Contents

Acknowled	gments	vii
Part One	A Perspective for a Quantitative Approach to Sentencing Policy and Guidance	y
Chapter 1	The Task of Describing Sentencing Policy Quantitatively	3
	The Structure and Nature of the Sentencing Judgment	7 11
	in the Sentencing Judgment	18 26
Chapter 2	Approaches to the Development of Detailed Sentencing Statistics and Numerical Guidelines	31
	Guideline Judgments of the Court of Appeal (Criminal Division) in England	31 33 41
	Doob's Sentencing Data Base	46 47
	United States Sentencing Commission's Presumptive Guidelines	50
Chapter 3	Toward a Model of Judicial Decision Making: An Unproductive Review of Psychological Research	54
	Atheoretical Approaches to the Study of Sentencing Theoretical Approaches to the Study of Sentencing The Role of Theory in Sentencing	55 59 62
	Psychological Contributions to the Study of Sentencing: An Overview	64

x Contents

Part Two	An Archival Study of a Legal Model of Judicial Decision Makin Sentencing	king
Chapter 4	A Legal Model of Judicial Decision Making	73
	Scaling Culpability	74 88 89 90
Chapter 5	The Data Base and Data Collection	93
	The Principal Offense The Sample of Cases Sentences and Orders of the Court Data Sources Procedure The Cross-Validation Study	93 93 97 97 99
Chapter 6	Offense Characteristics of Burglary	101
	Violence to the Victims (Nonoffenders) Organization Total Value of the Theft Counts of Burglary	101 102 104 107
	Comparison of the Frequency of the Use of the Categories Across Dimensions Supplementary Categories Cross-Validation Study	108 108 109
Chapter 7	The Relationship Between Offense Characteristics of Burglary and Sentence	110
	Validity of the Assumptions Underlying the Use of Groups for Differentiating Offenses Across Premises Types and the Use of Dimensions to Differentiate Offenses Within Premises Types	113 117
Chapter 8	Offender Characteristics and Prior Convictions in Cases of Burglary	118
	Use of Offender Categories	118 132
	Across the Dimensions of Prior Convictions	134 134
Chapter 9	The Relationship Between Offender Characteristics of Burglary and Sentence	135
	The Scoring and Weighting of Prior Convictions Offender Characteristics (Excluding Prior Convictions)	135 140

Contents xi

	Total Mitigation Scores Relationship Between Total Mitigation Scores and Type of Premises Cross-Validation Study	140 141 142
Chapter 10	The Relationship Between Case (Offense and Offender)	1-42
	Characteristics of Burglary and Sentence	143
	The Combination of Offense Seriousness and Total Mitigation Adjustment of the Case Scores Relationship Between Adjusted Case Scores for Burglary and Sentence The Sentencing Decision The Relationship Between the Type of Premises and the Length of the Effective Sentence	143 144 147 151
	Cross-Validation Study	153
Chapter 11	Toward Detailed Sentencing Statistics	154
	Detailed Sentencing Statistics as an Operational System Detailed Sentencing Statistics: Problems and Prospects	158 172
Part Three	Sentencing Policy and Numerical Guidance as a Deliberative Process	
Chapter 12	Judicial Input Into the Model of Sentencing	177
	Decomposed Scaling Procedures Holistic Scaling Procedures Relative Merits of the Decomposed and	183
	Holistic Scaling Procedures Overview of the Analysis	184 188
Chapter 13	The Validity of the Technique of Fictitious Cases	190
	The Validity Study	196
Chapter 14	Multiattribute Utility Measurement and the Model of Judicial Decision Making	210
	Identification and Operational Definition of the Offense Characteristics Material to Seriousness	210
	Determination of the Relative Importance of Each Offense Factor in the Assessment of Seriousness	218
	Calculation of the Overall Seriousness of the Offense Characteristics	221
	Assessment of the Sensitivity of the Estimates of the Offense Factor Weights	224

Chapter 15	Scaling of Seriousness and Assessment of Weights for Offense Factors of Burglary	229
	MAUM Method Text of Sentencing Research Exercise—Part 2 Results and Discussion	229 230 242
Chapter 16	Coherence and the Tariff	253
	Method	257 267
Chapter 17	Toward Deliberative Sentencing and Numerical Guidelines	280
	Fictitious Cases as a Basis for the Description of Current Sentencing Policy: Detailed Sentencing Statistics Fictitious Cases as a Basis for the Development and Reform of Sentencing Policy: Numerical Guidelines Overview and Conclusion	282 288 289
Appendix 1	A Sample Case in Exercise 1	296
	New Case	296
Appendix 2	A Sample Fictitious Case in Exercise 3 and Exercise 4	299
	New Case	299
References		302
Author Index	· · · · · · · · · · · · · · · · · · ·	313
Subject Index	·	317