Overview

- What is *implicit bias*?
- How does it manifest in daily perception?
- How does it manifest in legal domains?
caress
freedom
health
love
peace
cheer
heaven
pleasure
diamond
gentle
honest
lucky
rainbow
miracle
happy
laughter
paradise
vacation
abuse
filth
sickness
accident
death
poison
stink
disaster
hatred
pollute
tragedy
divorce
ugly
cancer
evil
kill
rotten
vomit
cancer, health, corpse, diamond, truth, devil, assault, triumph, glory, brutal, talent, agony, kindness, family, divorce, stink, pleasure, torture, bomb

LEFT side if UNPLEASANT

RIGHT side if PLEASANT
SARA
AIESHA
MEREDITH
BRETT
DARNELL
KATIE
ABIGAIL
NIKISHA
AMANDA
MEGAN
SETH
LATOYA
LOGAN
EBONY
RACHEL
MARQUIS
DARRYL
TAMEKA
HANNAH

LEFT side if BLACK name

RIGHT side if WHITE name
LEFT side if UNPLEASANT or BLACK name

LEFT side if UNPLEASANT or BLACK name

RIGHT side if PLEASANT or WHITE name

RIGHT side if PLEASANT or WHITE name
LEFT side if UNEASY

RIGHT side if EASY

corpse
talent
divorce
diamond
torture
talent
pollute
peace
pleasure

truth
ugly
assault
cancer
health
cheer
filth

agony
agony
peace
pleasure

rainbow
stink
pollute

peace
pleasure
LEFT side if WHITE name

RIGHT side if BLACK name
LEFT side if UNPLEASANT or WHITE name

RIGHT side if PLEASANT or BLACK name

GARRETT
health
COURTNEY
diamond
TREVON
devil
ROSS
triumph
ELLEN
brutal
MALIK
agony
PEGGY
family
COLLEEN
stink
SHANICE
torture
NANCY
Implicit Associations Test
http://implicit.harvard.edu
Associations like these are pervasive

They can be unconscious; they can persist even when we don’t want them to

They can influence judgment and behavior
Stereotyping is (in part) a byproduct of normal cognitive processes, influencing…
- what we see
- what we remember
- how we explain behavior

Stereotype use is most likely…
- when behavior is ambiguous
- when judgments are subjective
- when you are busy or distracted
- when you feel threatened or insecure
Implicit Bias and Law
Eberhardt et al. (2004)

- Study 1: White male Berkeley/Stanford students
- IV: subliminal prime of White or Black face
Activating thoughts related to Black affects thoughts related to crime
Eberhardt et al. (2004)

- Study 2: White male Stanford students
- IV: no prime or subliminal crime-related prime
- DV: dot-probe task response time
Activating thoughts related to crime leads to more attention to Black faces
Police simulations: respondents quicker to “shoot” unarmed Black vs. White targets (Mekawi & Bresin, 2015)

Racial disparities persist in charging decisions, plea deals, and other trial outcomes (Sommers & Marotta, 2014)

Americans express greater support for trying violent juveniles as adults when example provided is case with Black offender (Rattan et al., 2012)

School discipline: teachers less likely to give 3rd chance to Black vs. White students (Okonofua & Eberhardt, 2015)
Final Thoughts

- Strategies for addressing racial disparities in legal domains:
  - Better empirical documentation of the disparities
  - Bias training
  - Increased institutional diversity

- But in short, biased perception, judgment, and outcome present in legal arena as in others