

Effects of Cost Salience and Scarcity on Sentencing Judgments in Experts and Laypeople

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SUMMARY

- 1 in 9 U.S. males are incarcerated at some point in their lifetime.¹
- In the courtroom, judges are encouraged to consider benefits rather than the costs of punishing criminal offenders.
- Can this asymmetry in choice architecture be modified by making people consciously aware about the cost of incarceration? Does cost salience reduce punishment?
- In a student sample (N=214), we found that participants who were told that there was a limited prison bed capacity and that they would have to justify their punishment if they chose to punish (high cost), were less likely to punish as compared to participants who were not given information about costs (controls).

METHODOLOGY

Participants: 214 undergraduate students from Georgia State University (56.5% women, ages 18 - 42 years, racial and ethnic identities are representative of the U.S population) completed a survey online.

Methods:

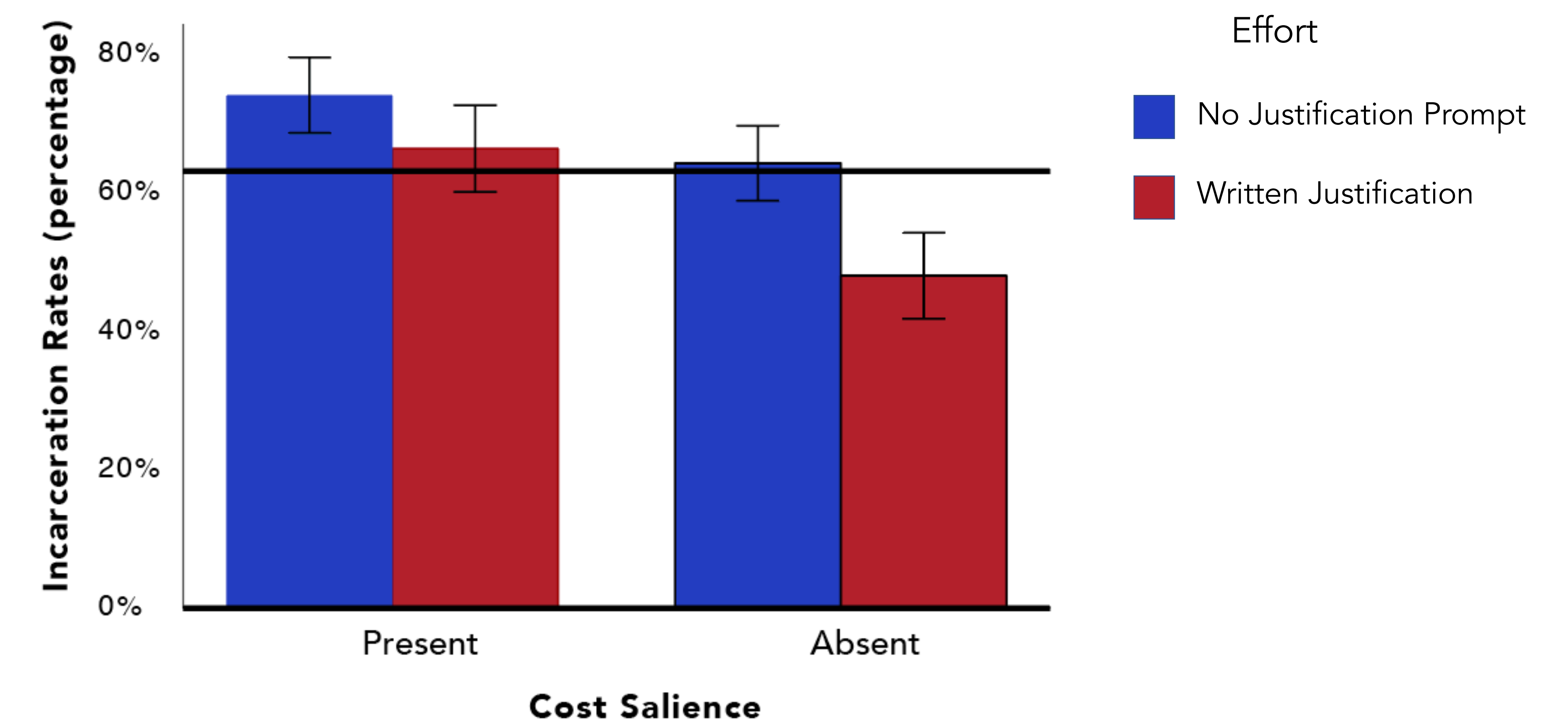
Independent Variables		
	✓	✗
1. Cost Salience	Limited prison bed capacity present.	Cost information absent.
2. Effort	Written justification of punishment after exposure to cost salience.	No justification required.

Dependent Variable
Incarceration Rate for 9 crimes: Should this offender be incarcerated (Yes) or sentenced to probation (No)?

Crime Scenarios included vignettes of Burglary, Tax Fraud, Simple Battery, Drug Trafficking, Insurance Fraud, Assault & Battery, Armed Robbery, Aggravated Robbery, and Murder.

RESULTS

Effects of Cost Salience (prison bed capacity message) and Effort (Justification Prompt) on Incarceration Rates.



All main effects and interaction effects were significant at $p < 0.001$.

BACKGROUND & HYPOTHESES

- Punishment Bias:** People tend to pay more attention to the benefits rather than the costs of punishment.
- Impact:** This tendency to weigh benefits more heavily than costs leads to high rates of punishment.²
- Intervention:** Asking punishers to consider the costs of punishment by making these costs explicit is a direct yet procedurally simple way to curb punishment.
- Hypotheses:**
 - H1. Cost salience (limited prison bed capacity) reduces punishment.
 - H2. Effort (requirement to justify punishment) reduces punishment, and
 - H3. A combination of both cost salience and effort is most effective at reducing punishment

DISCUSSION

- We found that:** the prison capacity message and justification prompts independently reduced incarceration rates, and incarceration rates were most strongly reduced (by 25%) when decision makers were asked to justify their sentences after being exposed to costs.
- The qualitative nature of "what" justifications were provided was less relevant, requests to justify the punishment alone was sufficient in reducing punishment.
- Real-world policy implications:** Evidence that an intervention requiring a simple change in choice architecture (by making costs salient and requiring justifications to punish) can remediate the punishment bias in judges is consequential for all jurisdictions that struggle with over-crowding and over-incarceration.³

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