Justice at all costs? Transparency about the costs of incarceration decreases lay sentencing recommendations

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Introduction
Punishment is pricey
- Taxpayers spend over $250 billion to incarcerate offenders each year. The cost to incarcerate a single inmate is $30,000 per year [1].
- Sentencing policies and practices are supported by public opinion.
- Understanding how people formulate punishment attitudes and decisions is essential to the health of our correctional system.

People are irrational
- Human decision-making frequently violates rational expectations [2].
- People do not place equal consideration on all relevant costs and benefits of a decision, but tend to underweight indirect and opportunity costs [3, 4].
- People make riskier choices when bargaining with other people’s money [5].

Indirect costs are an inherent part of criminal sentencing
- Dollars spent on incarceration can no longer be used for other government-funded programs such as education and job training (opportunity cost).
- Corrections budget is composed of public tax dollars (other people’s money).

Does cost neglect operate in criminal sentencing judgments?

H1: Punishments made after presentation of information about the costs of incarceration (post-cost) will be smaller than pre-cost punishments.
H2: As the putative cost of incarceration increases, recommended punishments will decrease.
H3: a) Punishments will be smaller when cost is direct rather than externalized or unspecified. b) However, punishments with externalized or unspecified costs will not differ.

Methods (contd.)

Experiment 1: w/i subjects
- Crime: Home invasion
- IV1: Cost Salience (pre vs. post)
- IV2: Cost Size ($30k increments)
- DV: Sentence recommendation

Experiment 2: b/w subjects
- Crime: Aggravated robbery
- IV: Cost Type
  - Unspecified
  - Externalized (taxpayers bare no cost)
  - Direct cost ($31,000/yr, $200 per taxpayer)
  - Direct cost ($101,000/yr, $200 per taxpayer)
- DV1: Sentence recommendation
- DV2: Subjective punishment recommendation

Results (contd.)

Descriptive Analyses: Exp. 1
- The largest drop in sentencing length occurred within the first cost increment.
- On average, participants maintained a non-zero sentence across all cost sizes.
- 19.1% were wholly insensitive to cost increases.
- 23.8% chose to forgo all punishment at highest cost size.
- There were no differences in punitive motive, attributions of responsibility, or political ideology between the participants in these two groups.

Hypothesis Tests
H1: The presentation of cost information will decrease punishment. SUPPORTED
H2: Punishment will decreases with increasing cost size. SUPPORTED
H3a: Punishments will be smaller when cost is direct. SUPPORTED
H3b: Punishments won’t differ when cost is externalized vs unspecified. SUPPORTED

Discussion
- Under default conditions, as predicted, laypeople discounted prison costs when formulating punishment judgments in the absence of any explicit cost information.
- These default punishments were at least as large as those made under conditions where the punishment was stipulated to be cost-free to taxpayers, indicating that, without explicit prompting, participants were not considering costs when making incarceration decisions.
- When cost information was made explicit, these punishments were substantially reduced relative to both no-cost and cost-free conditions, indicating that, under these conditions, people’s punishment preferences were relatively elastic.
- Increased transparency about cost/benefit tradeoffs may inform sentencing policy by producing sentencing outcomes that more closely align with the considered preferences of public stakeholders.

References