

Does “Jamal” Receive a Harsher Sentence Than “James”? First-Name Bias in the Criminal Sentencing of Black Men

Dushiyanthini (Toni) Kenthirarajah¹, Nicholas P. Camp², Gregory M. Walton¹,
Aaron C. Kay^{3, 4}, and Geoffrey L. Cohen^{1, 5}

¹ Department of Psychology, Stanford University

² Department of Organizational Studies, University of Michigan

³ Department of Management and Organization, Fuqua School of Business, Duke University

⁴ Department of Psychology and Neuroscience, Duke University

⁵ Department of Developmental and Psychological Sciences, Stanford University Graduate School of Education



Objective: Using archival and experimental methods, we tested the role that racial associations of first names play in criminal sentencing. **Hypotheses:** We hypothesized that Black defendants with more stereotypically Black names (e.g., Jamal) would receive more punitive sentences than Black defendants with more stereotypically White names (e.g., James). **Method:** In an archival study, we obtained a random sample of 296 real-world records of Black male prison inmates in Florida and asked participants to rate the extent to which each inmate’s first name was stereotypically Black or stereotypically White. We then tested the extent to which racial stereotypicality was associated with sentence length, controlling for relevant legal features of each case (e.g., criminal record, severity of convicted offenses). In a follow-up experiment, participant judges assigned sentences in cases in which the Black male defendant was randomly assigned a more stereotypically Black or White name from our archival study. **Results:** Controlling for a wide array of factors—including criminal record—we found that inmates with more stereotypically Black versus White first names received longer sentences $\beta = 0.09$, 95% confidence interval (95% CI) [0.01, 0.16]: 409 days longer for names 1 standard deviation above versus below the mean on racial stereotypicality. In our experiment, participant judges recommended significantly longer sentences to Black inmates with more stereotypically Black names above and beyond the severity of the charges or their criminal history, $\beta = 0.07$, 95% CI [0.02, 0.13]. **Conclusions:** Our results identify how racial associations with first names can bias consequential sentencing decisions despite the impartial aims of the legal system. More broadly, our findings illustrate how racial biases manifest in distinctions made among members of historically marginalized groups, not just between members of different groups.

Public Significance Statement

We identify a pernicious yet understudied source of racial bias in criminal sentencing among Black defendants: the perceived racial–ethnic associations of offenders’ first names. Our results suggest that the stereotypical associations attached to first names lead to inequitable and punitive outcomes.

Keywords: first names, sentencing, stereotypes, subtyping, criminal justice


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Nicholas P. Camp  <https://orcid.org/0000-0001-9704-6133>

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 The data are available at <https://osf.io/7yrdc/>.

 The experimental materials are available at <https://osf.io/7yrdc/>.

Correspondence concerning this article should be addressed to Nicholas P. Camp, Department of Organizational Studies, University of Michigan, 500 Church Street, Weiser Hall, Ann Arbor, MI 48109, United States. Email: npcamp@umich.edu

Although racial–ethnic inequalities in incarceration rates are high around the world, they are extreme in the United States (Moore, 2015). Black men constitute 38% of the U.S. prison population but only 6% of the U.S. adult population (Federal Bureau of Prisons, 2022). Decades of research in criminology, legal studies, and sociology document the contribution of sentencing biases to these disparities (Bushway & Piehl, 2001; Nowacki, 2015; Tonry, 1997). By some estimates, Black citizens receive sentences that are almost 10% longer than those of Whites charged with the same crimes (Rehavi & Starr, 2014), despite state penal systems' adoption of sentencing guidelines designed to prevent racial discrimination (Spohn, 2000; Tonry, 1995; Zatz, 1987).

These disparities impose a tremendous cost on individuals and communities. Incarceration prevents people from working and contributing to society, from providing for and spending time with their family, and from leading a free life; it also negatively affects major downstream life outcomes such as well-being, employment, economic mobility, and educational and financial attainment of their children (Haney, 2001; The Pew Charitable Trusts, 2010). Imprisonment depresses civic participation through formal disenfranchisement and institutional distrust (Lerman & Weaver, 2014; Weaver & Lerman, 2010). The longer someone is incarcerated, the more severe these impacts.

Given the harms of incarceration and the profound disparities in who shoulders these burdens, it is crucial to identify biases that influence incarceration decisions. In the present research, we examined how distinctions made among members of a given racial group contribute to racial bias in criminal sentencing. Psychological research suggests that people assign individuals to a subtype within social categories such as race. They infer what kind of group member a person is based on subtle cues and treat them accordingly (Hewstone, 1994; Maddox, 2004; Maurer et al., 1995; see also Monk Jr., 2022). Even among individuals categorized as Black or White, Black individuals who have more Afrocentric features (e.g., darker skin) are more likely to be stereotyped as criminals (Dixon & Maddox, 2005; Maddox & Gray, 2002) and, in some circumstances, even more likely to be sentenced to death (Eberhardt et al., 2006); likewise, White individuals who appear more stereotypically White are less likely to be the victims of excessive force (Kahn et al., 2016). Here, we examined within-group racial biases in criminal sentencing as a function of another cue: the racial stereotypicality of a person's given name.

Names as Social Cues

Why would first names affect social perceptions? A notable aspect of first names is that they are, simultaneously, a primary marker of individual identity and often closely associated with racial–ethnic groups, so much so that they can signal an individual's affiliation with that group (Kenthirarajah, 2015; Zhao & Biernat, 2017). This dual function of names may make it especially likely that people draw inferences from names about the nature of a person's affiliation with their racial–ethnic group, above and beyond group membership. Indeed, first names are chosen by parents and by people themselves (in the case of nicknames), unlike other potential subtyping cues, such as facial features.

Moreover, because first names are quintessential individuating information, perceivers may view first names as an appropriate and legitimate basis for social perception, thus obscuring or justifying

group-based shifts (Blair, Judd, & Fallman, 2004; Dovidio & Gaertner, 2004; Plant & Devine, 1998). For example, although people might resist using skin color as a basis for drawing an inference about a person, they may not resist thinking that an Asian American student named Chang is more studious than an Asian American student named Charles. Finally, of specific relevance to legal decision-making, first names are ubiquitous in legal contexts, in both in-person interactions (e.g., criminal sentencing hearings) and written records (e.g., a criminal file), allowing stereotypical inferences drawn from first names to influence social perception and decision-making at multiple stages of the sentencing process and to compound across contexts.

Consistent with this account, research has often used stereotypical names to identify a person's race in experiments on implicit social cognition, resume audits, and email studies of discrimination (e.g., Bertrand & Mullainathan, 2004; Greenwald et al., 2003; Milkman et al., 2012). Whereas this past work has used names to identify a target as being either White or Black, the present research examined distinctions within a racial group that arise from the perceived racial association of individuals' first names. Even when people know a person's racial-group membership—as when they know that a person is Black—does the association of that person's name with Black Americans (e.g., Jamal) as opposed to White Americans (e.g., Jason) affect the extent to which racial stereotypes influence downstream decisions?

Whereas researchers have more commonly used first names to distinguish between racial groups, our hypotheses are consistent with studies that have begun to examine how individuals who share a group identity are perceived on the basis of given names. For instance, in a series of laboratory studies, Kenthirarajah (2015) found that people perceived diverse U.S. citizens and noncitizens as more American when they had an Anglo name (e.g., Peter) as opposed to an ethnic name (e.g., Pedro), even with the same racial identity (see also Zhao & Biernat, 2017). They were also more likely to apply stereotypes to Black Americans (to see them as lazy and unintelligent) and showed stronger implicit prejudice (association with the construct “bad” vs. “good”) toward Black Americans who had more stereotypically Black (e.g., Tyrone) as opposed to Anglo (e.g., Tyler) first names. In specific circumstances, participants were also more likely to discriminate against targets from historically marginalized groups with ethnic names in simulated naturalization and hiring decisions. Other research has begun to explore the consequences of first-name biases in field settings. In one study, White professors were less likely to respond to an email requesting a meeting from a Chinese student using a Chinese (Xian) name versus an Anglo (Alex) name (Zhao & Biernat, 2017).

Given the centrality of representations of violence and criminality in stereotypes of Black men (Devine & Elliot, 1995; Eberhardt et al., 2004; Sigelman & Tuch, 1997), here we examined the effect of first names in the context of criminal sentencing of Black male defendants, who receive the most punitive sentences in the U.S. criminal justice system (Steffensmeier et al., 1998). Do Black men receive longer sentences for the same crime if their first name is more associated with Black Americans than White Americans? Notably, sentencing decisions are usually made after plea-bargaining conferences or sentencing hearings at which the inmate is present. Therefore, decision makers of sentence length—judges as informed by prosecutors and defense counsel—are aware of the inmate's

name and racial identity as well as a host of other individuating factors about them.

Overview of Studies

In Study 1, we examined a random sample of real-world criminal sentencing records from Florida. The state makes an abundance of information about inmates publicly available: their current and past convictions; the date and length of their sentence; and their aliases, tattoos, scars, height, weight, age, race, and photographs. These data allowed us to isolate the effect of first names on sentencing above and beyond other factors (criminal records, physical appearances). Florida is also a consequential state in which to study disparities: It is both the third most populous state in the United States and home to the third-largest prison population in the country, 31% of which is Black (Florida Department of Corrections, 2017).

After testing the first-name bias, we assessed its robustness across a range of other factors (e.g., the presence of sentencing enhancements, whether an offense was associated with a cocaine-related crime). However, cross-sectional methods cannot confirm causality. Thus, in Study 2, a within-subjects mixed-model experiment, we used random assignment to test the causal effects of more stereotypically Black versus White first names on sentencing decisions of Black inmates. Manipulating only the first names linked to a subset of the criminal records used in Study 1, we tested whether inmates received longer sentences for the same crime when they were said to be Black men with more stereotypically Black names than when they were said to be Black men with more stereotypically White names.

Study 1: First-Name Bias in Real-World Sentencing Decisions

Using real-world sentencing records, we tested whether Black male inmates with more stereotypically Black first names, compared with Black male inmates with more stereotypically White first names, received longer sentences, controlling for their criminal history and the severity of the current charges they faced. By randomly sampling records, we tested the first-name bias in a way that would generalize to the Black male prison population sentenced in Florida during the relevant time period.

To examine our primary predictions, we asked independent raters to assess how stereotypically Black and how stereotypically White each first name in our sample of inmate records was; other samples of raters considered how much each name evoked the representation of a violent criminal. Raters also judged the perceived social class of each name, along with their uniqueness and likability. Given research demonstrating the close association between representations of Black American men and thoughts about crime (Eberhardt et al., 2004), we predicted that the racial association of inmates' first names would predict sentencing above and beyond socioeconomic status associations or more general perceptions of likability or uniqueness that play a role in hiring decisions (Cotton et al., 2008).

We further tested whether the first-name bias would persist above and beyond other subtyping cues, such as the stereotypicality of inmates' facial features and inmates' surnames (Eberhardt et al., 2006; Pizzi et al., 2005; see also Kahn et al., 2016). We predicted that the stereotypicality of Black inmates' surnames would not predict sentencing because, compared with first names, Black

American surnames are less distinct from White American surnames, in part because many Black surnames were adopted from Anglo-American culture (e.g., passed down from slave owners or taken from the names of occupations or prominent national or local leaders who, at the time of emancipation, were almost all White; Gates Jr., et al., 2013).

Method

Sentencing Record Sampling

We randomly sampled 296 real-world criminal sentencing records of Black male inmates who were sentenced between October 1, 1998, and October 1, 2006, from Florida's Department of Corrections online database. We chose this period because sentencing laws in Florida did not change during this time: All inmates were sentenced under the Florida Criminal Punishment Code, instituted on October 1, 1998. All procedures were approved by the Stanford University Institutional Review Board.

We further restricted our sampling to inmates who were between 18 and 24 years old at the time of sentencing. We focused on young Black men for three reasons. First, this necessarily limits the criminal history of inmates in our sample, which simplifies the legal coding and reduces the likelihood that disparities reflect past sentencing rather than judicial discretion (although we controlled for this possibility in our analyses below). Second, stereotypes around criminality, and threat more broadly, are especially relevant at this intersection of race, gender, and age (Neuberg & Schaller, 2016; see also Kang & Chasteen, 2009). Third, and most important, because most criminal offenders are young, constraining our sample to this age range preserved ecological validity while limiting variability.

The sample size was constrained primarily by the need for trained research assistants and legal experts to code the criminal severity of each primary, concurrent, and prior charge within each sentencing record according to Florida's Criminal Punishment Code (Florida Department of Corrections & Office of the State Courts Administrator, 2019). This sample size provided 80% power to detect a small to medium-size effect of 0.33 standard deviations with an α of 5%.

Sentencing Record Coding

Florida uses its Criminal Punishment Code to assign a severity score to felony offenses. Each felony charge in Florida has a severity ranking between 1 and 10, from least to most severe, with severity defined as "the harm or potential for harm to the community that is caused by the offense, as determined by statute" (Florida Department of Corrections & Office of the State Courts Administrator, 2019, p. 16). For example, purchasing cannabis has an offense severity of 1, whereas practicing medicine without a license has an offense severity of 7.

A research assistant matched each offense to its corresponding point value according to the Florida Criminal Punishment Code manual. These ratings were verified by a second coder with a Juris doctorate degree, who further examined each sentencing record to determine whether a sentencing enhancement could have been applied at the time of sentencing. Such factors, such as the use of a weapon or a gang affiliation, can increase the penalty judges can impose. For records with multiple sentences, we entered the length of the single longest sentence as the sentence length because sentences

are served concurrently in Florida. Life sentences were coded as 99 years, following prior research (Blair, Judd, & Chapleau, 2004).

Inmate Name and Picture Ratings

We obtained perceptions of inmate names and pictures by having multiple groups of White U.S. citizens on Amazon Mechanical Turk (MTurk) rate specific qualities about the inmates from our sample of sentencing records. For some dimensions, each participant rated a subset of names rather than the entire stimulus set. Table 1 provides information about each rating sample, including subset sizes and participant demographics.

Perceived Racial Stereotypicality of First and Last Names. Seventy-nine participants rated the first names in our sample on two items: How stereotypically White and how stereotypically Black each first name was (1 = *not at all*, 5 = *very*). Intraclass correlation coefficient (ICC) estimates based on an average-agreement, two-way mixed-effects model indicated high levels of rater agreement for both perceptions of White ($M = 2.81$, $SD = 1.23$, $ICC = .97$) and Black ($M = 2.64$, $SD = 0.74$, $ICC = .89$) stereotypicality. These scores were so highly correlated, $r(112) = -.74$, $p < .001$, which we could not distinguish their separate influence in this sample. Therefore, we calculated the difference score (stereotypically Black minus stereotypically White) and combined them into a single index ($M = -0.16$, $SD = 1.85$) of racial stereotypicality: The degree to which a given name was seen as more Black versus more White. The average name in our study had a score of -0.16 , a point that is neither stereotypically Black nor stereotypically White.

A separate set of 70 online participants (recruited from MTurk) responded to the same two questions for each last name in the sampled records.

Perceived Socioeconomic Status, Uniqueness, and Likability of First Names. MTurk participants estimated other social aspects of first names in our sample. A total of 66 participants rated socioeconomic status connoted by first names on a 5-point scale (1 = *lower class*, 5 = *upper class*), and 94 rated how unique and how likable first names in our sample were (1 = *not at all*, 5 = *very*).

Criminal Stereotyping. We asked a separate group of participants ($n = 80$) to imagine themselves serving as judges presiding over criminal cases of Black male inmates. They rated each first name on one item: "Please indicate the extent to which others might

think someone with this name is a violent criminal." This question was worded to refer to other people's beliefs to reduce demand characteristics and to gauge cultural stereotypes rather than personal endorsement (e.g., Devine, 1989).

Afrocentric Appearances. In addition to impressions of inmates' names, we measured participants' judgments of inmates' facial features from photographs, which are also made public by the Florida Department of Corrections. Each Black inmate's picture was converted to grayscale and then cropped to the same size so that only the inmate's face and neck were visible. We asked 138 participants to rate the extent to which each face had features that were typical of African Americans on a 9-point scale (1 = *not at all*, 9 = *very much*).

Results

Data Processing

The data sets generated in this study are available at <https://osf.io/acrvd/>. Sentence length was nonnormally distributed: skewness = 2.78 ($SE = 0.14$) and kurtosis = 7.02 ($SE = 0.28$). To attenuate the influence of extreme sentences, we winsorized (i.e., replaced 5% at each tail with the data point at the 95th percentile and 5th percentile data points) and log-transformed sentence length, following prior research (Blair, Judd, & Chapleau, 2004). This reduced the skewness to 0.50 ($SE = 0.14$) and kurtosis to -0.71 ($SE = 0.28$). The Winsorized variable was used in all analyses because it better meets statistical assumptions; however, our primary finding—the effect of stereotypical first names after controlling for the criminal record—was identical in magnitude and statistical significance with and without this transformation.

Primary Analyses

Statistical Approach. Although our analyses were not preregistered, we planned our analysis in advance of data collection to test the prediction that stereotypical first names would predict longer sentences above and beyond criminal records. Indeed, given the very wide and legally mandated range of sentences for crimes from petty theft to first-degree murder, any reasonable test of bias needs to control for these factors. Their inclusion also helps rule out the possibility that an observed effect reflects a third variable, specifically that inmates with more stereotypically Black names receive longer

Table 1
Stimulus Rating Samples and Demographics in Study 1

Stimulus and dimension	N (subset ns)	Mean age (SD)	Gender (n)	
			Male	Female
First names				
Racial stereotypicality	79 (25, 26, 28)	38.0 (12.8)	34	45
Socioeconomic status	66	34.9 (12.8)	31	35
Likability and uniqueness	94 (47, 47)	42.5 (11.8)	44	50
Association with violent criminality	80	39.3 (10.8)	29	51
Last names				
Racial stereotypicality	70 (34, 36)	35.2 (13.4)	26	44
Photographs				
Afrocentric appearance	138 (66, 72)	39.9 (13.9)	67	55
First names (White inmates)				
Racial stereotypicality	54	36.0 (12.4)	25	20

Note. Age is given in years.

sentences only because they have more severe criminal records. For completeness and as a point of comparison, we began with a simple regression, which found a relationship between sentence length and name stereotypically in the predicted direction, although it was not statistically significant, $\beta = 0.08$, $t(294) = 1.40$, $p = .18$.

Legal Model. To account for the legal variables, we conducted a series of multiple regression models, which was the appropriate statistical test because the histogram of residuals had a normal distribution. The primary model was based on ex ante specifications that accounted for the major variables determining sentence length under Florida law (secondary models explored robustness to alternative specifications). These variables were severity of the primary offense, number and average severity of additional concurrent charges, and number and average severity of prior charges (coded as 0 if none; Blair, Judd, & Chapleau, 2004; Florida Department of Corrections & Office of the State Courts Administrator, 2019). We also included quadratic terms for the severity of the primary and concurrent offenses to reflect the fact that state law prescribes especially long sentences for more severe crimes (i.e., we institutionalized the relationship between current charges' severity and sentence length as nonlinear). Table 2 displays the raw correlations among all variables.

Legal variables alone accounted for a little more than half of the variance (56.6%) in sentence length ($R^2 = 57.50\%$, $F(7, 285) = 55.14$, $p < .001$, consistent with past research (Blair, Judd, & Chapleau, 2004). For the significance of individual predictors, see Table 3, Model 1. In general, the legal variables predicted sentence length as expected, with the exception of severity of prior crimes, which was not predictive, likely because the inmates in our sample were young, and most (76%) did not have a criminal history.

Did Black Inmates With More Stereotypically Black First Names Receive Longer Sentences?

Adding the racial stereotypicality of the first name to the model revealed that, as predicted, Black inmates with more stereotypically Black names (e.g., Tyrone, Darius) received significantly longer sentences than Black inmates with less stereotypically Black names (e.g., Tyler, Daniel), $\beta = 0.09$, $t(284) = 2.02$, $p = .03$, 95% CI [0.01, 0.16] (see Table 3, Model 2). The magnitude of this effect was similar to that of the simple association; controlling for the legal variables did not alter the size of the effect but reduced the variance to provide a more precise statistical test.

We also tested potential alternative explanations. There was no evidence that inmates with more stereotypically Black names were convicted of committing more (or less) severe crimes, $\beta = 0.03$, $t(294) = 0.47$, $p = .64$, or had more (or less) severe criminal histories, $\beta = 0.02$, $t(294) = 0.35$, $p = .72$. Thus, there is no evidence that the first-name bias reflects so-called statistical discrimination based on crime severity.

How large was the first-name bias? Figure 1 illustrates predicted sentence lengths for inmates with a range of names, controlling for crime severity and criminal history. At the mean primary charge and criminal history, inmates with names 1 standard deviation above the mean of stereotypically Black names (e.g., Lionel; $M = 1.62$ on a scale from -4 to 4) received sentences 1.12 years longer, 95% CI [1.08, 1.16] (i.e., 409 days, 95% CI [394 days, 424 days]) than inmates with names 1 standard deviation below the mean (e.g., Jesse; $M = -1.67$). There was no interaction between racial stereotypicality and severity of the primary crime, $\beta = -0.04$, $t(283) = -0.90$, $p = .37$,

Table 2
Intercorrelations Between Sentence Length, Name Stereotypicality, and Other Legal Variables for Black Inmates in Study 1

Variable	N	1	2	3	4	5	6	7	8
1. Sentence length (winsorized and log-transformed)	296								
2. Name stereotypicality	296	.08 (.17)							
3. Severity of primary offense	296	.70 (<.001)	.03 (.64)						
4. Severity of primary offense squared	296	-.05 (.35)	-.003 (.96)	-.35 (<.001)					
5. Severity of concurrent offense	293	.49 (<.001)	-.10 (.10)	.50 (<.001)	-.13 (.03)				
6. Severity of concurrent offense squared	293	.23 (<.001)	.004 (.95)	.27 (<.001)	.27 (<.001)	.09 (.13)			
7. Severity of prior offenses	296	.06 (.28)	.02 (.72)	-.05 (.35)	-.11 (.07)	-.09 (.13)	-.09 (.97)		
8. Number of other offenses	281	.19 (<.001)	-.07 (.21)	.15 (<.001)	-.12 (.03)	.35 (<.001)	-.22 (<.001)	.002 (.97)	
9. Number of prior offenses	285	.13 (.03)	-.09 (.13)	-.04 (.50)	-.07 (.25)	.003 (.96)	-.14 (.01)	.51 (<.001)	.42 (<.001)

Note. All predictors are mean-centered. Numbers in parentheses are *p* values.

Table 3

Results From Multiple-Regression Analyses of the Effects of Legal Variables in Predicting Sentences Given to Black Inmates (Model 1) and the Simultaneous Effect of the Racial Stereotypicality of First Names (Model 2) in Study 1

Predictor	Model 1: legal variables alone, 1998–2006		Model 2: adding racial stereotypicality of first name, 1998–2006	
	β	$t(285)$	β	$t(284)$
Severity of primary offense	0.70	13.61 (<.001)	0.69	13.45 (<.001)
Severity of primary offense squared	0.23	5.10 (<.001)	0.23	5.07 (<.001)
Number of concurrent offenses	0.00	0.00 (1.00)	-0.00	-0.00 (1.00)
Severity of concurrent offenses	0.17	3.54 (<.001)	0.18	3.79 (<.001)
Severity of concurrent offenses squared	-0.01	-0.24 (.82)	-0.01	-0.17 (.87)
Number of prior offenses	0.13	2.51 (.01)	0.14	2.71 (.01)
Severity of prior offenses	0.07	1.59 (.11)	0.07	1.45 (.15)
Racial stereotypicality of first name			0.09	2.20 (.03)

Note. All predictors are mean-centered. For t tests, p values are given in parentheses. Model 1: adjusted $R^2 = .5658$; Model 2: adjusted $R^2 = .5716$.

or any other legal variable, $t_s < 1$, suggesting that these effects were consistent across the spectrum of crime type and severity.

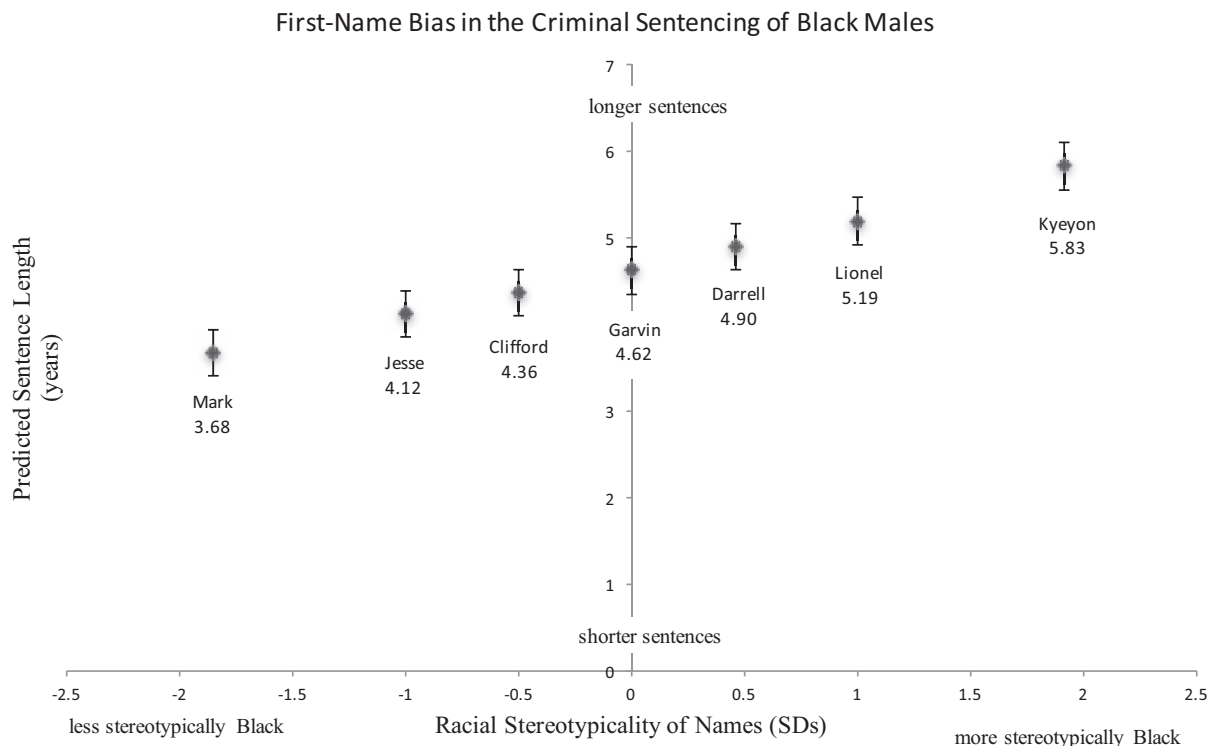
The Role of the Violent-Criminal Stereotype

We hypothesized that the association between stereotypically Black first names and the stereotype of the violent criminal would

contribute to the effect on sentencing. Indeed, the correlation between the degree to which Black inmates’ first names were perceived to be stereotypically Black and not White and the degree to which their names called to mind a violent criminal was overwhelmingly high, $r = .93, p < .001$, so much so that the two variables, although obtained from different samples and conceptually distinct, were functionally nearly identical. Although this made statistical tests of mediation

Figure 1

Predicted Sentence Length as a Function of Racial Stereotypicality of Black Inmates’ First Names in Study 1, Controlling for Crime Severity and Criminal History



Note. Values on the x -axis are shown from approximately -2 to 2 standard deviations from the mean of Black–White stereotypicality scale ratings ($M = -0.33, SD = 1.62$). Error bars represent the standard error of the mean for each name.

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inappropriate (because regression coefficient estimates are unstable when two predictors are highly correlated or collinear; [Mosteller & Tukey, 1977](#)), the magnitude of this association supports our theoretical account of the first-name bias: When people judge Black men in a criminal justice context, stereotypically Black names call to mind the racialized representation of a violent criminal.

Robustness, Specificity, and Scope of First-Name Bias

The analyses above demonstrate that Black inmates with more stereotypically Black names received longer sentences than those with more stereotypically White names. Here, we address three important questions about this finding. First, how robust is this finding to different study design decisions? Second, are these disparities truly a function of the racial typicality of first names, or do they reflect other social cues, such as the mere uniqueness or likability of a first name or its social class connotations? (We also examined the effect of other factors, including the racial typicality of an inmate's surname and their Afrocentric features.) And third, is the first-name bias restricted to Black inmates, as we predicted, or does it extend to White inmates as well?

We also examined whether the disparities based on first names persisted across a range of model specifications, including different codings of prior criminal history and covariates used in prior research. These models are detailed in the online [Supplemental Materials](#), but we note here that the magnitude and statistical significance of first-name bias were consistent across almost all models tested. We also confirmed that this bias was not an artifact of the numerical value assigned to life sentences: whether they were assigned a value of 99 years, as in past research ([Blair, Judd, & Chapleau, 2004](#)), or 50 years, the highest value of a nonlife sentence.

In consultation with legal experts, we also sought to rule out differential guidelines for cocaine-related offenses as a potential confound in our analysis. Like many other jurisdictions, Florida sentencing guidelines punished crack cocaine crimes (associated more with Black Americans) more harshly than powder cocaine crimes (associated more with White Americans; [U.S. Department of Justice, 2002](#), p. 22). We assessed whether the first-name bias could be explained by this factor by testing for first-name bias among the 248 records in our data set that did not contain a cocaine-related charge (i.e., possession, trafficking, or possession with intent to sell, manufacture, or deliver). Among this subset, the racial stereotypicality of inmates' first names still predicted sentence length, $\beta = 0.10$, $t(239) = 2.26$, $p = .03$, 95% CI [0.07, 0.13].

Specificity of the First-Name Bias

Next, we examined other social inferences that perceivers could draw about inmates and whether the name effect remained significant when accounting for them.

Uniqueness and Likability of First Names. Previous research shows that the uniqueness and likability of first names predict hiring decisions ([Cotton et al., 2008](#)), but they did not predict sentencing decisions in our sample. Names that were perceived as more stereotypically Black were seen as more unique ($r = .77$, $p < .01$); however, this did not explain the first-name bias in sentencing for Black inmates. Uniqueness ratings of Black inmates' first names did not predict sentence length when included in a model with the legal variables, $\beta = 0.04$, $t(284) = 0.88$, $p = .37$, and adding them to

the model with the racial stereotypicality of inmates' first names strengthened rather than reduced the first-name effect, $\beta = 0.14$, $t(283) = 2.33$, $p = .02$, 95% CI [0.02, 0.26].

Likability ratings were uncorrelated with the degree to which Black inmates' first names were perceived to be stereotypically Black and not White, $r = .06$, $p = .32$. Like uniqueness ratings, likability ratings did not predict sentence length when we included them in a model with the legal variables, $\beta = -0.001$, $t(284) = -0.04$, $p = .97$, and adding them to the model with the racial stereotypicality of inmates' first names did not reduce the first-name effect, $\beta = 0.09$, $t(283) = 2.20$, $p = .03$, 95% CI [0.01, 0.16].

Perceived Socioeconomic Status of First Names. The degree to which inmates' first names were perceived to be stereotypically Black and not White and the degree to which they were rated as associated with low social class were significantly correlated, $r = -.52$, $p < .001$, consistent with prior findings ([Barlow & Lahey, 2018](#)). However, this race-class association did not explain the name bias in criminal sentencing. Ratings of the social class associated with inmates' first names did not predict sentence length when included in a model with the legal variables, $\beta = 0.02$, $t(284) = 0.58$, $p = .56$. Moreover, simultaneously entering perceived social class and racial stereotypicality ratings of first names into the same model did not reduce the magnitude of the racial disparity; rather, it slightly strengthened it, $\beta = 0.13$, $t(283) = 2.90$, $p = .004$, 95% CI [0.04, 0.22].

Racial Stereotypicality of Surnames. We reasoned that surnames would be less strongly associated with race than first names, which parents choose for their children. Supporting this reasoning, analyses showed that the perceived racial stereotypicality among Black inmates' first names was more than six times as variable ($\sigma^2 = 2.29$) as the stereotypicality among surnames, $\sigma^2 = .43$, $F(400, 285) = 5.28$, $p < .001$. There was also no correlation between how stereotypically White and how stereotypically Black surnames were perceived to be, $r(283) = -.01$, $p = .92$. Therefore, we report results with these items separately rather than their difference score, although this does not affect our results.

As predicted, there was no relationship between sentence length and the degree to which inmates' last names were rated as stereotypically Black, $\beta = 0.03$, $t(273) = 0.71$, $p = .48$, or stereotypically White, $\beta = 0.02$, $t(273) = 0.45$, $p = .66$. Adding the degree to which last names were rated as stereotypically Black did not alter the effect of the racial stereotypicality of first names on sentencing, $\beta = 0.08$, $t(272) = 2.07$, $p = .04$, 95% CI [0.00, 0.16]. Nor did adding ratings of how stereotypically White surnames were, $\beta = 0.08$, $t(272) = 2.02$, $p = .04$, 95% CI [0.00, 0.16].

Perceived Afrocentric Features. Past research shows that Afrocentric features of inmates predict sentence length ([Blair, Judd, & Fallman, 2004](#)). Does the stereotypicality of first names predict sentence length over and above Afrocentric appearances? Interestingly, our data, which we drew from records from the same source as past research (albeit from a longer time period), did not yield an effect of Afrocentric features on sentence length after controlling for criminal history and the severity of the convicted crimes, $\beta = 0.004$, $t(269) = 0.09$, $p = .93$. Regardless, the effect of first names on sentencing remained significant after we controlled for Afrocentric features, $\beta = 0.09$, $t(268) = 2.26$, $p = .03$, 95% CI [0.01, 0.17].

Taken together, racial stereotypicality of first names still predicted sentence length when analyses controlled simultaneously for

the uniqueness, likability, and perceived social class of inmates' first names; the racial stereotypicality of inmates' last names; and the Afrocentricity of inmates' features, $\beta = 0.18$, $t(252) = 2.70$, $p < .01$, 95% CI [0.05, 0.32].

Cross-Race Comparisons

Although our primary focus was on variability in sentencing among Black inmates, we drew an additional random sample of 105 White male inmates, ages 18–24 at the time of sentencing and sentenced between October 1, 1998, and October 1, 2002, to conduct secondary cross-race comparisons. Specifically, we tested, first, whether racial associations with White defendants' first names predicted sentencing outcomes and, second, the extent to which racial disparities in sentencing were driven by Black defendants with more stereotypically Black first names.

We originally included the more constrained time period for sampling to match prior research (Blair, Judd, & Chapleau, 2004). Although we sampled White and Black inmates' records from different years (White: 1998–2002; Black: 1998–2006), year of sentencing did not predict sentence length for Black inmates, controlling for legal variables, $\beta = 0.004$, $t(380) = 0.11$, $p = .91$. Thus, we used the full sample of Black inmates' records to maximize power in cross-race comparisons (White inmates' records: $n = 105$; Black inmates' records: $n = 296$). A total of 54 White U.S. citizens, recruited from MTurk, rated how stereotypically White and how stereotypically Black each White inmate's first name was, using the same scale used for Black inmates' first names. As we did with Black defendants' names, we calculated a difference score to index how stereotypically Black versus White each first name was perceived to be.

First-Name Bias Among White Inmates? To what extent does the first-name bias described above apply to White inmates? In other words, were White inmates with more stereotypically Black names disadvantaged compared with White inmates with more stereotypically White names? Our ability to test this question was constrained by the distribution of White inmates' first names. Unsurprisingly, ratings of the racial stereotypicality of names differed by race: Black inmates' first names were rated as far more stereotypically Black versus White ($M = -0.33$, $SD = 1.62$) than White inmates' first names ($M = -1.16$, $SD = 0.94$), $t(314) = -6.28$, $d = 0.60$, $p < .001$, 95% CI [-1.09, -0.57]. Moreover, Levene's test indicated greater variance among Black inmates' first names than White inmates' first names, $F(1, 399) = 72.99$, $p < .001$. Most important, names among White inmates rated as more stereotypically Black (+1 SD among Whites; $M = -0.06$, $SD = 0.76$) were rated as far less stereotypically Black than the names of Black inmates that were rated as more stereotypically Black (+1 SD among Black defendants; $M = 0.84$, $SD = 0.83$), $t(205) = -5.91$, $p < .001$, 95% CI [-1.20, -0.59]. However, within the range present in the sample, there was no effect of the racial stereotypicality of first names on the sentencing of White inmates, controlling for legal variables, $\beta = 0.03$, $t(87) = 0.32$, $p = .75$.

First-Name Bias and Intergroup Racial Disparities. We next tested whether Black and White defendants were sentenced differently in Florida, and, if so, whether this disparity was more pronounced among defendants with more stereotypical first names. We entered the inmate's race as a predictor (White = 0, Black = 1) into Model 1. Consistent with past research (e.g., Rehavi & Starr,

2014), evidence showed racial disparities in sentencing, controlling for the severity of the crimes for which the defendant was convicted and the defendant's criminal history, $\beta = 0.16$, $t(380) = 1.99$, $p = .05$, 95% CI [0.00, 0.32]. We proceeded to add first-name stereotypicality to this model. Once again, the racial stereotypicality of defendant's first names predicted more punitive sentences, $\beta = 0.08$, $t(379) = 2.43$, $p = .02$, 95% CI [0.02, 0.16]; however, the main effect of defendant race was rendered nonsignificant in this model, $\beta = 0.11$, $t(379) = 1.41$, $p = .16$. Thus, racial disparities in sentencing were present but appeared to be driven by Black inmates with more stereotypically Black first names.

Discussion

In a sample of several hundred real-world sentencing records, we found that Black men received longer sentences when they had more stereotypically Black first names, such as Darrell and Tyrone, than when they had more stereotypically White first names, such as Dylan and Tyler. This was the case even when we compared individuals who had been convicted of similar crimes and who had similar criminal histories. Among people with a criminal record of average severity in our data set, Black men with more stereotypically Black first names were sentenced to more than a year longer in prison.

The first-name bias was robust to multiple statistical models, including those controlling for inmates' appearances. We found no correlation between the perceived Afrocentricity of inmates' facial features and their prescribed sentences. These results may appear surprising, given that we sampled records from the same database as did Blair, Judd, and Chapleau (2004) and closely replicated their procedure in many respects. However, on close inspection, our findings are consistent with those of Blair and colleagues, who found Afrocentric appearance biases among White inmates (which we did not assess) but no such relationship among Black inmates when these groups were analyzed separately. We note that some studies have observed racial appearance biases in the sentencing of Black defendants in other jurisdictions (Gyimah-Brempong & Price, 2006) and biases in charging decisions but not sentence length (King & Johnson, 2016).

Could other associations with inmates' names explain the disparities we observed? Our findings were held after we controlled for other social cues associated with defendants' names, including the stereotypicality of their surnames, the uniqueness and likability of their first names, and the perceived socioeconomic status associated with their first names. Instead, consistent with the hypothesized role of racial stereotypes, first names rated as more stereotypically Black than White were very likely to evoke the representation of a violent criminal in the context of criminal justice decisions—so much so that these variables correlated almost perfectly. Although the magnitude of this association precluded statistical tests of mediation, the results suggest that the violent-criminal stereotype may play an important role in the process by which Black men with stereotypically Black names received longer sentences.

Because Study 1 was correlational, we cannot rule out the possibility that unmeasured variables confounded with first-name stereotypicality could explain the disparities we observed. Therefore, in Study 2, we sought to complement the external validity of our archival study with experimental evidence of the first-name bias. Specifically, we tested whether, given identical information, participants would recommend harsher criminal sentences to Black defendants with

more stereotypically Black names compared with Black defendants with more stereotypically White names.

Study 2: Experimental Demonstration of First-Name Bias in Sentencing

In Study 2, we tested the causal effect of first names on criminal sentencing decisions by experimentally manipulating inmates' names presented to participants making sentencing decisions of Black men. The study featured a within-subjects mixed-model design. Using a subset of criminal records from Study 1, we manipulated the first name associated with each record to be one of the most stereotypically Black or one of the most stereotypically White first names from Study 1. Participants read a selection of these cases, and we then asked them to recommend a sentence for each defendant.

This approach allowed us to generalize across a wide range of sentencing scenarios rather than restricting the study to any one particular crime or set of crimes (i.e., random effects of stimuli), without overburdening participants with an overwhelming amount of stimuli (Judd et al., 2017). It further lets us test for the first-name bias in a within-subjects design, as each participant sentenced both Black inmates with more stereotypically Black names and Black inmates with more stereotypically White names. Through the inclusion of participant-level random effects in our analyses, we accounted for each individual's general tendency to be more or less punitive when assigning sentences (i.e., random effects of participants).

Method

All procedures were approved by the Stanford University Institutional Review Board. One hundred and ninety-six self-identified U.S. citizens (97 females; $M_{\text{age}} = 40.6$ years) recruited from MTurk participated in a study on judicial decision-making. The self-reported racial-ethnic identity of the sample was 84.6% White, 5.6% Asian/Asian American, 5.6% Black/African American, 3.6% Hispanic, and 0.5% multiracial/some other race. We asked participants to make sentencing recommendations for 10 cases, sampled from a pool of 70 cases from the archival records used in Study 1. This sample size provided approximately 85% power to detect a small fixed effect ($\beta \geq 0.25$), accounting for random effects of cases and participants and given that participants rated a subset of the larger pool of stimuli.

We selected cases with fewer than four current charges and fewer than four prior charges to use as stimuli in Study 2, so as not to overburden participants. Each case included a list of crimes the defendant was convicted of and their prior criminal record; the record further specified the defendant's race as African American and, as part of our experimental manipulation, provided their first name. We created two versions of each case, one paired with one of the 35 most stereotypically Black first names in Study 1, and a second paired with one of the 34 most stereotypically White first names (because of a coding error, one name, Howard, was repeated). Each participant viewed five cases featuring more stereotypically Black names and five cases with more stereotypically White names presented in a counterbalanced order.

After participants reviewed each record, we asked them to indicate an appropriate sentence for the inmate on a 5-point scale, which ranged from 1, *no time*, to 5, *the maximum sentence allowed for the particular crimes committed under state law*. The objective

value for this anchor shifted depending on the vignette. Thus, the scale can be interpreted as the percentage of the maximum permissible sentence that the participant recommended (i.e., 1 = 0%, 2 = 25%, 3 = 50%, 4 = 75%, 5 = 100%).

Results and Discussion

The data set generated in this study is available at <https://osf.io/jtceq/>. We performed a series of mixed-model regressions to predict sentence length using the *lme4* R package (Bates et al., 2015). To determine the best-fitting random-effects structure, we compared a series of mixed-effects models predicting sentencing decisions, beginning with a model with a random intercept at the participant level given the repeated measures design of the experiment. The addition of a random-intercept term for sentencing scenarios significantly increased model fit, $\chi^2(1) = 742.32, p < .001$, indicating that some scenarios elicited more punitive responses than others. However, adding random slopes for name stereotypicality failed to improve model fit nested within participant, $\chi^2(1) = 5.16, p = .08$, or within a scenario, $\chi^2(1) = 3.74, p = .15$. Accordingly, we estimated our fixed effects of interest with random intercepts at the stimulus and participant level, although our findings are robust across random-effects specifications.

To test for first-name bias, we evaluated the fixed effects of name stereotypicality (dummy coded: more White vs. Black = 0, more Black vs. White = 1) absent any covariates (see Table 4, Model 1). As predicted, participants gave longer sentences to inmates randomly assigned more stereotypically Black names ($M = 3.17, SE = 0.10$) versus more stereotypically White names ($M = 3.08, SE = 0.10$), $\beta = 0.07, SE = 0.03, t = 2.61, p = .01, 95\% \text{ CI } [0.02, 0.13]$. This reflects an increase from 51.96% ($SE = 2.47$) to 54.20% ($SE = 2.44$) of the maximum sentence allowed. As in Study 1, this bias persisted when we controlled for pertinent legal variables: the severity of the primary charge, the average severity of concurrent charges, and the number of concurrent charges. Tables 4 and 5 provide fixed- and random-effects estimates, respectively, for these models.

These results complement the correlational findings of Study 1, providing causal evidence for a first-name bias in sentencing Black men. Given identical fact patterns, our results showed that participants recommended harsher sentences for defendants with more stereotypically Black versus White names. Although participants in Study 2 necessarily lacked the full information available during formal sentencing proceedings (and, of course, were lay citizens and not judges), we were able to incorporate the variability in case details and names present in actual court cases into our experimental design as random effects. As a result, we can infer that the results of Study 2 stem from a broader bias against stereotypically Black names rather than from the specifics of any one set of offenses or defendants.

General Discussion

Across both archival and experimental studies, we documented a first-name bias in the sentencing of Black men: Individuals with more stereotypically Black names, such as Jamal, received more punitive sentences than those with more stereotypically White names, such as James. This bias was not explained by other qualities of defendants (such as their physical appearance or prior record), the specifics of the case (the crimes for which the defendant was

Table 4
Fixed Effects From Linear Mixed-Effects Analyses for Recommended Sentences in Study 2

Fixed effect	Severity of recommended sentence			
	Model 1: names only		Model 2: names and legal variables	
	β (SE)	<i>p</i>	β (SE)	<i>p</i>
Intercept	-0.02 (0.08)	.76	-0.03 (0.08)	.72
Racial stereotypicality of first name (0 = more White vs. Black, 1 = more Black vs. White)	0.07 (0.03)	.01	0.08 (0.03)	.01
Severity of primary offense			-0.45 (0.48)	.35
Severity of primary offense squared			0.57 (0.49)	.24
Severity of concurrent offenses			0.06 (0.32)	.85
Severity of concurrent offenses squared			0.06 (0.29)	.84
Number of concurrent offenses			0.04 (0.11)	.70

Note. SE = standard error.

convicted), or even other aspects of their names (e.g., the uniqueness or socioeconomic status connotations of their first names).

Rather, our results link stereotypical Black names to the representation of a violent criminal in the context of criminal justice decisions: These variables were almost perfectly correlated in our data ($r = .93$). The magnitude of this association itself suggests that the violent-criminal stereotype plays an important role in the process by which stereotypically Black names lead to longer sentences; however, it also precluded formal tests of mediation. Therefore, future research should use experimental methods to examine this relationship. For example, would the same offenses be viewed as more profound or violent if they were committed by someone with a more Afrocentric name? Likewise, would a defendant be perceived as more prone to violence and less capable of rehabilitation if they had a more stereotypically Black name than a more stereotypically White name? Would such judgments predict longer sentences?

We note that although first-name biases were robust to covariates in both our archival and experimental studies, the coefficients associated with this effect were modest in magnitude. However, consider the tangible cost that this disparity has for Black defendants: At the average criminal record in Study 1, Black men with more stereotypically Black first names were sentenced to more than a year longer in prison. This bias has compounding costs for both individuals and communities, producing cumulative disadvantages and harm to families and historically marginalized communities.

A strength of the studies is their generalizability along multiple dimensions. Both studies revealed first-name bias across many names: 212 unique first names in Study 1 and a subset of 70 names

in Study 2. Study 1's results were obtained from a random sample of real-world criminal sentencing records in Florida between 1998 and 2006, providing strong evidence of a first-name bias in sentencing in Florida during this time period. Our sampling procedure let us test for this bias across a wide spectrum of crimes that young Black men were convicted of committing. Many other jurisdictions (e.g., almost all states) give judges considerably more discretion in sentencing than Florida does, raising the possibility that these results reflect a broader bias. To test causal effects in Study 2, we incorporated a large pool of real-world records drawn from Study 1 as stimuli, increasing generalizability beyond a handful of crimes that would be the focus of a more traditional vignette study (Monin & Oppenheimer, 2014).

This is not to say, however, that first-name bias operates in the same manner or to the same extent across all individuals. Although we drew from a random sample of criminal sentencing records, we focused on crimes for which young Black men had been convicted. The stereotype of the violent criminal is, perhaps, most powerful at this intersection of age, race, and gender: This may also be where the pernicious effects of first-name bias in sentencing are most acute. Indeed, we did not observe such a relationship between stereotypically Black first names and the sentencing of White defendants.

We do not know whether a first-name bias appears for other intersectional groups, especially when crimes they have committed may pose less risk of violence. For instance, would middle-aged Black women convicted of white-collar crimes also be subject to a first-name bias? If so, would the violent-criminal stereotype contribute to this effect, or would another process? These are important questions to explore in future research.

Implications for the Psychology of Bias

There is an important paradox in the present research. Classic research suggests that the effects of stereotypes are muted when targets are individuated (Locksley et al., 1982; Monin & Oppenheimer, 2014). When people make thoughtful, considered decisions with extensive information about individual cases, they are less likely to apply group-level stereotypes. Study 1 found that the racial stereotypicality of first names predicted sentencing even when decision makers—judges, informed by prosecutors and defense counsel—had extensive individuating information about the inmate (e.g., their background, personal context, appearance), whom they had met in person (at pretrial, trial, and/or sentencing

Table 5
Random Effects From Linear Mixed-Effects Analyses for Recommended Sentences in Study 2

Random effect	Model 1: names only	Model 2: names and legal variables
σ^2	0.39	0.40
τ_{00}		
Participant	0.34	0.34
Scenario	0.28	0.24
Marginal R^2	.00	.06
Conditional R^2	.61	.62

hearings), and who had intimate knowledge of the crimes of which the person was convicted (e.g., context). Further, judges are trained professionals who are presumably motivated to make fair and nonbiased decisions following codified institutional procedures.

How can stereotyping arise even in such deliberated, individualized, and institutionalized circumstances? Although speculative, our theory is that the very fact that the first-name bias relies on individuating information to inform distinctions among group members makes it especially pernicious. The bias arises from exactly the kind of information that people routinely rely on to draw appropriate (nonbiased) inferences about individuals and to mitigate the influence of group stereotypes. Simply put, names feel as if they distinguish individuals rather than groups, even though the names themselves are interpreted in light of group-level stereotypes. As a result, judges may feel more convinced of their neutrality, which ironically results in more extreme and more confident social judgments (Yzerbyt et al., 1994).

Although we found negative causal effects of Black names in criminal sentencing, it is important to recognize that there are surely significant benefits of ethnic names for members of historically marginalized groups, for instance in signaling affiliation with valued marginalized groups, both to others and to the self. Indeed, strong ingroup identification can improve functioning among marginalized students in threatening settings by facilitating meaning, motivation, and belonging (Brannon et al., 2015; Maddox & Gray, 2002; Oyserman et al., 2006). A tragedy of the bias observed here is the trade-off it poses to members of negatively stereotyped groups and not to members of majority groups less subject to stereotypes: a cost to expressing pride in ethnic-group identity and affiliation (Brannon & Lin, 2021).

Implications for Criminal Justice

As defendants move through the criminal justice system—from arrest to probationary hearings—racial bias can amplify at each step. Indeed, racial disparities are apparent in citizens' contacts with law enforcement (e.g., Pierson et al., 2020; Voigt et al., 2017), in citizens' experiences with the court system (e.g., Clair, 2020; Kohler-Hausmann, 2018; Van Cleve, 2016), and in the downstream consequences of incarceration (Lerman & Weaver, 2014; Pettit & Western, 2004; Western, 2006). Although the racial disparities between Black and White Americans are striking, disparities among members of historically marginalized groups provide another, less apparent window onto racism in the criminal justice system. Yet, these dynamics can themselves drive racial disparities. In our sample, we found that racial disparities in sentencing were driven by first-name biases, so much so that they became statistically nonsignificant after we accounted for the racial stereotypicality of defendants' first names.

Such processes may also inform where and to what extent a first-name bias is likely to play out at earlier junctures in the criminal justice system and, if so, how it could be remedied. Racial disparities in sentencing decisions are certainly shaped by judicial discretion, but they are also influenced by prosecutors' decisions, such as whether to press charges that carry binding minimum sentences (Yang, 2015). Do first names influence whom prosecutors decide to charge and with what, or who is ultimately convicted? Insofar as more than 90% of cases are plea bargained (Devers, 2011), how does the first-name bias affect social dynamics in the plea-bargaining process among judges, prosecutors, and defense counsel? The

approach we applied to sentencing can be applied to these and other steps of the judicial process to map the course of the first-name bias through the criminal justice system.

Another key direction for future research involves understanding the contextual factors that may contribute to or reduce first-name bias. For instance, it is possible that the first-name bias is particularly pronounced in criminal justice contexts because this setting limits the influence of other subtyping cues. Inmates often wear prison uniforms (limiting sartorial cues) and have defense counsel speak for them (reducing accent signifiers); however, their names are repeated time and again, both in face-to-face exchanges and in written records.

Indeed, name-based associations may exert even more influence when reforms attempt to debias decision-making by removing other sources of information. For example, one audit study (Agan & Starr, 2018) examined callback rates for job applications submitted with distinctly Black versus White male names during the implementation of "ban-the-box" laws, which restrict employers from asking about applicants' criminal history. These laws were meant to promote equity, as racial disparities throughout the criminal justice system result in more Black men having criminal records. However, removing these questions increased racial gaps in callback rates more than sixfold. Employers appeared to infer applicants' criminal histories on the basis of racial associations with their first names.

These findings both illustrate the pernicious influence of first-name biases and raise an important question: Would making first names less salient in sentencing decisions, such as by referring to defendants by their last names, attenuate some of the biases we observed or merely displace them? More broadly, what is the proper remedy for first-name bias? Removing first-name cues entirely could dehumanize defendants in the eyes of judges and jurors, reducing the defendant to a dehumanized number or set of initials. Instead, it may be more beneficial to inform legal decision makers of the biases, either through training or explicit instruction during the sentencing instructions. As we described above, first-name biases may feel innocuous because they draw on individuating cues to distinguish among members of a group rather than between groups. Thus, awareness itself is an important if insufficient first step.

The scope of first-name bias and its proper remedy are important empirical questions for researchers and practitioners to consider. However, we demonstrated the cost of inaction: The state deprived some Black men of their liberty for nothing more than their name.

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