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# Implicit Bias + Debiasing



SHOOK  
HARDY & BACON

With enormous respect for their work, and gratitude for their generosity in letting us incorporate and build from their materials, these materials follow the approach of ABA CRIMINAL JUSTICE SECTION ET AL., BUILDING COMMUNITY TRUST: IMPROVING CROSS-CULTURAL COMMUNICATION IN THE CRIMINAL JUSTICE SYSTEM.



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# Implicit Bias

Implicit Association Test (IAT) | Significance for leaders  
of legal profession and system of justice

# Biases

## Implicit Biases

Implicit biases sometimes differ substantially from stereotypes and attitudes we expressly self-report.

## Explicit Biases

- Some research shows IAT is a better predictor of behavior than explicit self-reports
- **BUT STILL DOESN'T NECESSARILY MEAN** you act with your implicit biases



# Examples of Unconscious Bias Errors in the Workplace

Error	Definition
Gender Bias	The tendency of individuals to make generalizations based upon personal values, perceptions and outdated, traditional views about men and women's roles in the workplace.
Generational or Age Bias	The tendency of individuals to make generalizations based upon personal values, perceptions, or views about different generations in the workplace.
Background or "Like Me" Bias	The tendency of individuals to positively view people who resemble themselves or have had similar experiences higher than others that have different backgrounds or experiences.
"Non-Native Speaker" Bias	The tendency of individuals to positively or negatively view people who do not speak the native language, or speak with an accent, lower than others that speak the native language.
Attractiveness Effect	The tendency of individuals to positively or negatively view people who are physically attractive.
First Impression Bias	The tendency of individuals to make an initial positive or negative judgment of a person and allow the first impression to positively or negatively view the individual at a later time.
Halos/Horn Effect	The tendency of individuals to make generalizations based upon one experience with an individual, and cause them to assume the same is true about all aspects of that individual.
Past Performance Error	Permitting an individual's poor (or excellent) performance in a previous rating period to color the manager's judgment about their performance in this rating period.
Stereotyping	The tendency of individuals to make generalizations based upon one aspect of diversity.

# Systemic Concerns + Implications

- **THE PROFESSION IS  
90% WHITE**
- **IMPLICIT BIAS CAN  
AFFECT EVERY  
DECISION POINT  
IN A CASE**

- Employment
- Litigators
- Prosecutorial discretion
- Juvenile justice
- Shooter bias
- Judge's opinions
- Sentencing
- Jury selection
- Evidence



# Microaggressions

- **What are they?**
- **What messages do they send?**
- **Why they are corrosive to workplace culture and effectiveness...**

The good  
news is:



**Motivation to be fair  
makes a difference**

KANG PRIMER



# Debiasing

## EDUCATION

- Awareness
- Mindfulness

## EXPOSURE

- Contact
- Positive exemplars
- Environment

## APPROACH

- Higher level processing, e.g. ,writing
- Reduced cognitive load
- Checklists
- Procedural / organizational changes



# Education

- 
- Awareness
  - Mindfulness

For example, take and consider IAT results. Be aware and remain mindful; intuition and implicit responses are valuable, but some decisions require a more explicit kind of thinking, **a stare not a blink.**

# Exposure

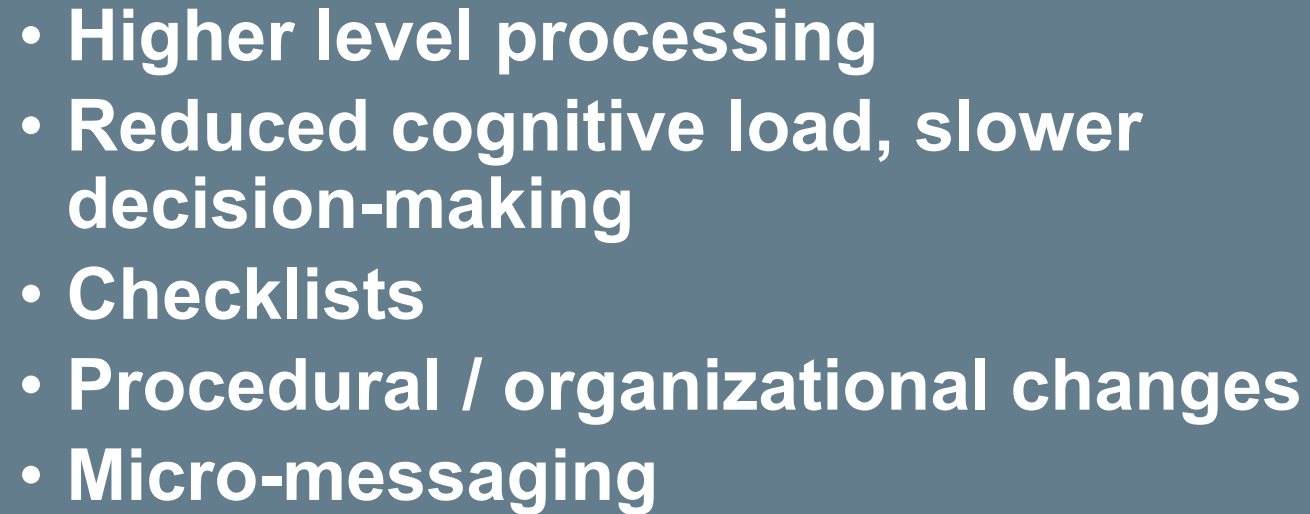
- **Contact**
- **Positive exemplars**
- **Perspective taking**

Make contact with positive, diverse colleagues and exemplars and practice taking the “other” perspective; all contribute to decreasing implicitly biased response.





# Approach

- 
- Higher level processing
  - Reduced cognitive load, slower decision-making
  - Checklists
  - Procedural / organizational changes
  - Micro-messaging

# Approach: Stare not Blink

- Use checklists
- Consider explicit pre-determined criteria
- Write instead of discussing off-the-cuff

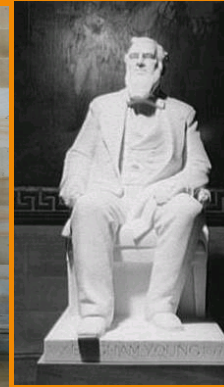




# Approach: Change Process

- Consider procedural or organizational changes.
- Insist on appropriate accountability.

	2010	2011
Recruit	✓	✓
Retain	✓	✓
Promote		✓
Messaging		✓
Environment		✓
Mentors Exemplars	✓	✓
Etc.		



***NOTICE YOUR***  
**MESSAGING + ENVIRONMENT**  
Small messages can be affirming or inequitable.



# Conclusions