

Implicit Bias: Is it Hopeless?

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A Review of Implicit Bias

- Fast and Slow Thinking
- Survival and Us vs. Them
- Boxing up things over a lifetime
- What you see is all there is, or how to use boxes to fill in gaps
- Fast, discretionary decisions are vulnerable

Combating Implicit Bias in the Courts

Understanding Risk Factors

- Certain Emotional States
- Ambiguity
- Salient Social Categories
- Low-effort Cognitive Processing
- Distracted or Pressured Decision-making Circumstances
- Lack of Feedback

NCSC Strategies

Helping Courts Address Implicit Bias

- **Strategy 1:** Raise awareness of implicit bias
- **Strategy 2:** Seek to identify and consciously acknowledge real group and individual differences
- **Strategy 3:** Routinely check thought processes and decisions for possible bias
- **Strategy 4:** Identify distractions and sources of stress in the decision-making environment and remove or reduce them

NCSC Strategies, cont.

- **Strategy 5:** Identify sources of ambiguity in the decision-making context and establish more concrete standards before engaging in the decision-making process
- **Strategy 6:** Institute feedback mechanisms
- **Strategy 7:** Increase exposure to stigmatized group members and counter-stereotypes and reduce exposure to stereotypes

The Retail Answer

- Intention
- Attention
- Time
- Humility

Specific Individual Strategies –

It's About the Individual

- Learn through education
- Don't have a dream
- Consciously think counter-stereotypically
- Take the IAT
- Slow down, breathe deeply when angry or tired
- Reverse parties
- Think about how you think
- Get honest feedback
- Keep learning

Specific Organizational Strategies – *I Would Like to Get it Wholesale*

- Acknowledge the importance of minimizing bias as an institutional goal
- Educate
- Think about processes
- Structure decisions—e.g., sentencing, bonds
- Create checklists
- Promote an inclusive environment
- Ensure diversity in appointments, images, etc. on system projects

Specific Organizational Strategies

I Would Like to Get It Wholesale, continued

- Provide officials the resources (ex. time) to minimize automatic processing decisions in important matters
- Promote personal and systemic accountability
- Learn from other disciplines—medical review panels, mortality reviews, etc.
- Promote mentorships to provide honest feedback
- Develop measures and collect the data

Questions?



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