

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/game-day-injustice-judges-dole-out-harsher-sentences-after-home-team-upset>

Public Facing Advocacy Writing

Many people are aware of the implicit biases that shape everything from juvenile sentencing to the high number of people [particularly low-income people of color](#) incarcerated in the country's prisons and jails. What they may not realize, however, is that something as simple as a judge's favorite football team losing a game could drastically alter a defendant's experience with the justice system. [A new study](#) suggests just that.

Louisiana State University (LSU) professors Naci Mocan and Ozkan Eran examined 16 years worth of defendant case files for juvenile defendants in the state of Louisiana. Using case data ranging from 1996 to 2012, they found that judges with bachelor degrees from LSU gave harsher sentences to young African American men after LSU lost a game it was expected to win. In other words, their study found that some sentencing disparities are caused by external factors that affect a judge's mood, especially if his or her alma mater suffers an upset loss in football.

These sentencing disparities resulted in an additional 1,332 extra days on probation or in custody, the researchers said. One case comparison showed that a post-game sentencing from an LSU alum was 74 days longer than similar sentences given by a non-LSU alum. The impact of these decisions, Eran and Mocan emphasize, [were] asymmetrically borne by black defendants.

They also note that these differing results in sentencing were not affected by the defendant's economic backgrounds or their behavior in court. They controlled for a number of factors, finding in the end that their results were robust point[ing] to the existence of a subtle and previously-unnoticed capricious application of sentencing.

This isn't the first study to suggest that the emotional or physical comfort of a judge can affect his or her sentencing patterns. A 2011 study found that judges gave more favorable rulings to defendants [when they weren't hungry](#) at the beginning of the workday or just after a break than they did when a sentence came just before lunchtime or late in the afternoon.

As the national debate continues over what an improved criminal justice system might look like, studies like these indicate that there is an urgent need for greater research to illustrate how individual behaviors, emotional states, and implicit biases impact sentencing. Only through an increased understanding of these factors can we introduce reforms that make the justice system more equitable for all.

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