

# **Implicit Bias in Daily Perceptions and Legal Judgments**

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Tufts University

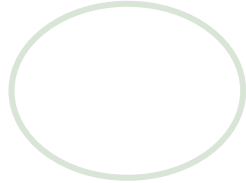
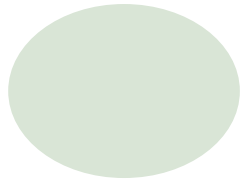
Department of Psychology

Child Abuse Evidence Conference, University of Michigan

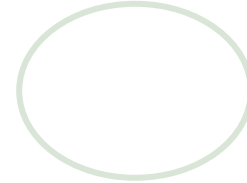
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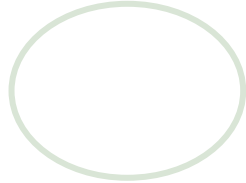
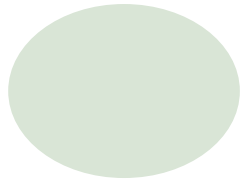
# Overview

- What is *implicit bias*?
- How does it manifest in daily perception?
- How does it manifest in legal domains?

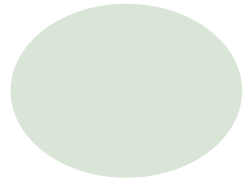
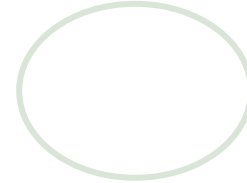


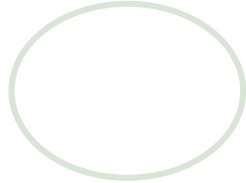
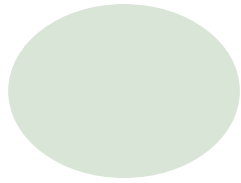
**caress  
freedom  
health  
love  
peace  
cheer  
heaven  
pleasure  
diamond  
gentle  
honest  
lucky  
rainbow  
miracle  
happy  
laughter  
paradise  
vacation**



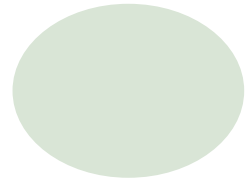
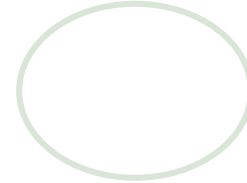


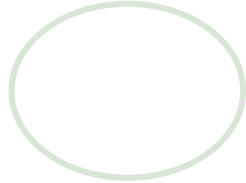
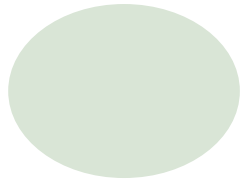
**abuse  
filth  
sickness  
accident  
death  
poison  
stink  
disaster  
hatred  
pollute  
tragedy  
divorce  
ugly  
cancer  
evil  
kill  
rotten  
vomit**



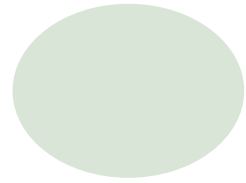
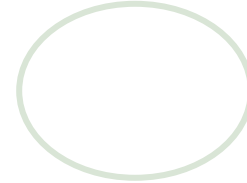
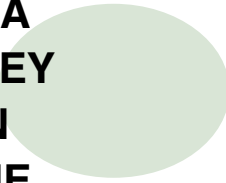


**AIESHA  
JAMAL  
LAKISHA  
DARNELL  
EBONY  
LATISHA  
TERRELL  
TYRONE  
MARQUIS  
LATASHA  
TAMEKA  
DARRYL  
JAZMIN  
ROSHANDA  
DERON  
SHANIQUA  
DARIUS  
TREVON**



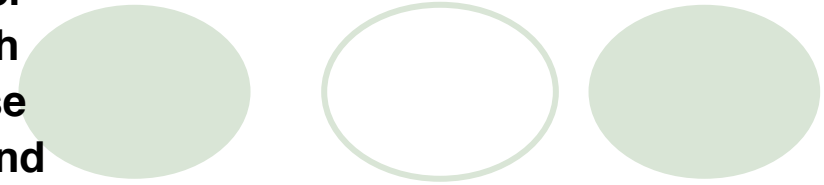


**AMANDA  
COURTNEY  
DYLAN  
MELANIE  
CONNOR  
AMBER  
KATIE  
COLE  
MEREDITH  
JACK  
COLIN  
BOBBIE-SUE  
BRETT  
LAUREN  
EMILY  
GREG  
RACHEL  
HUNTER**





cancer  
health  
compose  
diamond  
truth  
devil  
assault  
triumph  
glory  
brutal  
talent  
agony  
kindness  
family  
divorce  
stink  
pressure  
torture  
bomb

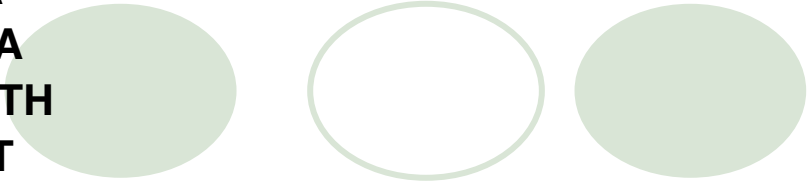


**LEFT side if  
UNPLEASANT**

**RIGHT side if  
PLEASANT**



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



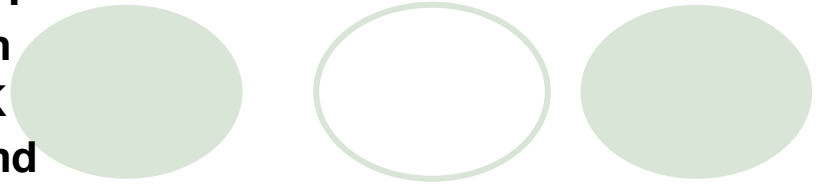
**LEFT side if  
BLACK name**

**RIGHT side if  
WHITE name**





WENDY  
health  
JACK  
diamond  
AIESHA  
devil  
TYRONE  
triumph  
LINDA  
brutal  
JAMAAL  
agony  
SHANEKA  
family  
SOPHIE  
stink  
KAITLYN  
torture  
MALIK

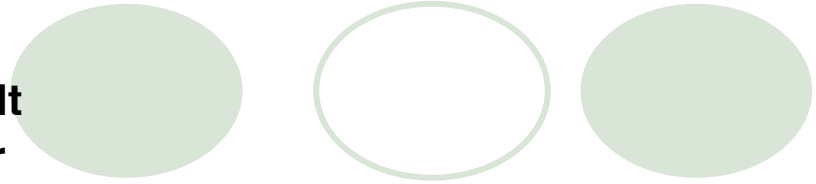


**LEFT side if  
UNPLEASANT  
or  
BLACK name**

**RIGHT side if  
PLEASANT  
or  
WHITE name**



truth  
ugly  
assault  
cheer  
glory  
cancer  
health  
corpse  
diamond  
filth  
talent  
divorce  
stink  
pleasure  
torture  
pollute  
peace  
agony  
rainbow

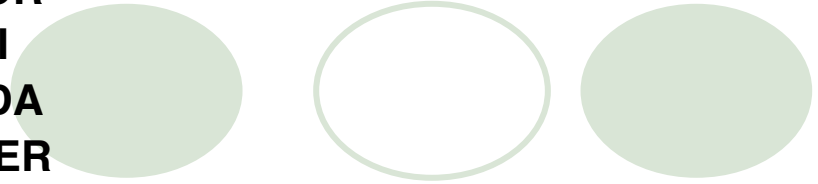


**LEFT side if  
UNPLEASANT**

**RIGHT side if  
PLEASANT**



CONNOR  
IMANI  
AMANDA  
HEATHER  
TEMEKA  
BETSY  
DEMETRIUS  
JAZMIN  
HUNTER  
SARA  
DESHAWN  
TANISHA  
LAUREN  
MADELINE  
DONNA  
DARIUS  
ALLISON  
EMILY  
TERRELL

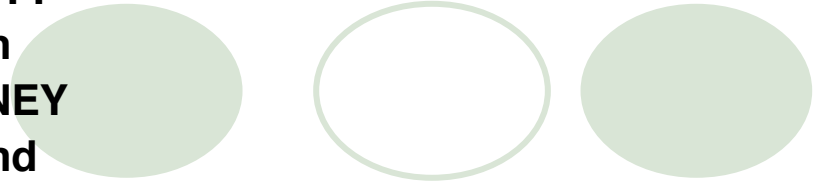


**LEFT side if  
WHITE name**

**RIGHT side if  
BLACK name**



GARRETT  
health  
COURTNEY  
diamond  
TREVON  
devil  
ROSS  
triumph  
ELLEN  
brutal  
MALIK  
agony  
PEGGY  
family  
COLLEEN  
stink  
SHANICE  
torture  
NANCY



**LEFT side if  
UNPLEASANT  
or  
WHITE name**

**RIGHT side if  
PLEASANT  
or  
BLACK name**

**LEFT side if  
UNPLEASANT  
or  
BLACK name**

**RIGHT side if  
PLEASANT  
or  
WHITE name**

**Implicit Associations Test**

<http://implicit.harvard.edu>

**LEFT side if  
UNPLEASANT  
or  
WHITE name**

**RIGHT side if  
PLEASANT  
or  
BLACK name**

# Implicit Bias Conclusions

- 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

# Implicit Bias Conclusions

- 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

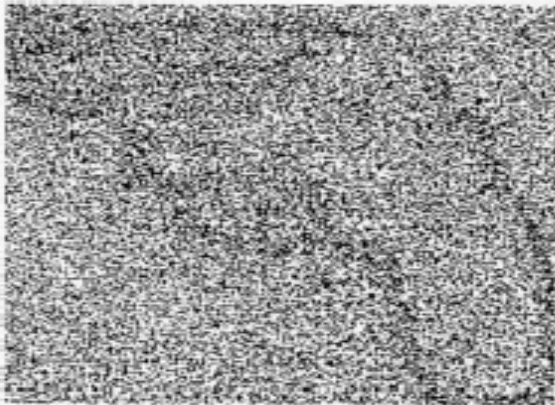
# Implicit Bias and Law





# Eberhardt et al. (2004)

- Study 1: White male Berkeley/Stanford students
- IV: subliminal prime of White or Black face



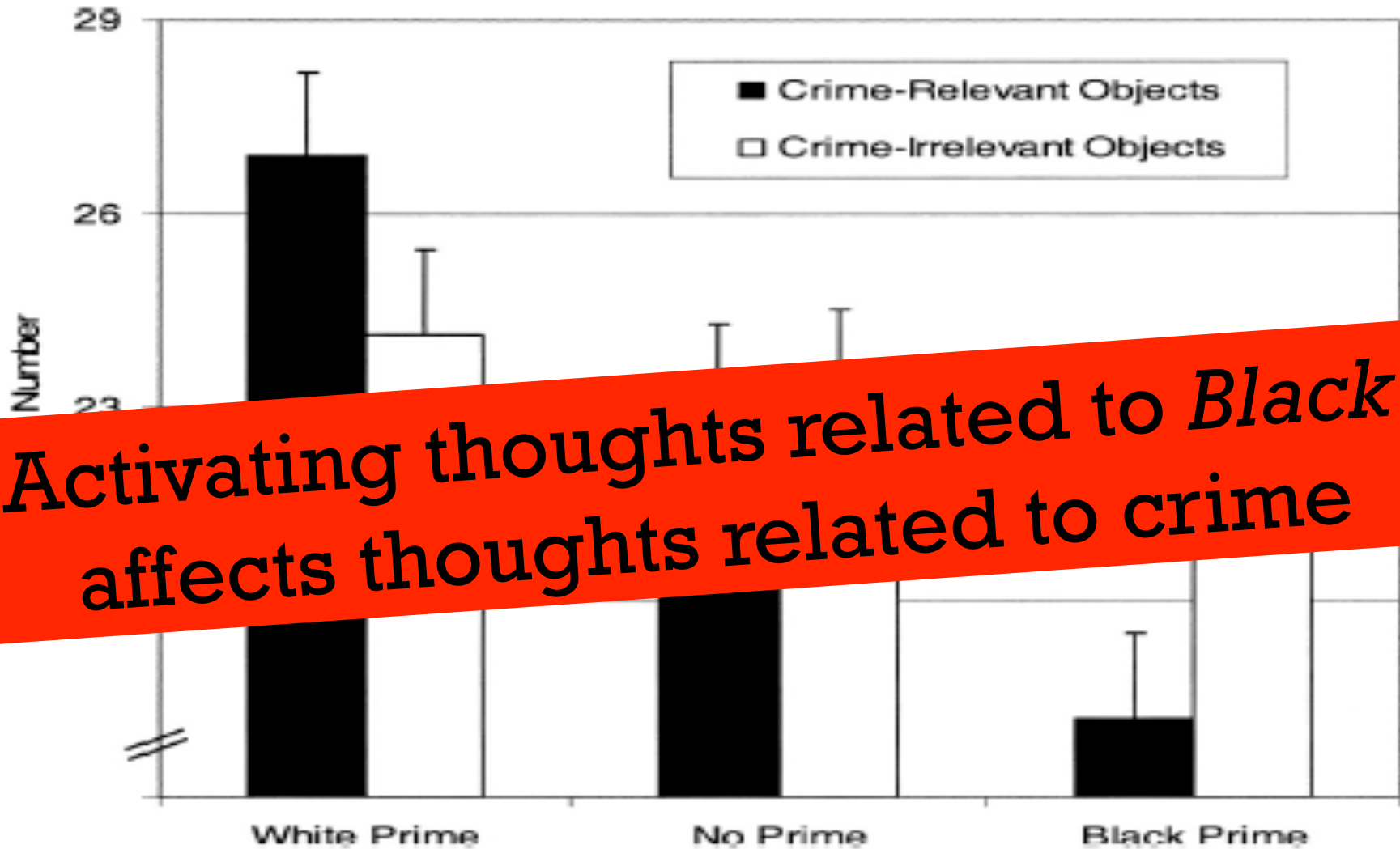
Frame 1



Frame 20

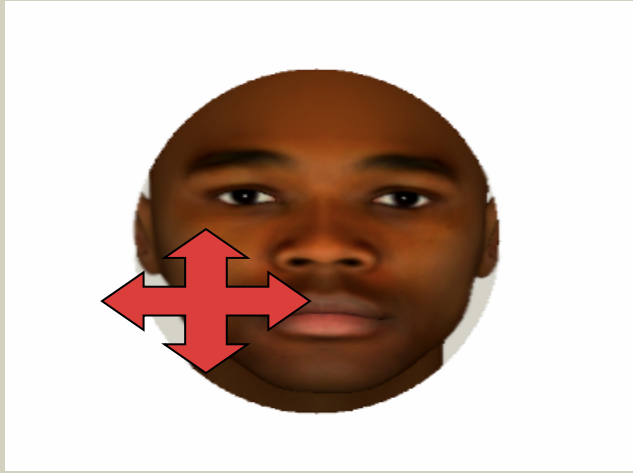


Frame 41

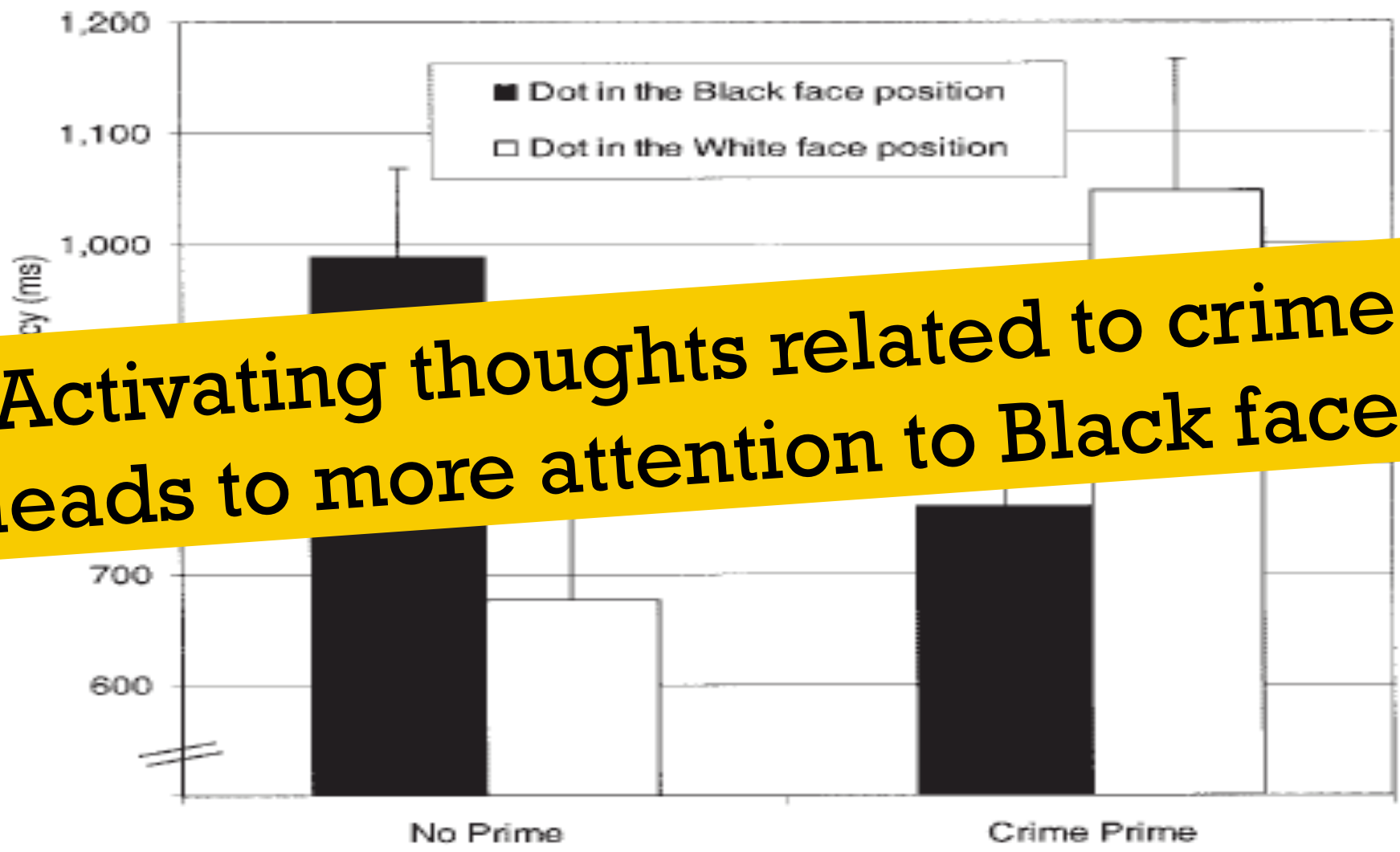


## Eberhardt et al. (2004)

- 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**



# Implicit Bias and Law

- 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 3<sup>rd</sup> 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