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# raceAhead: New Bias Found in Juvenile Justice

Ellen McGirt

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It's tempting to think of bias as a fairly straightforward, albeit embarrassing, blind spot that can be identified with some respectful feedback, smoothed over with careful training and controlled with proper institutional vigilance.

Unless you're a juvenile court judge from Louisiana. Who went to Louisiana State University (LSU). And you're a big fan of their football team. And then your team loses, unexpectedly.

Then, you may be alarmed to discover that you are more likely to hand down longer sentences the week after that bummer of a game than if your team won. In fact, the effect happens only if you were *negatively* surprised by the outcome. If you expected a loss, you were fine. And it seems, the sentence will be harsher still if the defendant is black.

LSU, examined juvenile court records from 1996 through 2012, looking to examine the relationship between "emotional shocks"- like those experienced by football fans - and a judge's ability to actually judge.

"We investigate whether emotional shocks, experienced by a highly-educated group of individuals, have any impact on these individuals' professional behavior which, by law, should be free of personal feelings and biases," says the report.

The paper, aptly named *Emotional Judges and Unlucky Juveniles*, is a fascinating and accessible read. Could decision fatigue, lack of food breaks, or defendant misbehavior in the courtroom be to blame? Nope, nope and nope. These things, and others, were studied and accounted for. It was LSU football, they say.

The researchers calculated that each upset loss of the LSU football team generated excess punishments of juvenile defenders in Louisiana by a total of more than 1,332 days, including time in custody and probation, with 159 extra days of jail time for juveniles convicted of a felony.

"Furthermore, although the average sentence lengths (conditional on case, defendant and judge attributes) do not differ by defendant race in the absence of a football effect, it appears that an upset LSU football game loss increases the disposition length (sentence severity) of black defendants more severely in comparison to white defendants. Thus, the burden of the emotional trauma generated by the upset loss seems to fall on black defendants."

Ozken and Mocan point out that because the bias is triggered by an "emotional shock," it is not deliberate. But the research obviously raises some important concerns about the Louisiana judicial system specifically, as well as how to better manage the emotional humans at the helm of any major system.

"I think there are implications in a narrow area such as judicial decision-making, as well as in a more general area of 'understanding and explaining human behavior,'" says Mocan. His next area of focus is on the broader impact of culture and institutions on individual behavior.

In the meantime, go Tigers?

On Point