

Let's Talk: Implicit Social Cognition (The Pros and Cons of Autopilot)

Midsouth Diversity & Inclusion Summit

November 18, 2015



Louis Trosch, Jr., District Court Judge, 26th Judicial District

Presentation Overview:

- ◆ Basic Brain Functioning
- ◆ Heuristics
- ◆ Explicit versus Implicit Bias
- ◆ National and Local Data
- ◆ Solutions & RMJJ



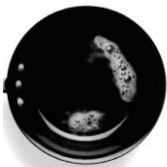
This is your
brain.



This is your
brain.



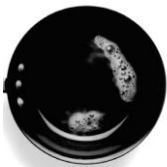
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school.



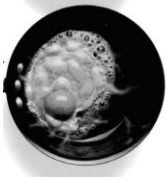
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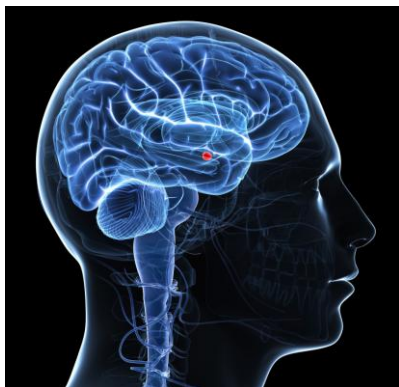


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school.

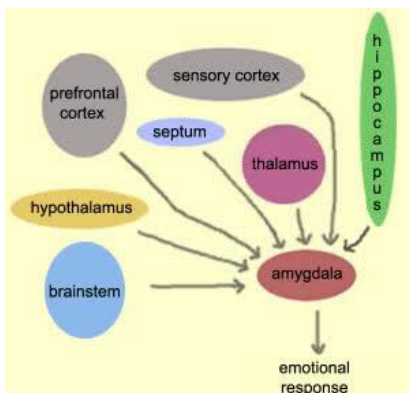


This is your
brain after law
school.





Amygdalae



Heuristics

- We are bombarded with information and stimuli every minute which affect the hundreds of thousands (or more) decisions that we make every day
- Our brain has to quickly sort through and categorize information and stimuli for us to function.
- And that (automatic processing) can be very useful...





Amygdalae!

Please read the following...

I adda a qwer zcada eqai adfjk, fdaklad
qeeqmoxn pwiq te nveh majdury. U dogn fo
usni rep soz cocley. Zorg noyb goo?



Now, read this...

I cnoat blvelee I aulacity uesdnatnrd waht I
am rdanieg. Aoccdnig to rscsheearch at
Cmabrigde Ulnervtisy, it deosn't mtttaer inwaht
oredr the lltteers in a wrod are, the olny
iprmootnt tihng is taht the frist and lsat lltteer be
in the rghit pclae. The rset can be a taotl mses
and you can silll raed it wouthit a porbelm. Tihs
is bcuseae the huamn mnid deos not raed
ervey lltteer by istlef, but the wrod as a wlohe.

Read the **Word**:

BLUE BLACK GREEN
YELLOW RED BLUE
RED BLACK GREEN

Say the **Color** of the Word:

BLACK BLACK GREEN
YELLOW BLUE RED
RED SHARK! BLUE



The Monkey Business Illusion

http://youtu.be/lGQmdoK_ZfY

Heuristics



Heuristics are mental shortcuts that allow individuals to solve problems and make decisions/judgments quickly and efficiently.

- Availability Heuristic
- Representativeness Heuristic
- Anchoring
- "Just World" Heuristic
- Categorizing and Generalizing



Availability Heuristic



Availability Heuristic

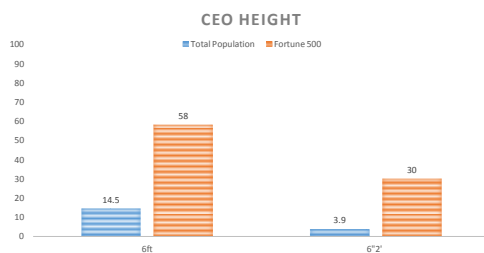


| Cause of Death | People's Choice | Annual US Totals | Newspaper Reports/Year |
|-------------------|-----------------|------------------|------------------------|
| Lung Cancer | 43% | 140,000 | 3 |
| Vehicle Accidents | 57% | 46,000 | 127 |
| Emphysema | 45% | 22,000 | 1 |
| Homicides | 55% | 19,000 | 264 |
| Tuberculosis | 23% | 4,000 | 0 |
| Fire and Flames | 77% | 7,000 | 24 |

Representativeness Heuristic



WHAT DO THE NBA & THE FORTUNE 500 HAVE IN COMMON?



Source: Gladwell, Malcolm; *Blink* (2005).

Anchoring



867-5309



“Just World” Heuristic



Categorizing & Generalizing





Bicycle Thief

<http://youtu.be/ge7i60GuNRg>

Explicit Bias



- Explicit biases are ones that we are consciously aware of having.
- Because they are accessible through introspection, individuals can choose to conceal or hide explicit biases in order to appear more socially/politically correct.

Implicit Bias



- In contrast to explicit bias, implicit bias operates outside of awareness.
- Both explicit and implicit bias affect our decision-making everyday.
 - Automatic processing
 - Stereotypes
 - Fundamental attribution error
- Implicit bias is a preference for a group based on implicit attitudes, stereotypes, etc.

How do we measure implicit bias?



- People may have attitudes they are *unwilling* to self-report
- People may have attitudes they are *unable* to self-report
- Measure must be indirect (non-verbal, response latencies, IAT)

IAT Knee-Tapping Instructions



- Simulate computer keys with left and right knees
- Respond by tapping lightly with right and left hands
- Circle of words (names or valence words), go clockwise direction from starting point, and go around entire circle of words once
- Do this as quickly and accurately as you can
- If you get it wrong, tap the correct knee before moving to the next word

IAT Name Categories



BLACK

Ebony
Marquis
Precious
Jada
Malik
Jazmin
Tyrone
Lakisha
Jamal

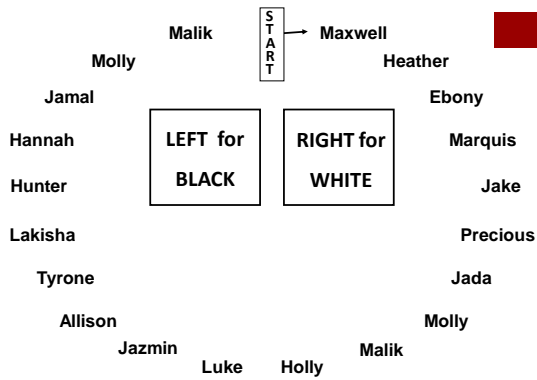
WHITE

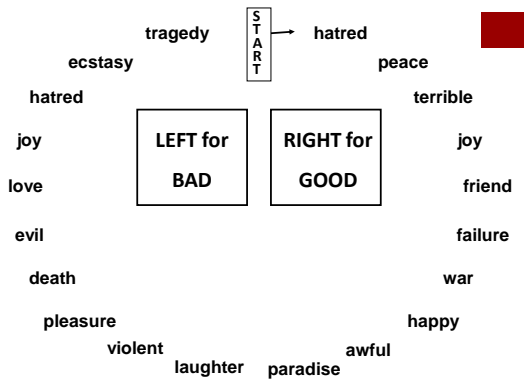
Maxwell
Heather
Jake
Molly
Holly
Luke
Allison
Hunter
Hannah

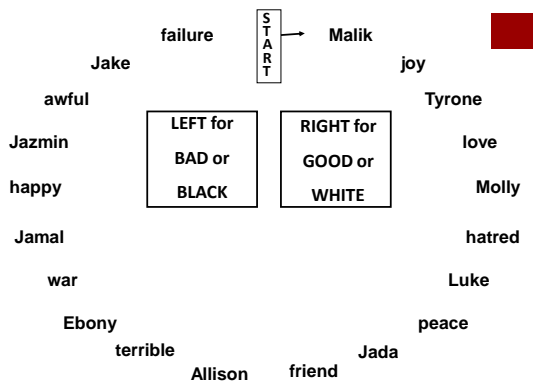
BAD
 hatred
 terrible
 war
 awful
 failure
 violent
 death
 evil
 tragedy

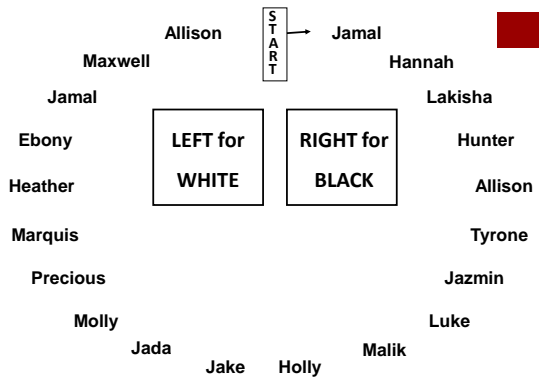
GOOD
 joy
 laughter
 peace
 happy
 friend
 paradise
 love
 pleasure
 ecstasy

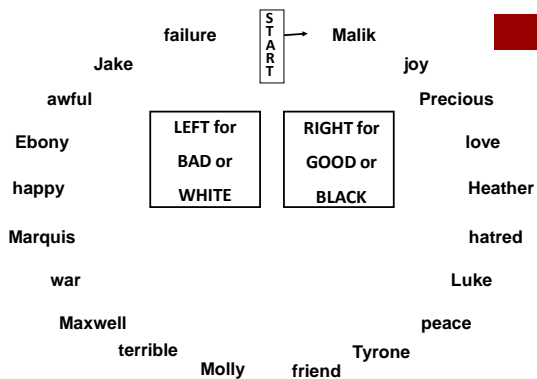




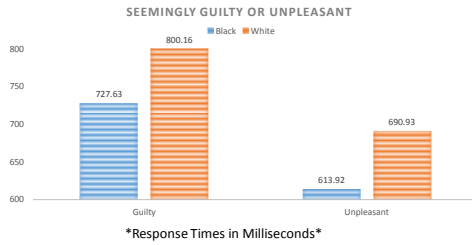




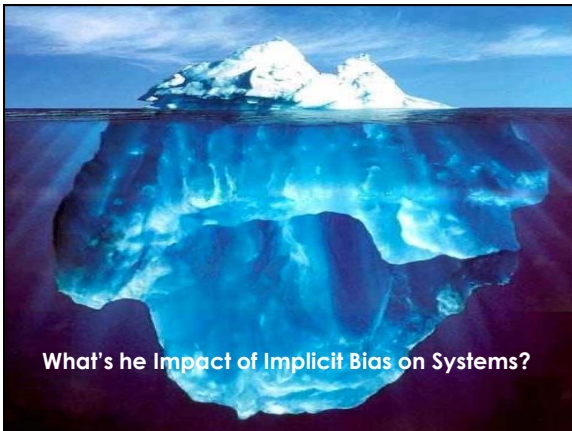




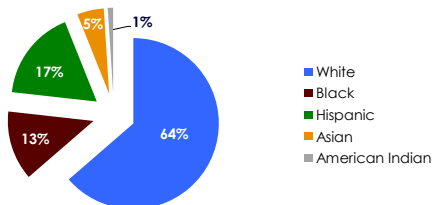
Guilt by Implicit Association



Source: Justin D. Levinson, Huajian Cai, and Danielle Young; Ohio State Journal of Criminal Law (2010).



United States Population Demographics, 2010



<http://quickfacts.census.gov/qfd/states/37000.html>



Employment: National Study by NBER, Harvard, and Chicago



"Are Emily and Greg More Employable than Lakisha and Jamal?"

Respond to ~1,300 employment ads

- Sales, administrative support, clerical, and customer services job categories

Submit ~5,000 resumes.

- Variation in experience and job history

Randomly assign White-sounding names and Black-sounding names

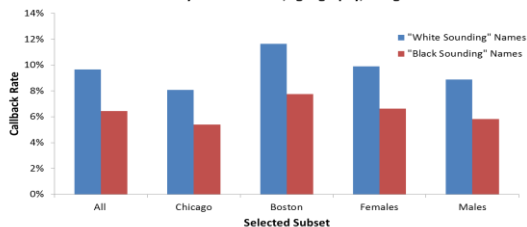
- White examples: Emily Walsh or Greg Baker; African-American examples: Lakisha Washington or Jamal Jones



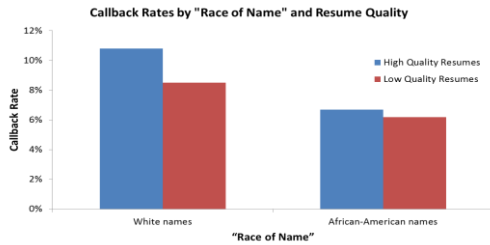
"White" resumes were called back at almost twice the rate of "Black" ones



Callback Rates by "race of name," geography, and gender



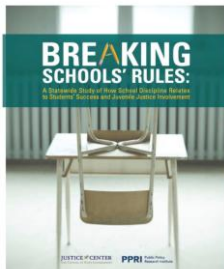
Low quality "White" resumes receive more callbacks than high quality "Black resumes"





Education

Education: National Statistics – Breaking Schools' Rules (Council of State Governments, 2011)



White, Hispanic, & Black students were removed from school for mandatory violations at comparable rates

Only 3% of the disciplinary actions were for mandated violations; the remainder were discretionary

Black students had a 31% higher likelihood of disciplinary action when compared with otherwise identical White and Hispanic students committing the same behaviors

Income or SES cannot account for racial inequity (education)



McKinsey & Company's Social Sector Practice:
 "While independent racial and income achievement gaps exist, whites significantly outperform black and Latino students at each income level"

Using regression analysis, both income and race independently influence a student's achievement score, as well as factors not explained by demographics"

McKinsey & Company

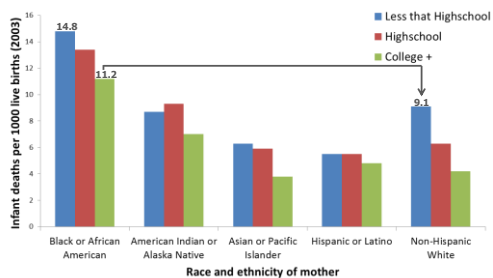
Source: McKinsey & Co. (2009, April). The Economic Impact of the Achievement Gap in American Schools. New York: Author. Retrieved October 2013, from <http://www.mckinsey.com/~/media/McKinsey/Social%20Sector/Healthcare/US%20Healthcare%20Systems/US%20Healthcare%20Systems%20Report%20-%20The%20Economic%20Impact%20of%20the%20Achievement%20Gap%20in%20American%20Schools.pdf>

43



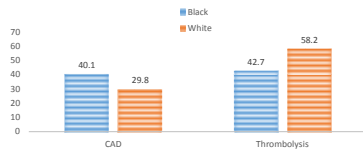
Health

White mothers without high school have better birth outcomes than Black mothers with college



Source: National Center for Health Statistics, Health, United States, 2006, With Chartbook on Trends in the Health of Americans, Hyattsville, MD: 2006

Selective Prescriptions



Source: Green (2006).

Criminal Justice

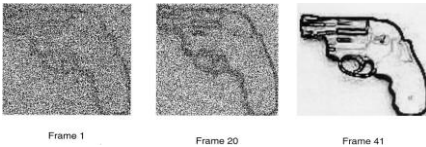


NAACP Defense Fund Lists 76
Unarmed Men & Women of Color
Shot by Police Since 1999



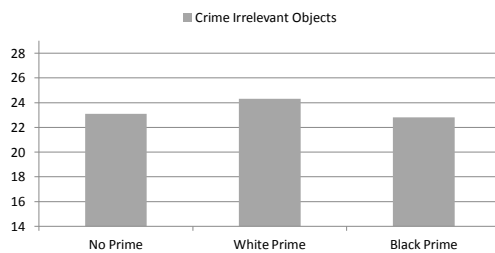


Jennifer Eberhardt's Research

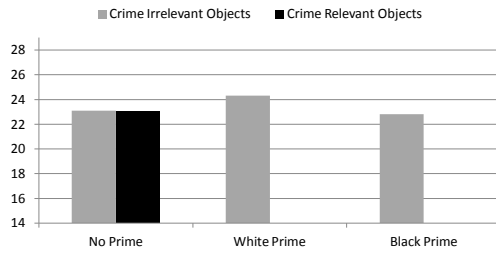


Study participants (Berkeley & Stanford University students) were presented with 41 frames of a continuum displaying an image that initially was severely degraded (Frame 1), became less degraded (e.g., Frame 20), and finally contained no degradation at all (Frame 41). The study measured how quickly participants could recognize the image.

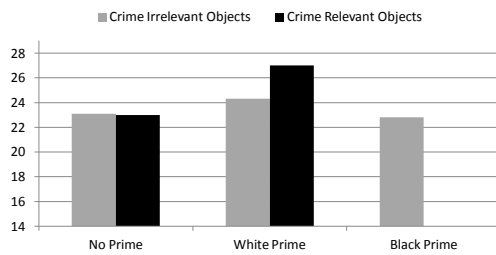
Jennifer Eberhardt's Research



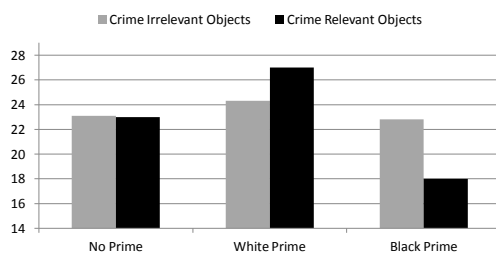
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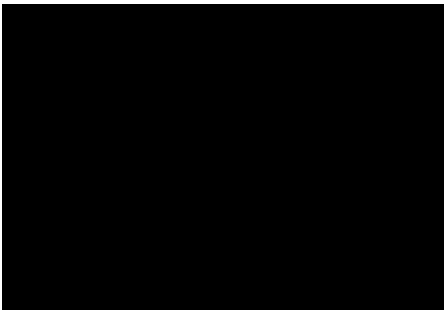
Jennifer Eberhardt's Research



SHOOTER BIAS



Source: Correll, Park, Judd & Wittenbrink (2007)



<https://www.youtube.com/watch?v=LaaeXIg9kSk>

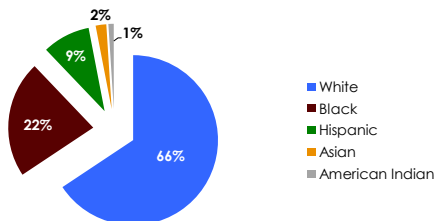
Jury Duty



| | Juror # 1 | | Juror # 2 | |
|------------------|----------------|----------------|----------------|----------------|
| | When Black (%) | When White (%) | When Black (%) | When White (%) |
| College Students | 80 | 59 | 41 | 20 |
| Law Students | 73 | 51 | 49 | 27 |
| Attorneys | 79 | 43 | 57 | 21 |

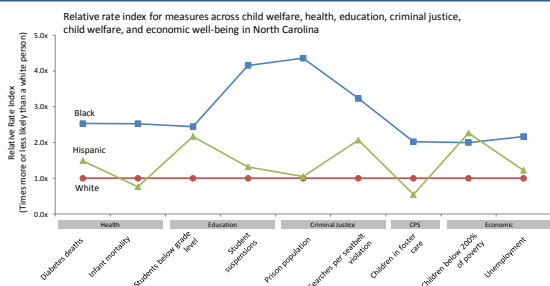
Source: Sommers & Norton (2008)

North Carolina Population Demographics, 2012



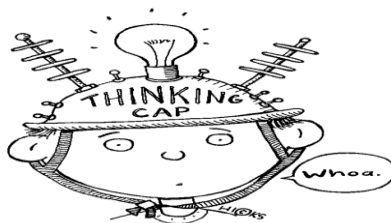
<http://quickfacts.census.gov/qfd/states/37000.html>

Racial Inequity across systems in NC supports analysis of institutionalized racism as a root cause of disparities, that almost always exist with whites faring best and blacks faring worst



59

Solutions?



A "Groundwater Approach" is based on several key observations:



1. These disparities cannot be explained by just 'legal' variables but 'extra-legal' as well; e.g., cannot be explained by behavior
2. The disparities cannot be explained by 'a few bad apples' or merely explicit biases
3. Racial inequity looks the same across systems
4. Systems contribute significantly to disparities

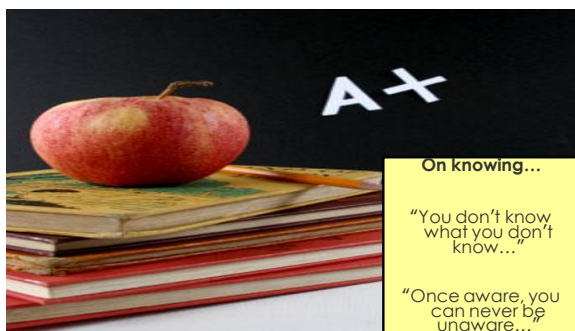
Can Implicit Bias Be Controlled?



- **Probably.** We can work to process information differently and counteract some of the influence of stereotypes, attitudes, heuristics, etc.
- Requires...
 - Self awareness
 - Intrinsic and/or extrinsic motivation
 - An "active fight" each and every time
- Let's look at some specific strategies for individuals and organizations...



Strategy: Education



On knowing...

"You don't know what you don't know..."

"Once aware, you can never be unaware..."

Strategy: Engage high effort processing



Strategy: Reduce cognitive load and stress



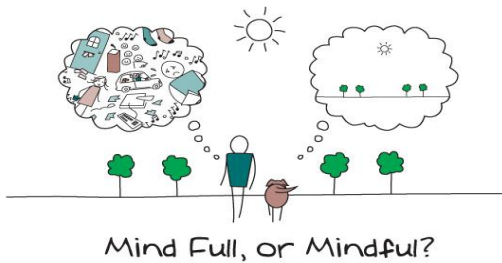
Strategy: Exposure

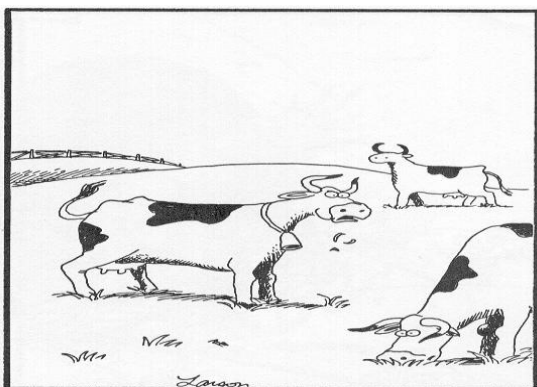


Strategy: Focus on Out-Group Exemplars



Strategy: Mindfulness





"Hey, wait a minute! This is grass! We've been eating grass!"

Strategy: Checklists



Strategy: Play Pretend



Strategy: Environmental Review



■ What messages do your materials and workplace symbols send?

- Clear?
- Diverse?
- Respectful?
- Stress-enhancing or stress-reducing?



Poor signs, noise, crowds,
confusion, heat, etc. are
stressful...



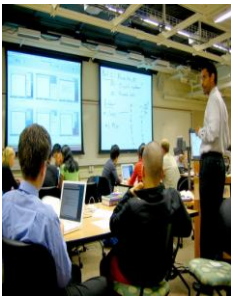
Strategy: Organizational Review



- Honest examination of workforce and power structure.
- Strive to set new and positive norms.
 - tell me what to do right... not just what is wrong
- Open communication and inclusion.
 - Explain culture of organization
 - Give safe space for new employees to ask questions, make changes, be themselves, etc.
- Culture of holding each other accountable.



Strategy: Look To Other Fields



Strategy: Debiasing (e.g., audits)





Summary: No Easy Answers

- Implicit bias is rooted in **normal** cognitive processes: automaticity, categorization, comfort
 - Remember: B R A I N
- Everyone is susceptible to implicit social cognition.
 - Provides common ground for dialogue (but is not an excuse).
- Meaningful change will take substantial time and effort.

Take Home Messages



- Get motivated for the active fight.
- Ask yourself: if the person in front of me was a different color, gender, age, or shape – would I **really** be making the same decision?
- Ask yourself: if this person was my child (or parent) – would I **really** be making the same decision?



Our Vision is a Charlotte-Mecklenburg Community where the composition and outcomes of juvenile courts cannot be predicted by race or ethnicity.

Our Mission is to build a collaboration of community stakeholders who will bring their constituencies to the table and partner in the Court's effort to reduce disproportionality and disparities.

www.rmjj.org

National & State Partners

- National Council of Juvenile and Family Court Judges
- Casey Family Programs
- NC Administrative Office of the Courts –
 - Court Improvement Project
- NC Dept. of Public Safety – Juvenile Justice
- Racial Equity Institute

Charlotte-Mecklenburg Community Partners

- Juvenile Court Judges of the 26th Judicial District & Office of the Family Court Administrator
- Mecklenburg County Department of Social Services
- Charlotte-Mecklenburg Police Department
- Charlotte-Mecklenburg Schools
- Mecklenburg County Guardian ad Litem Office
- Charlotte-Mecklenburg Community Relations Committee
- Mecklenburg County Area Mental Health/MeckCARES
- Mecklenburg County Juvenile Crime Prevention Council
- UNC Charlotte & UNC CH – Schools of Social Work
- Community Building Initiative
- Foresight Leadership
- Council for Children's Rights



Questions?