



Wednesday, February 14, 2024

An Open Letter to Members of the Louisiana State Legislature

*When Deliberating Juvenile Justice-related Items During the Extraordinary Session,
Consider the Study “Emotional Judges and Unlucky Juveniles”¹
Which Finds that LSU Tiger Football Influences the Length of Juvenile Sentences.*

Dear Honorable Senators and Representatives of Louisiana,

The Louisiana Governor, with *Proclamation Number 13 JML 2024*², is convening the Louisiana Legislature into an extraordinary session from February 19 to March 6 to consider 24 justice-related items. Several items are related to juvenile justice, including lowering the age of a person deemed to be a “child” for purposes of dispositions and sentencing, expanding the list of crimes for which a child may be confined to the custody and care of DPSC, and removing eligibility for modification of certain sentences.

“Emotional Judges and Unlucky Juveniles” is research from two LSU economics professors that reports the sentencing of children has not been free of college football’s influence in Louisiana. Despite the current call for harsher justice, our children deserve a level playing field.

The reasons for careful consideration of juvenile justice matters are well established. Because children cannot care for themselves, adults are legally required to exercise greater care for their safety. The State of Louisiana has an obligation to ensure that we maintain a fair and rehabilitative juvenile justice system focused on the well-being and future success of children rather than a system based on punitive measures.

We all desire a just and fair society. Unfortunately, against our best intentions and efforts, we know our society is unfair. This is especially true for children. Factors beyond our awareness influence our decisions, and bias plays a powerful role in them.

“Emotional Judges and Unlucky Juveniles” reports the unrelated but powerful influence of the LSU Tigers on juvenile sentence lengths in Louisiana. Studying 8,228 unique cases from 207 judges, two LSU economics professors, Dr. Ozkan Eren and Dr. Naci Mocan, found that when the LSU Tigers lost a game that they were expected to win, Louisiana’s juveniles received longer sentences if they appeared in court during the week after the losing game. Also, “the effects of these emotional shocks” were borne by black defendants more than white defendants.

We know the LSU professors found that “unexpected losses increase disposition (sentence) lengths assigned by judges during the week following the game.” But today, we do not know if juvenile sentencing in Louisiana has been cleansed of its LSU Tiger bias.

The researchers’ findings were reported by *The Atlantic* in “Judge’s Football Team Loses, Juvenile Sentences Go Up: No. Seriously”³, by *Improbable Research* in “Emotional Judges and Unlucky Juveniles [study]”⁴, by *The Tiger Rag* in “STUDY: When LSU loses, judges give black juveniles get (sic) harsher sentences”⁵, and by *Sports Illustrated* in “Study: LSU alumni judges give tougher sentences after football team loses: There was also a racial disparity, with black juveniles receiving harsher sentences compared to white juveniles.”⁶

Among the specific research findings:

- “Our results indicate that emotional stress is responsible for this reaction of judges because we find that the entire set of results are driven by judges who have received their bachelor’s degrees from LSU.”
- “We calculate that each upset loss of the LSU football team generates excess punishments of juvenile defenders in Louisiana by a total of more than 1,332 days, including time in custody and probation. Importantly, 159 extra days of jail time has been assigned to juveniles convicted of a felony due to an upset loss in a football game.”
- After an unexpected loss, racial disparity in the severity of punishment was at play: Black juveniles averaged an extra 46 days of sentencing following a loss, while white juveniles averaged eight more days.

Some Louisiana children have paid the penalties for the LSU Tigers’ shortcomings on the football field. Each day of unfair, unreasonable, unnecessary incarceration is a risky day for a child. I believe that until the Legislature finds a way to re-assess the documented LSU Tigers bias, it is premature to make Louisiana’s juvenile justice system less therapeutic or harsher. Louisiana’s OJJ facilities have been of poor quality, services have been understaffed, and consequently, outcomes have not been good for children. These conditions have been reported in the news for years.

Honorable Senators and Representatives of Louisiana, all our children deserve the best juvenile justice system we can create. I share this information with you to provide a broader context than the current call for a harsher juvenile justice environment. Please read and consider “Emotional Judges and Unlucky Juveniles” during this extraordinary session.

You may download the research report directly from the National Bureau of Economic Research at <https://www.nber.org/papers/w22611>.

Sincerely,



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References

1. Ozkan Eren & Naci Mocan, 2018. “Emotional Judges and Unlucky Juveniles,” *American Economic Journal: Applied Economics*, vol 10(3), pages 171-205.
2. “Call and Convene the Legislature of Louisiana Into Extraordinary Session.” *Proclamation Number 13 JML 2024* (February 8, 2024). <https://gov.louisiana.gov/assets/Proclamations/2024/13-JML-2024-Proclamation.pdf>
3. DeRuy, Emily. “Judge’s Football Team Loses, Juvenile Sentences Go Up: No. Seriously” *The Atlantic*, 7 September, 2016, <https://www.theatlantic.com/education/archive/2016/09/judges-issue-longer-sentences-when-their-college-football-team-loses/498980/>. Accessed 13 February 2024.
4. Gardiner, Martin. “Emotional Judges and Unlucky Juveniles [study].” *Improbable Research*, 14 February, 2022, <https://improbable.com/2022/02/14/emotional-judges-and-unlucky-juveniles-study/>. Accessed 13 February 2024.
5. Worsham, Cody. “STUDY: When LSU loses, judges give black juveniles get harsher sentences.” *The Tiger Rag*, 7 September, 2016, <https://www.tigerrag.com/study-lsu-loses-judges-give-black-juveniles-get-harsher-sentences/>. Accessed 13 February 2024.
6. SI Wire. “Study: LSU alumni judges give tougher sentences after football team loses: There was also a racial disparity, with black juveniles receiving harsher sentences compared to white juveniles.” *Sports Illustrated*, 7 September, 2016, <https://www.si.com/college/2016/09/07/judge-bias-lsu-football-defendants-tougher-punishments>. Accessed 13 February 2024.