

PRELIMINARY SLIDES: PROSÍM NEŠÍŘIT

Compensation in Sentencing: Vignette Experiment with Dutch and Czech Judges and Prosecutors

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Introduction

- Assessment of the welfare impact of sentencing disparities requires a better understanding of long-term consequences.
- Does an initial disproportionately harsh (lenient) sentence get amplified or mitigated by subsequent sentences? Is it a temporary or permanent shock?
- RQ: Do judges compensate or reinforce previously imposed disproportionately harsh sentences?

- Vignette experiments w/ Dutch and Czech judges and state prosecutors in
- Between-subjects design: participants randomly assigned in **treatment** and **control** groups
- Each participant was presented with two cases, A and B, and several more questions (gender, occupation, experience, views on compensation of the previous sentence)
- Sentence imposed in case A used to generate experimental variations
- Primary variable of interest is **imposed sentence in case B**

- Dutch law and criminology student
- Dutch judges and state prosecutors (ca 20 until now, more to be collected)
- Czech judges, state prosecutors, and assistants (ca 25 now collected)

Dutch Judges and Prosecutors

- (1) Participants presented with case A; prosecutor recommend **3 months** in prison
- (2a) **Control group**: Judge imposes **3 months** in prison in line with prosecutor's recommendation
- (2b) **Treatment group**: Judge imposes **12 months** in prison substantially harsher than prosecutor's recommendation
- (3) Participants presented with case B of the same offender and are asked to impose a sentence

The difference between the average imposed sentence in TG and CG is an estimate of the causal effect of a previously harsh sentence:

- If $TG = CG$: judges, on average, do not take the previous sentence (not criminal history) into account
- If $TG > CG$: judges, on average, amplify the initial harsh sentences
- If $TG < CG$: judges, on average, compensate the initial harsh sentence

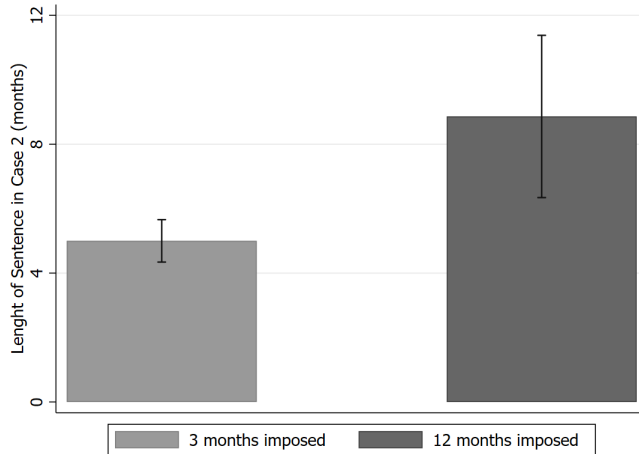
Case A

- Mark B (23) found guilty of house burglary (laptop and iPad disappeared); money used to pay for his gambling addiction
- Convicted of residential burglary twice before (fine and community service)
- Prosecutor recommended three months of incarceration

Case B

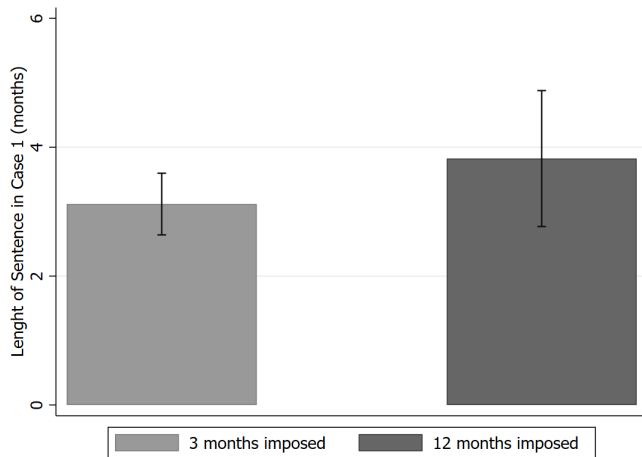
- A year after his sentence is over: another residential burglary

Main Results: Effect of Treatment on Imposed Sentence (Dutch)



- increase: 3.86 months; 77% (!)
- p-value of t-test: 0.0059
- N = 34

Placebo Test: Effect of Treatment on Imposed Sentence in Case 1 (Dutch)



- Placebo test
- No difference in initial leniency
- p-value of t-test: 0.222
- N = 34 (slightly different sample)

Effect of Treatment on Imposed Sentence (Dutch)

	(1)	(2)	(3)	(4)	(5)	(6)
	sentence	sentence	sentence	sentence	sentence	sentence
treatment	3.861*** (1.308)	3.399** (1.320)	3.561** (1.317)	2.971*** (0.931)	2.075*** (0.674)	2.185*** (0.671)
1b case 1 Prison		0.752* (0.394)	0.474 (0.408)		1.135*** (0.201)	0.976*** (0.210)
male			-0.368 (1.461)			0.234 (0.728)
judge			-2.573* (1.481)			-1.555** (0.743)
N	34.000	32.000	31.000	33.000	31.000	30.000

Standard errors in parentheses

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

- Robust effect of 12 months (vs. 3 m) on subsequent sentence
- col (4)-(6): no outlier

Effect of Treatment on Imposed Sentence (J)

	(1)	(2)	(3)	(4)	(5)	(6)
	sentence	sentence	sentence	sentence	sentence	sentence
treatment	2.250*	2.207*	1.815*	2.250*	2.207*	1.815*
	(1.100)	(1.076)	(0.895)	(1.100)	(1.076)	(0.895)
1b case 1 Prison		1.276	1.116		1.276	1.116
		(0.789)	(0.661)		(0.789)	(0.661)
male			2.017*			2.017*
			(1.006)			(1.006)
judge			-2.439**			-2.439**
			(0.958)			(0.958)
N	16.000	15.000	15.000	16.000	15.000	15.000

Standard errors in parentheses

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Effect of Treatment on Imposed Sentence (E)

	(1)	(2)	(3)	(4)	(5)	(6)
	sentence	sentence	sentence	sentence	sentence	sentence
treatment	5.025** (2.114)	5.467** (2.330)	6.589** (2.405)	3.542** (1.374)	2.120* (1.022)	2.640** (1.135)
1b case 1 Prison		0.159 (0.590)	-0.311 (0.615)		1.069*** (0.262)	0.848** (0.300)
male			-2.683 (2.439)			-1.519 (1.025)
judge			-1.264 (2.917)			-0.412 (1.217)
N	18.000	17.000	16.000	17.000	16.000	15.000

Standard errors in parentheses

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Perception of Harshness on Second Sentence (IV Approach)

	(1)	(2)	(3)	(4)	(5)	(6)
	sentence	sentence	sentence	sentence	sentence	sentence
perharshness	2.407** (1.029)	1.888** (0.835)	1.969** (0.834)	1.808** (0.737)	1.100*** (0.392)	1.153*** (0.391)
1b case 1 Prison		1.172** (0.449)	0.880* (0.460)		1.407*** (0.218)	1.251*** (0.225)
male			-0.652 (1.680)			0.111 (0.807)
judge			-2.904* (1.698)			-1.675* (0.822)
N	34.000	32.000	31.000	33.000	31.000	30.000

Standard errors in parentheses

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

- Instrument: Treatment
- strong first stage
- col (4)-(6): no outlier

Czech Judges and Prosecutors

- (1) Participants presented with case A; prosecutor recommend **8 months** in prison
- (2a) **Control group, CG**: Judge imposes **8 months** in prison in line with prosecutor's recommendation
- (2b) **Treatment group, TG**: Judge imposes **22 months** in prison substantially harsher than prosecutor's recommendation
- (3) Participants presented with case B of the same offender and are asked to impose a sentence

The difference between the average imposed sentence in TG and CG is an estimate of the causal effect of a previously harsh sentence:

- If $TG = CG$: judges, on average, do not take the previous sentence (not criminal history) into account
- If $TG > CG$: judges, on average, amplify the initial harsh sentences
- If $TG < CG$: judges, on average, compensate the initial harsh sentence

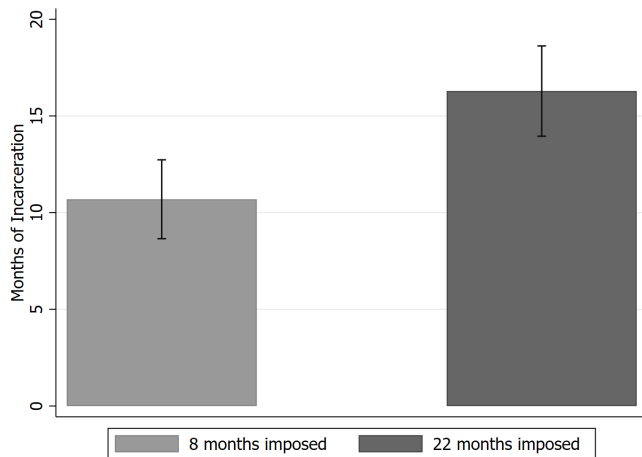
Case A

- Marek Novák (23) found guilty of house burglary (laptop and iPad disappeared, damages 23k CZK); money used to pay for his gambling addiction
- Convicted of residential burglary twice before (fine and community service; community service was imposed as 200 hours, out of which he served 150 h when re-offended); admitted guilt
- Prosecutor recommended eight months of incarceration (sentencing range: 6-36 months)

Case B

- A year after serving his sentence: another residential burglary in the same town (damages 25k CZK)

Effect of Treatment on Imposed Sentence (Czech)



- Amplification of the sentence
- p-value of t-test: 0.0009
- $N = 27$
- Only one person did not imprison the offender

Effect of Treatment on Imposed Sentence (Czech)

	sentence	sentence	sentence
Treatment	5.593*** (1.477)	4.806*** (1.115)	5.073*** (1.070)
Sentence A (Prison, High)		2.843** (1.340)	2.239 (1.308)
Sentence A (ComSer, Low)		1.907 (2.974)	2.716 (2.853)
Sentence A (ComSer, High)		-4.065*** (1.340)	-4.233*** (1.276)
Male			1.669 (1.067)
Judge			1.293 (1.057)
N	27	27	27

Standard errors in parentheses

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

- Robust effect of 22 months (vs. 8 m) on subsequent sentence
- Sentence A: dummy groups by sentence in Case A