Jury Composition and Sentencing Decisions

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Motivation

- Popular juries were introduced to guarantee a fair trial for defendants

- They also serve to counterpower the discretion of judges

- However, jurors may be vulnerable to their own biases

- Studying biases affecting jurors is policy-relevant (e.g. juror training, quotas)

- We focus on biases related to **gender** since its role is potentially large:
  - 46% of convicted cases are rapes (INSEE, 2010-2020)
  - 89% of rape victims are women, 99% of authors are men (INSEE, 2021)

- Studying biases related to other identity dimensions (socioeconomic status, ethnicity) is also on the agenda

How does jury gender composition affect trial outcomes?

- The effect of jury gender comp. on sentence severity is ambiguous *a priori*:
    - Women may show stronger empathy for defendants regardless of crime type $\rightarrow$ female-dominated juries are more lenient
    - Women may want to distance themselves from a "soft" stereotype $\rightarrow$ female-dominated juries are harsher
- This effect may depend on crime type, esp. when gender dimension is salient:
    - Women could be more empathetic towards the victim especially in cases of rape $\rightarrow$ female-dominated juries are harsher in rape cases, not in others
    - Women mobilize traditional gender stereotypes in a way that sanctions rape victims $\rightarrow$ female-dominated juries are more lenient in rape cases, not in others

This Paper

- We investigate the role of jury gender composition on sentencing outcomes

- **Pilot data collection is completed**: we have collected data for 209 trials from a French criminal court (2005-2022)

- Sample extension to $\sim$ 2500 trials is ongoing (same period, other courts)

- We exploit the **random selection** of jurors to identify the causal impact of jury composition

Related Literature

- Identity and in-group bias in decision-making: Akerlof & Kranton (2000); Chen & Li (2009); Shayo & Zussman (2011); Charness & Chen (2020)

- Impact of outside factors on sentencing behavior: Anwar et al. (2012, 2014, 2018, 2019, 2022), Lim et al. (2015), Arnold et al. (2018), Eren & Mocan (2018), Heyes & Saberian (2019), Chen & Philippe (2023), Mehmood et al. (2023)

- Role of gender norms in the criminal justice system: Flanagan (2018), Philippe (2019), Bindler & Hjalmarsson (2020), Hoekstra & Street (2021)

French criminal courts – Background

- There is one criminal court in each of the 95 provinces in France Map

- These penal courts try ∼2,500 cases for serious felonies each year. E.g. homicide (17%), rape (46%), aggravated assault (13%), armed theft (22%)

- Verdict is decided collectively by the court and jury: main judge, two assistant judges and the jurors (6 in "standard" trials, 9 in appeal trials)

- Each person has the same weight in the verdict

- Decisions are taken following a supermajority rule

Juror selection follows several stages of randomization

- 1st randomization establishes the annual list of potential jurors
  - Selection pool: residing in the province, older than 23 and registered to vote + other eligibility criteria
  - Exemption if proof of disability, change of address, older than 70

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- 3rd randomization establishes the seated jury prior to each trial
  - Juror names are randomly drawn from an urn sequentially
  - At each draw, attorneys can use a very limited number of repeals

Data

- Pilot data of all trials held in one court is **complete** $\rightarrow$ 209 trials (2005-2022)

- Extension to $\sim$ 2500 trials ongoing

- Data contains full trial reports and juror lists

- Several sets of variables:
  - <u>Outcomes:</u> guilt decision and sentence length in years if guilty
  - <u>Defendant:</u> name, gender, date and place of birth, reoffender, occupation
  - <u>Crime:</u> type, date, place, detailed description
  - <u>Potential and seated jurors:</u> name, date and place of birth, occupation, who is not present at summons/exempt from duty
  - <u>Judges and attorneys:</u> fullname, role (main judge vs. assistant judges)
  - <u>Victim:</u> name, date of birth, present at trial

Empirical strategy

- We exploit quasi-random variation in jury composition
- We include controls for determinants of trial outcomes: crime type, defendant characteristics, judge FEs, time FEs

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$$Sentence\_length_i = \beta Share\_Women_i + \gamma \boldsymbol{X}_i + \epsilon_i$$

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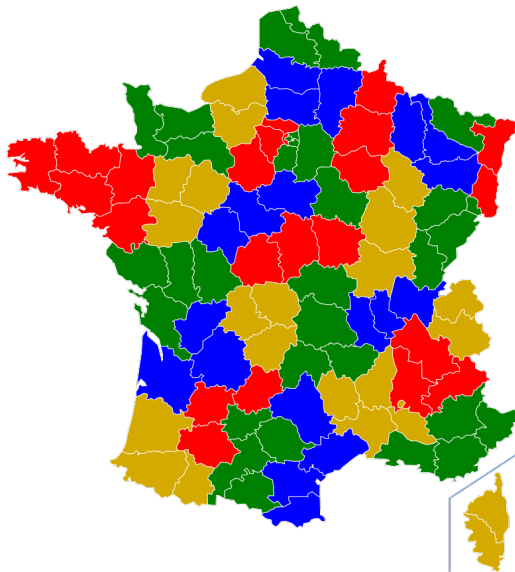
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Heterogeneity by crime type

$$\begin{aligned}
Sentence\_length_i = {} & \beta^R(Share\_Women_i \times Rape_i) \\
& + \beta^H(Share\_Women_i \times Homicide_i) \\
& + \beta^A(Share\_Women_i \times Assault_i) \\
& + \beta^T(Share\_Women_i \times Theft_i) \\
& + \gamma \boldsymbol{X}_i + \epsilon_i
\end{aligned}$$

Court reports (*Procès verbaux*)

Par l'avènement du tirage au sort, aucune récusation n'ayant été exercée à leur encontre par la Défense ni par le Ministère Public, le JURY a été composé des nommés :

1 - Madame P   ' épouse   , juré titulaire n°37, PREMIER JURÉ

2 - Madame T   , juré titulaire n°6,

3 - Monsieur S   , juré titulaire n°30,

4 - Madame F   épouse   , juré titulaire n°12,

5 -Monsieur A   , juré titulaire n°27,

6 - Monsieur A   , juré titulaire n°33,

Jurés supplémentaires :

1S - Monsieur N   !, juré titulaire n°45,

2S - Monsieur Y   , juré titulaire n°18,

3S - Monsieur E   , juré titulaire n°10,

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