

Happy Birthday, Go to Jail: Age-based Left-digit Bias in Criminal Sentencing

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Abstract

Judicial discretion allows judges to make nuanced decisions, taking into account details of legal cases that are not directly covered by law. However, judicial discretion can also expose behavioral biases and lead to decision-making based on criteria that are not germane to the legal process. I test for the existence of a particular behavioral bias: age-based left-digit bias. Specifically, I use a regression discontinuity design to test for changes in sentencing decisions occurring on an offenders 20th birthday using data on sentencing decisions from the state of Pennsylvania. I find that an offender sentenced just after his/her 20th birthday is 3.5 percentage points more likely to be sentenced to incarceration than an offender sentenced just before his/her 20th birthday. I test for evidence of conscious mechanisms underlying this effect and find no such evidence, leaving a simple unconscious bias as the best available explanation.