Analytical Summary 2013

Analysis of complete 'You be the Judge' website experiences
#YouBeTheJudge

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This report provides information on complete user experiences of the 'You be the Judge' website. Information is given on the total number of complete user experiences, how users sentenced in comparison with the judge's sentence and how users' views changed as a result of their 'You be the Judge' experience.

The website can be accessed at: ybtj.justice.gov.uk.

Key points

- There have been 74,000 complete user experiences on 'You be the Judge' (YBTJ) since launch in March 2010 to 31 December 2012. On average, there were 2,800 complete user experiences a month in 2012. This compares to a monthly average of 1,300 in 2010.

- Of all complete user experiences since launch to 31 December 2012:

  o 52 per cent start with the view that sentencing is 'about right', and 72 per cent end with the view that sentencing is 'about right'. 40 per cent start and end with the view that sentencing is 'about right'.

  o 41 per cent start with the view that sentencing is 'too lenient', and 13 per cent end with the view that sentencing is 'too lenient'. 28 per cent start with the view that sentencing is 'too lenient' and end with the view that it is 'about right'.

  o 45 per cent resulted in the user selecting a less severe sentence than the judge and 39 per cent resulted in the user selecting the same sentence as the judge. Only 16 per cent resulted in the user selecting a more severe sentence.

- This analysis uses data from the users of YBTJ and is therefore limited to a self selecting sample. This means the conclusions are based on a sample which is not necessarily representative of the population.

Background

The 'You be the Judge' website aims to show users how judges and magistrates decide on the sentences they pass. It does this by explaining how the decision-making process works and gives users the opportunity to pass sentence in scenarios based on real-life cases. After giving their current view of sentencing, users hear the evidence of the case and decide on the sentence they would give. They are then informed of the sentence the judge would have given to that offender, and are then finally invited to give their view of sentencing again after completing the case.

The 'You be the Judge' website was launched in March 2010 with a case about vandalism. In July 2010, three further cases on burglary, mugging and threatening behaviour were added. In November 2012, four cases on drug dealing, manslaughter, murder and teen crime were added.

The figures provided in this report are for complete user experiences from launch in March 2010 to 31 December 2012. A complete user experience corresponds to a user hearing one complete case and providing a response to all the questions asked of the user by the YBTJ site.

Number of complete user experiences

From launch in March 2010 to 31 December 2012, there were 74,085 complete user experiences on the 'You be the Judge' (YBTJ) website. In 2012, there were 34,076 complete user experiences with an average of 2,840 a month. This is more than double the 1,327 monthly average of complete user experiences in 2010.

Table 1:   Annual total and monthly average number of complete user experiences

Year	Annual total	Monthly average
2010[1]	12,961	1,327
2011	27,048	2,254
2012	34,076	2,840

[1] The YBTJ website was launched on 10 March 2010, meaning there is a not a full calendar year's worth of complete user experiences. The monthly average for 2010 is adjusted to account for this.

In March 2012, there were 3,992 complete user experiences, the highest seen in any month since launch. Figure 1 shows that there is considerable volatility in the number of complete user experiences. This is likely to be attributable to when the YBTJ website is tweeted or shared online to a large audience. There is an overall increasing trend for the number of complete user experiences.

Figure 1: Monthly number of complete user experiences
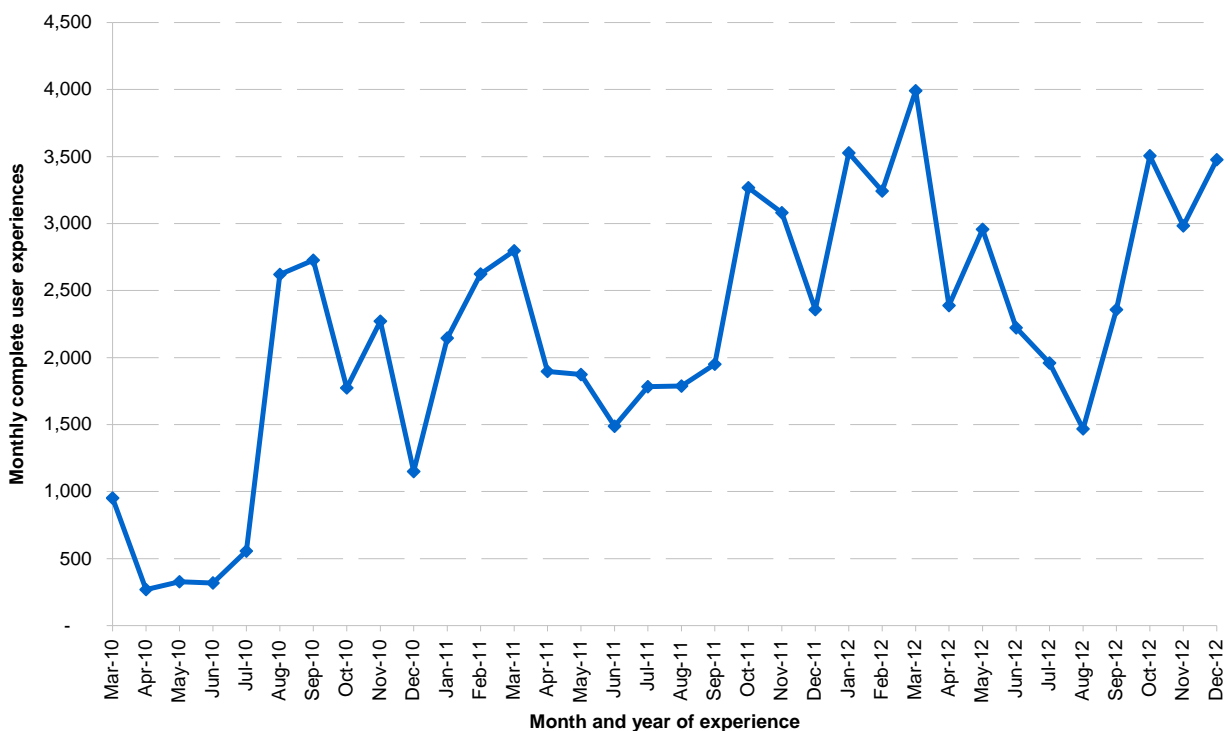
Sentencing

For each YBTJ scenario, users pass their own sentence and then find out the sentence the judge would have given. This section compares the sentence the judge would have given with the sentences that users chose to select.

From launch to 31 December 2012, of all complete user experiences:

- 39 per cent resulted in the user selecting the same sentence as the judge

- 16 per cent resulted in the user selecting a more severe sentence than the judge

- 45 per cent resulted in the user selecting a less severe sentence than the judge.

This means users selected three times as many less severe sentences than more severe sentences.

There is, however, variation in how users sentence when broken down by case, as shown in Figure 2:

- Of complete user experiences for the teen crime case, 70 per cent resulted in the same sentence

as the judge, whereas for the murder case only 22 per cent resulted in the same sentence

- Of complete user experiences for the manslaughter case, 42 per cent resulted in a more severe sentence, whereas for the vandalism case only 5 per cent resulted in a more severe sentence

- Of complete user experiences for the drug dealing case, 71 per cent resulted in a less severe sentence, whereas for the teen crime case only 13 per cent resulted in a less severe sentence.

Care should be taken in interpreting the results for the drug dealing, manslaughter, murder and teen crime cases as these were launched in November 2012, meaning there are a smaller number of experiences on which results can be based.

Annex A gives the sentence options available to users and associated information on the number of complete user experiences. The data for Figure 2 and Annex A is given in Tables 7a and 7b accompanying this report.

Figure 2: Sentencing outcomes for all and individual cases for complete user experiences
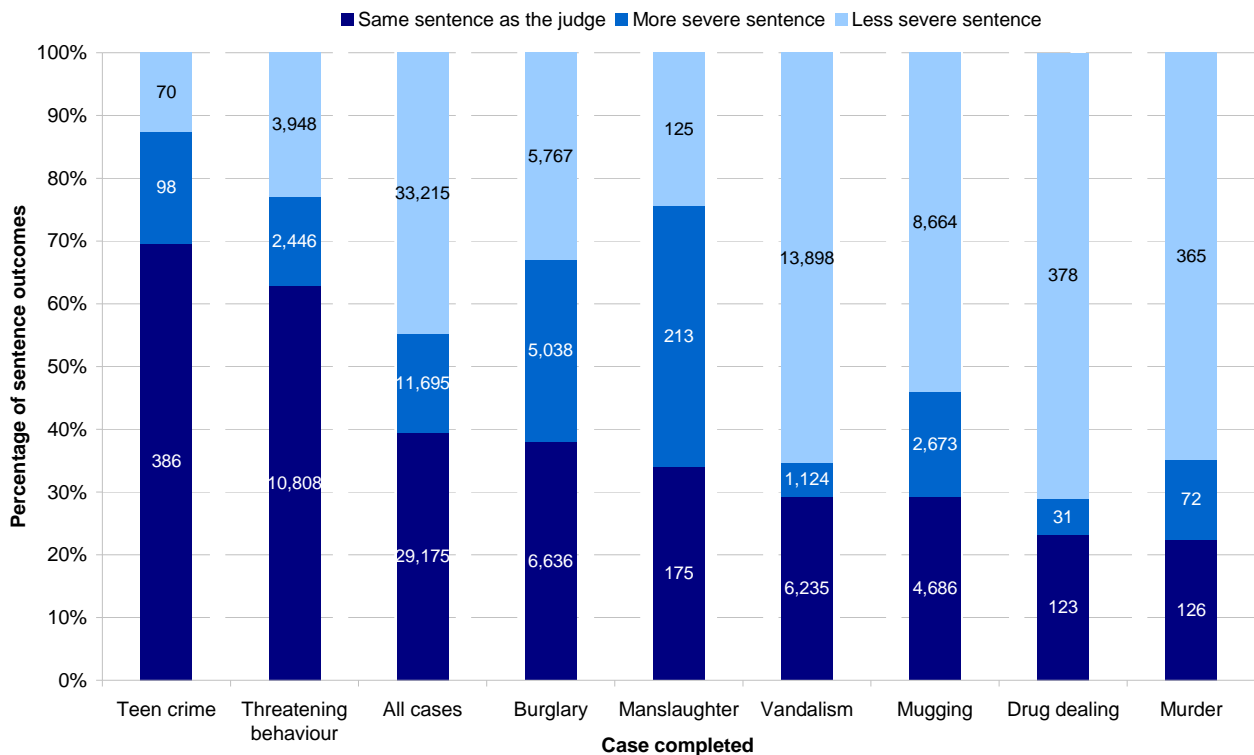
For each YBTJ case, there are four possible sentences for users to select from. Of these, there is the one sentence that a judge would give, at least one sentence that is less severe than the judge and at least one sentence that is more severe than the judge. This means that the most frequently selected sentence by users can be the same one as the judge, despite more experiences overall resulting in a greater number of more or less severe sentences being selected if there are two sentence options of that type.

Table 2 shows the percentage of complete user experiences for each case that resulted in the same sentence as the judge being selected. Alongside this the most frequently selected sentence is shown if it is different to the sentence the judge would have given.

For four cases, there was a single sentence option that was more frequently selected than the judge's sentence. All four of these sentences were less severe.

Of all complete user experiences for the manslaughter case, the single most popular sentence was the same sentence as the judge. In total, however, more users selected one of the two more severe sentence choices, meaning more severe sentences were overall more popular than the same sentence for this case, as can be seen in Figure 2.

Table 2:   Percentage of complete user experiences resulting in the same sentence as the judge and most frequently selected sentence

Case	Same sentence as the judge (% of sentences for that case)	Most frequently selected sentence (if different) (% of sentences for that case)
Burglary	Prison: 3.5 years (38%)	
Drug dealing	Prison: 3 years (23%)	Prison: suspended prison sentence (53%)
Manslaughter	Prison: 2.5 years (34%)	
Mugging	Prison: 4 years (29%)	Prison: 3 years (36%)
Murder[2]	Prison: minimum 25 years (22%)	Prison: minimum 20 years (39%)
Teen crime	Youth rehabilitation order (70%)	
Threatening behaviour	Community sentence: 80 hours (63%)	
Vandalism	Community sentence: 200 hours (29%)	Community sentence: 100 hours (48%)

(2) Murder always receives a life sentence, which lasts for the whole of the offender's life. Under this sentence, the judge sets the 'tariff' or minimum period to be served in prison, after which the offender may be considered for release from prison. However, if released, the offender will be on licence, and monitored in the community for the rest of their life. For this case on YBTJ users are invited to consider what the tariff should be.

Changing views

After users have chosen a case on YBTJ, they are asked to give their current view of sentencing by choosing if it is 'about right', 'too lenient' or 'too harsh' - this is referred to as their start view. Once the case is complete and users have been informed of the judge's sentence, they are again asked to choose from the same options to give their view of sentencing - this is referred to as their end view. This section compares the start and end view of users on YBTJ.

From launch to 31 December 2012, the start and end view combinations of all complete user experiences are given in Table 3. This shows that:

- 52 per cent of people start YBTJ with the view that sentencing is 'about right' and 72 per cent end their YBTJ experience with the view that sentencing is 'about right'

- 41 per cent of people start YBTJ with the view that sentencing is 'too lenient' and 13 per cent end their YBTJ experience with the view that sentencing is 'too lenient'.

This change in view demonstrates the effectiveness of YBTJ as an educational tool about sentencing.

The two most frequent start and end view combinations, which represent the majority of complete experiences, are:

- 40 per cent start and end with the view that sentencing is 'about right'

- 28 per cent start with the view that sentencing is 'too lenient' and end with the view that it is 'about right'.

Forty-eight per cent of all complete user experiences result in the user having a different end view from their starting view.

Of those with the starting view that:

- sentencing is 'about right', 78 per cent have the end view that it is 'about right'

- sentencing is 'too lenient', 69 per cent have the end view that it is 'about right'; 21 per cent keep the same starting view

- sentencing is 'too harsh', 49 per cent have the end view that it is 'about right'; 44 per cent keep the same starting view.

Table 4 provides a further breakdown to consider the difference in start and end views depending upon the case completed. For all cases, of all possible start and end view combinations, the most popular response was to have the start and end view that sentencing is 'about right'. For all cases apart from drug dealing, the second most popular response was to have the start view that sentencing is 'too lenient' and the end view that sentencing is 'about right'. For drug dealing, the second most popular response was to have the start view that sentencing is 'about right' and end view that sentencing is 'too harsh'.

For the drug dealing case, this result is expected because 71 per cent of all complete user experiences for that case resulted in users selecting a less severe sentence than the judge, as seen in Figure 2. The drug dealing case also resulted in the greatest proportion (59 per cent) of users having a different end view compared to their starting view.

The teen crime case had the smallest proportion of users having a different start and end view of sentencing, with 40 per cent of complete user experiences for that case resulting in a change of view on sentencing. This is to be expected because, as Figure 2 shows, 70 per cent selected the same sentence as the judge for the teen crime case.

Table 3: Start and end views of all complete user experiences

		End view			Total
		About right	Too lenient	Too harsh	
Start view	About right	29,975	2,748	5,946	**38,669**
	Too lenient	20,627	6,448	2,995	**30,070**
	Too harsh	2,643	376	2,327	**5,346**
	Total	**53,245**	**9,572**	**11,268**	**74,085**

Table 4: Start and end views of all complete user experiences broken down by case

Case	Start view	End view			Grand total
		About right	Too lenient	Too harsh	
Burglary	About right	7,165	1,127	772	**9,064**
	Too lenient	4,521	2,395	281	**7,197**
	Too harsh	612	122	446	**1,180**
	Total	12,298	3,644	1,499	**17,441**
Drug dealing	About right	155	15	131	**301**
	Too lenient	95	25	62	**182**
	Too harsh	6	3	40	**49**
	Total	256	43	233	**532**
Manslaughter	About right	213	59	27	**299**
	Too lenient	96	67	15	**178**
	Too harsh	17	5	14	**36**
	Total	326	131	56	**513**
Mugging	About right	6,605	689	1,061	**8,355**
	Too lenient	4,308	1,705	406	**6,419**
	Too harsh	632	114	503	**1,249**
	Total	11,545	2,508	1,970	**16,023**
Murder	About right	245	24	28	**297**
	Too lenient	157	61	10	**228**
	Too harsh	17	4	17	**38**
	Total	419	89	55	**563**
Teen crime	About right	270	47	10	**327**
	Too lenient	119	58	5	**182**
	Too harsh	37	2	6	**45**
	Total	426	107	21	**554**
Threatening behaviour	About right	6,980	410	1,463	**8,853**
	Too lenient	5,030	1,011	995	**7,036**
	Too harsh	701	67	545	**1,313**
	Total	12,711	1,488	3,003	**17,202**
Vandalism	About right	8,342	377	2,454	**11,173**
	Too lenient	6,301	1,126	1,221	**8,648**
	Too harsh	621	59	756	**1436**
	Total	15,264	1,562	4,431	**21,257**
Grand total		**53,245**	**9,572**	**11,268**	**74,085**

Views and sentencing

For each complete user experience, the user's start view, sentencing choice and end view are recorded. Figure 3 brings together the previous two sections to show how users' views and sentences are related. The underlying data for Figure 3 is given in Table 5.

From launch to 31 December 2012, of all complete user experiences:

- 19 per cent start with the view sentencing is 'about right', give the same sentence as the judge, and end with the view sentencing is 'about right'

- 17 per cent start with the view sentencing is 'about right', give a less severe sentence than the judge, and end with the view sentencing is 'about right'

- 14 per cent start with the view sentencing is 'too lenient', give the same sentence as the judge, and end with the view sentencing is 'about right'

- 11 per cent start with the view sentencing is 'too lenient', give a less severe sentence than the judge, and end with the view sentencing is 'about right'.

Taken together, these are the four most frequent view and sentence combinations and represent over 60 per cent of all complete user experiences.

In Figure 3, one per cent of all complete user experiences are represented by one box. The box is coloured to reflect if the user gave the same, a less or more severe sentence when compared to the judge's sentence. The row reflects the start view of the user and the column reflects the end view of the user. This means that the layout of Figure 3 aligns with Table 5.

Figure 3: Start and end views with sentencing choice for all complete user experiences[3]

☐ = 1 per cent of all complete user experiences receiving the **same**, **more severe (striped)**, or **less s**
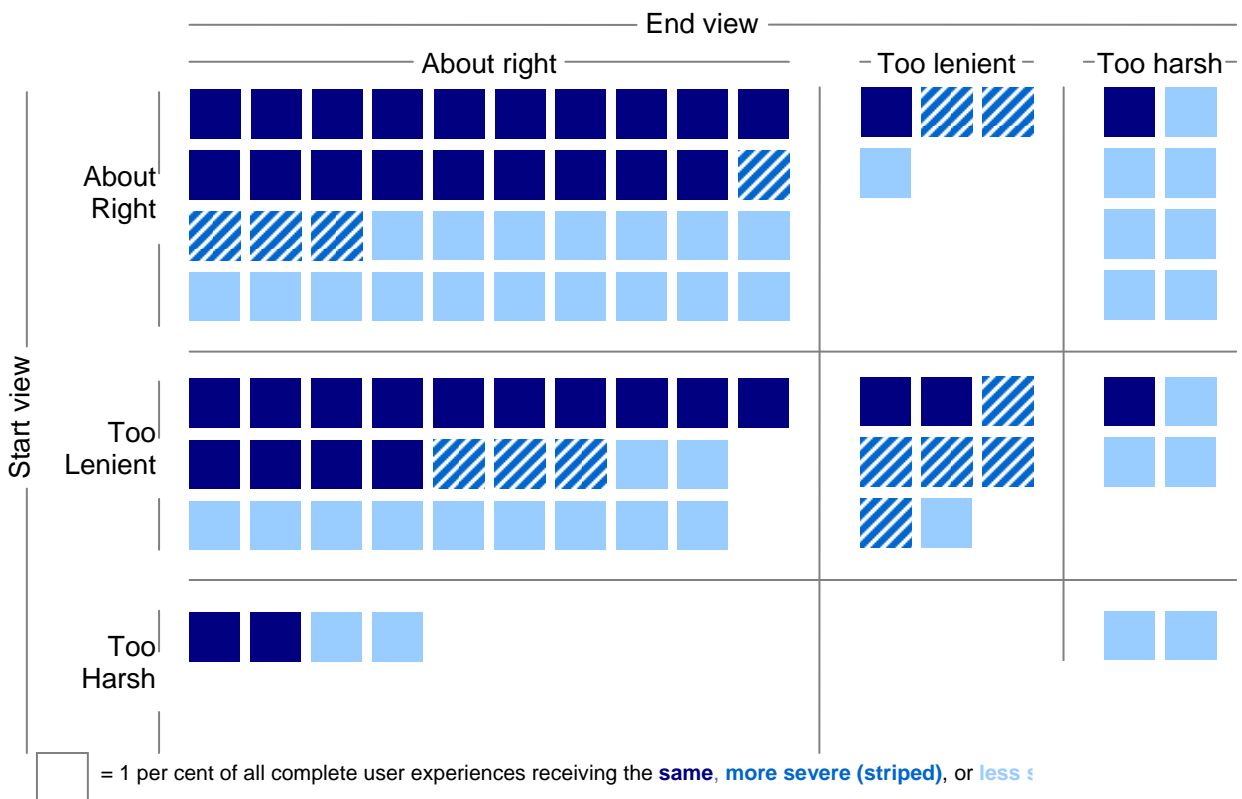
[3] Due to rounding only 99 squares are shown in Figure 2.

Table 5: Start and end views with sentencing choice for all complete user experiences

Start view	Sentence	End view			Grand total
		About right	Too lenient	Too harsh	
About right	Same	13,991	563	748	**15,302**
	More severe	3,074	1,685	290	**5,049**
	Less severe	12,910	500	4,908	**18,318**
	Total	29,975	2,748	5,946	**38,669**
Too lenient	Same	10,396	1,466	415	**12,277**
	More severe	1,902	3,947	174	**6,023**
	Less severe	8,329	1,035	2,406	**11,770**
	Total	20,627	6,448	2,995	**30,070**
Too harsh	Same	1,182	78	336	**1,596**
	More severe	295	203	125	**623**
	Less severe	1,166	95	1,866	**3,127**
	Total	2,643	376	2,327	**5,346**
Grand total		**53,245**	**9,572**	**11,268**	**74,085**

Data sources and limitations

Table 6 accompanies this report, along with all other tables, as a Microsoft Excel table. This table breaks down the data to provide, for all complete user experiences of each case from launch until 31 December 2012, the start view, sentence choice, and end view of the user.

There are a number of limitations as to how far the information in this report can be used for understanding public attitudes to sentencing including:

- This analysis is limited to a self-selecting sample, meaning that those who complete a YBTJ experience are not necessarily representative of the whole population.

- There may be reasons why users do not complete an experience, for example they may disagree with the judge's sentence so strongly that they do not complete their experience, by not giving their end view.

- The cases presented in YBTJ are scenarios based on real life cases. This means they may not be fully representative of those currently being heard by the courts or capture the full detail of evidence that would be heard in a trial.

- After completing one case, users may go on to complete another case and, instead of giving the sentence they would give if they were the judge, may instead give the sentence they think will be the same as the judge.

Judges and magistrates have a range of sentences available to them. They use their judgement in applying sentencing guidelines to decide the sentence they will give. All judges are independent and in using their judgement, may choose a slightly different sentence to the one selected in YBTJ. More information on how judges decide their sentence can be found on the Sentencing Council website at: sentencingcouncil.judiciary.gov.uk

The YBTJ website anonymously logs the inputs a user gives. This record has been used for this analysis. The YBTJ privacy policy is available on its website at: http://ybtj.justice.gov.uk/?p=disclaimer.

Annex A: 'You be the Judge' sentences

This Annex groups the sentences available to the user for each YBTJ case into if they are less severe, the same as the judge, or more severe.

The number of complete user experiences for the case is given alongside the number and percentage selecting each of the sentence groups for that case. This information can be seen in Figure 2 in the main report and in Tables 7a and 7b accompanying this report.

Percentages may not sum to 100% for each case due to rounding.

1. Threatening behaviour: 17,202 complete user experiences

Less severe sentence (3,948 of 17,202, 23%)

- Fine: £300

Same sentence as the judge (10,808 of 17,202, 63%)

- Community sentence: 80 hours unpaid work + £100 compensation + £90 costs

More severe sentences (2,446 of 17,202, 14%)

- Community sentence: 200 hours unpaid work + weekly supervision meetings with a probation officer for 2 years
- Prison: up to 3 months (½ in custody + ½ monitored in the community)

2. Teen crime: 554 complete user experiences

Less severe sentences (70 of 554, 13%)

- Reparation order: 24 hours reparative activity + £75 compensation order for the mobile phone and money
- Fine: £50 financial penalty + £75 compensation order for the mobile phone and money

Same sentence as the judge (386 of 554, 70%)

- Youth rehabilitation order: curfew (7pm to 7am) for 3 months + weekly supervision meetings with a Youth Offending Team for 12 months + required school attendance

More severe sentence (98 of 554, 18%)

- Detention and training order: 4 months (½ in custody including education and vocational training + ½ monitored in the community)

3. Vandalism: 21,257 complete user experiences

Less severe sentences (13,898 of 21,257, 65%)

- Fine: £500
- Community sentence: 100 hours unpaid work + curfew (7pm to 7am) for 2 months monitored via an electronic tag

Same sentence as the judge (6,235 of 21,257, 29%)

- Community sentence: 200 hours unpaid work + curfew (7pm to 7am) for 4 months monitored via an electronic tag + weekly supervision meetings with a probation officer for 2 years

More severe sentence (1,124 of 21,257, 5%)

- Prison: up to 3 months (½ in custody + ½ monitored in the community)

4. Mugging: 16,023 complete user experiences

Less severe sentences (8,664 of 16,023, 54%)

- Prison: 2 years (½ in custody + ½ monitored in the community)
- Prison: 3 years (½ in custody + ½ monitored in the community)

Same sentence as the judge (4,686 of 16,023, 29%)

- Prison: 4 years (½ in custody + ½ monitored in the community)

More severe sentence (2,673 of 16,023, 17%)

- Prison: 5 years (½ in custody + ½ monitored in the community)

5. Drug dealing: 532 complete user experiences

Less severe sentences (378 of 532, 71%)

- Community sentence: 6-month curfew (7pm to 7am) monitored by electronic tag + supervision meetings with a probation officer for 2.5 years (weekly initially) + mandatory personal finance course

- Prison: suspended prison sentence including supervision meetings with a probation officer for 2 years (weekly initially) + mandatory personal finance course

Same sentence as the judge (123 of 532, 23%)

- Prison: 3 years (½ in custody + ½ monitored in the community)

More severe sentence (31 of 532, 6%)

- Prison: 5 years (½ in custody + ½ monitored in the community)

6. Burglary: 17,441 complete user experiences

Less severe sentence (5,767 of 17,441, 33%)

- Prison: 2.5 years (½ in custody + ½ monitored in the community)

Same sentence as the judge (6,636 of 17,441, 38%)

- Prison: 3.5 years (½ in custody + ½ monitored in the community)

More severe sentences (5,038 of 17,441, 29%)

- Prison: 4.5 years (½ in custody + ½ monitored in the community)

- Prison: 6 years (½ in custody + ½ monitored in the community)

7. Manslaughter: 513 complete user experiences

Less severe sentence (125 of 513, 24%)

- Prison: 1.5 years (½ in custody + ½ monitored in the community)

Same sentence as the judge (175 of 513, 34%)

- Prison: 2.5 years (½ in custody + ½ monitored in the community)

More severe sentences (213 of 513, 42%)

- Prison: 4.5 years (½ in custody + ½ monitored in the community)

- Prison: 7 years (½ in custody + ½ monitored in the community)

8. Murder: 563 complete user experiences

Less severe sentences (365 of 563, 65%)

- Prison: minimum 15 years in custody

- Prison: minimum 20 years in custody

Same sentence as the judge (126 of 563, 22%)

- Prison: minimum 25 years in custody

More severe sentence (72 of 563, 13%)

- Prison: minimum 30 years in custody