductions as we would expect.

As part of this assessment small-scale qualitative research was undertaken with defendants: in June 2018, 26 defendants were interviewed face-to-face in two courts in the Midlands region (7 at one Crown Court and 19 at one magistrates' court). The purpose of this research was to understand defendants' knowledge of the guilty plea scheme and the sentence reductions they may be entitled to, as well as to understand their reasons for pleading guilty.

- Of the 7 defendants interviewed at the Crown Court all were aware of the guilty plea scheme. All had pleaded guilty, saying that this was either because they accepted responsibility for the offending, or because their defence representative advised them to plead guilty. Where the defendants specified the stage of plea, all said they had pleaded guilty at the magistrates' court (i.e. at the first stage of proceedings). This research suggests that the guideline did not seem to have any noticeable impact on defendants' pleading behaviour, as the reasons for pleading guilty suggest they would have pleaded guilty at the same stage anyway.
- Of the 19 defendants interviewed at magistrates' courts the majority were aware of the guilty plea scheme. Where defendants pleaded guilty, they said this was because they accepted responsibility for the offending, or thought they would be found guilty at trial, or that they pleaded guilty to reduce costs or reduce the length of their sentence. This research again suggests that the guideline did not seem to have any noticeable impact on their pleading behaviour, as the reasons for pleading guilty suggest they would have pleaded guilty at the same stage anyway.

In addition to the research outlined above, the Council consulted on the draft guilty plea guideline in 2016 and published a response to that consultation in 2017. Of particular relevant to the current proposals is this extract from the [consultation response document](#) (at page 7):

The draft guideline proposed that the reduction for a guilty plea should be capped at one-third. This was widely accepted by respondents as fair both from the perspective of victims and the wider public who would perceive anything higher as undermining the punishment of offenders and from the perspective of those who are keen to ensure that defendants are not pressured into pleading against their interests by the prospect of a larger reduction.

The US system has particular features which tend to increase the coercive effect of the guilty plea regime, where incentives to plead guilty are particularly intense due to high and inconsistently applied sentencing discounts and prosecutors operate without regulation or transparency. To its credit, the Guideline protects against this kind of coercion by limiting the sentence discount to 1/3 and applying it equally and transparently to nearly all cases regardless of the strength of the evidence. – **Fair Trials**

It is important to cap the maximum reduction to ensure consistency and to avoid wide differences in the reductions being applied. There are also mitigating factors that can be taken into account. So capping the maximum reduction to a third would ensure the sentence is not too lenient. – **Victim's Commissioner**

In summary, we have no evidence that the amount of the guilty plea reduction is a strong influence on the decision to plead guilty. Factors such as the strength of the evidence, legal advice and an acceptance of guilt all appear to be influential. We have evidence that reductions for pleading guilty are not widely popular with the public (in that they are seen as leniency) and that those representing the interests of defendants have concerns over the fairness of regimes with very high reductions.

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