

Consequences of Inconvenient Information: Evidence from Sentencing Disparity

Online Appendix

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Script

Throughout the experiment, the respondents were shown 14 or 15 slides, depending on their choices. Furthermore, at the end of the session, the respondents could choose to go to a website containing a petition to sign. The survey experiment consists of three blocks: (i) prior-treatment questions, (ii) treatment slides, and (iii) post-treatment questions.

Prior-treatment Questions

Prior to the treatment, respondents are asked three questions to elicit their prior beliefs regarding the sentencing disparity, their experience with the judicial system, and their approval of the judicial system.

Slide 1. *You are about to participate in a survey about courts in the Czech Republic. All information provided is truthful and based on data from the Ministry of Justice.*

Slide 2. *We are going to show you three statements and ask you how much you agree with these statements.*

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Slide 3. *Sentencing decisions depend on the particular judge assigned to the case. Judges regularly differ in sentencing decisions in similar cases.*

- *Definitely yes*
- *Rather yes*
- *Rather no*
- *Definitely no*

Slide 4. *The judicial system in the Czech Republic works well.*

- *Definitely yes*
- *Rather yes*
- *Rather no*
- *Definitely no*

Slide 5. *Considering how often you or people you know well come into contact with the judicial system, how experienced do you think you are?*

- *Sizable*
- *Not sizeable*
- *Superficial*
- *None*

Treatment

In this section of the survey, I show different information to the control group and to the treatment group. Both the control and the treatment slides consist of a figure of judges showing shares of cases sentenced to community service and a brief explanation of what the figure represents. Figure 1 (2) shows the control (treatment) slide.

Slide 6. *One of the most frequent crimes in the Czech Republic is failure to pay alimony. In the last 3 years, courts in the Czech Republic have sentenced more than 13,000 cases. The punishment can be a suspended sentence, incarceration, community service, and/or a fine.*

Now, we will show you sentencing decisions of judges at a regional court in the Czech Republic.

Slide (Control Group). *At this regional court, 16% of the convicted are sentenced to community service as their main punishment.*

Judges sentence very similarly.

Regardless of which judge is assigned to the case, the offender has very similar probability of being sentenced to community service.

Slide (Treatment Group). *At this regional court, 16% of the convicted are sentenced to community service as their main punishment.*

Judges sentence differently.

Judge C sentences a third of his/her cases to community service.

Other judges sentence less than 10% cases to community service, instead they choose different types of punishments.

Cases are assigned to judges at random: an offender assigned to judge C has three times higher probability of being sentenced to community service compared to a situation in which he was assigned to a different judge.

Post-treatment Questions

Slide 7. *The figure showed the situation from one regional court. Based on your opinion, what is the situation in the Czech Republic? In what % of cases are offenders sentenced to community service as the main punishment for failure to pay alimony?*

Slide 8. *How much do you trust the following institutions ... { the judicial system; the police; the government; public broadcasting }*

- *A great deal*
- *Quite a lot*
- *Not very much*
- *None at all*

Slide 9. *Suppose you are the prime minister of the Czech Republic. Rank the following issues according to the priorities you would approach them.*

- *Fair judicial system*
- *Sufficient highway infrastructure*
- *High-quality teachers in the education system*
- *Safety situation in the Czech Republic*

Slide 10. *In some cases, it is possible to substitute the formal judicial system by alternative dispute resolution (arbitration), which has several advantages compared to the judicial system.*

- *Want to know more*
- *Not interested*

Slide (only if Slide 10: want to know more). *If you are interested, we can send you a booklet with information about arbitration. What is your email address:*

Slide 11. *We would like your advice. Your response can be used by a NGO (vasevyzivne.cz) as information for its clients. Please read the following story: Jane has two kids and their father does not pay alimony. She hesitates to apply to the court, because she is not sure whether a court could help or it would be only a waste of time and energy.*

What would you recommend to her?

- *She should apply to the court*
- *There is no good reason to apply to the court*

Slide 12. *The last question: Would you sign a petition that invites politicians to suggest specifying sentencing principles? Such principles would assist judges in making their sentencing decision. (A preview of the petition was shown.)*

- *Want to read it*
- *Not interested at all*

Slide 13. *Great! That is the end of the questionnaire and very last thing (if slide 12: interested: and before we show you the petition promised), how credible do you think the information provided here is?*

- *A great deal*
- *Quite a lot*
- *Not very much*
- *Not at all*

Figure 1: Control Slide

U tohoto okresního soudu dostane trest obecně prospěšných prací jako hlavní trest průměrně 16 % odsouzených.

Soudci rozhodují velmi podobně:
- ať už tu pachatel dostane jakéhokoliv ze soudců, má velmi podobnou pravděpodobnost, že dostane tento druh trestu.



Notes: The control slide consists of a graph showing the frequency of community service used by four different judges. The graph is accompanied by a brief explanation of the graph.

Figure 2: Treatment Slide

U tohoto okresního soudu dostane trest obecně prospěšných prací jako hlavní trest průměrně 16 % odsouzených.

Soudci rozhodují různě:

- u soudce C jej dostane skoro třetina pachatelů,
- u jiných soudců je to méně než 10 % a častěji naopak dávají jiné tresty.

Přiřazení k soudci je náhodné: pachatel, který náhodou dostane soudce C, má oproti ostatním až třikrát tak velkou šanci, že odejde s trestem obecně prospěšných prací.



Notes: The treatment slide consists of a graph showing the frequency of community service used by five different judges. The graph is accompanied by a brief explanation of the graph.

Petition

The aim of the following petition is to prompt political representatives to address the specifics of sentencing principles. The petition is addressed to members of the Committee on Constitutional and Legal Affairs of the Chamber of Deputies, Parliament of the Czech Republic and will be sent once there are at least 1000 signatures collected.

Should you be interested in signing this petition, please provide us with your email address and we will send you the signature sheet.

To members of the Committee on Constitutional and Legal Affairs of the Chamber of Deputies, Parliament of the Czech Republic

Subject: Invitation to specify sentencing principles

Sentencing decisions often crucially affect one's life. The difference between being sentenced to imprisonment and being given a suspended sentence has significant consequences for the offender, his family and friends.

A judge assigned to a case has an exclusive right to make the sentencing decision. In making such important decisions, the judge considers many circumstances related to the case and consequences of different types and length of punishments. Given the complexity of the decision, it is natural that the personality and experience of the judge affect what sentence he will choose. It is right that criminal justice is built on the independence of judges and the principle of individualization of sentences.

It has become a widespread topic in the public discussion that more specified sentencing principles that help judges in sentencing decisions may limit the role of the personality of the judge and thus promote refinement of sentencing. In particular, it may lead to, among others establishing non-binding instructions on how to proceed in a sentencing decision. Such instructions may not only help judges in the sentencing decisions, but also provide a better understanding of the type of punishment and why was imposed by offenders and the general public.

We, the signatories of this petition, would like to invite members of the Committee on Constitutional and Legal Affairs of the Chamber of Deputies, Parliament of the Czech Republic, to support our action.

Debriefing Letter

Last week you participated in a survey, in which we – on behalf of our client – informed you about shares of cases in which judges of one of the regional courts in the Czech Republic sentence offenders to community service for a crime of *failure to pay alimony*.

The information that was showed to you is truthful and describes a situation at one of the regional courts. However, the situation may not correspond to other regional courts. In the Czech Republic, there are several dozens of regional courts that may vary in differences among judges in the propensity to sentence offenders to different types of punishments for different crimes.

Should you be interested in sentencing decision in the Czech Republic, there is a webpage *jaktrestame.cz* devoted to it.