

The Limitations of the Conscious Mind: How Our Implicit Biases Impact Decision-Making

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FIP, LLC: WHO WE ARE

- ✓ Since 2009, FIP, LLC has been the premier provider of implicit bias training for law enforcement organizations, including university systems in US and Canada. Current training contractor for NYPD.
- ✓ Implicit bias training for attorneys , judges, criminal and juvenile justice personnel.
- ✓ Implicit bias training for business leaders (e.g. MIT), AI software engineers, and the general public.

ROADMAP TO TODAY'S SESSION: A LOOK AT.....

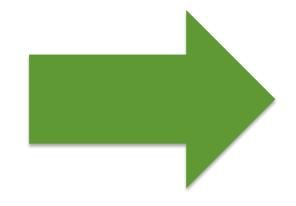
- ✓ The intersection between the research addressing implicit biases and research focusing on our "blind spots" in ethical decision-making.
- \checkmark How our implicit biases can impact our perceptions and decision-making.
- ✓ Why and how even well-intentioned people can make unethical decisions and can produce unethical behavior.
- ✓ Some skills to reduce and manage our biases.
- ✓ With the goal of stimulating further conversations.

OUR UNDERSTANDING OF BIAS HAS CHANGED



THE TRADITIONAL UNDERSTANDING OF BIAS

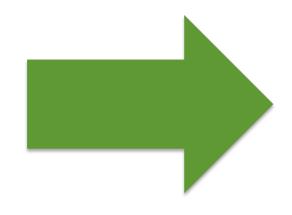
Ill-intentioned and only ill-intentioned individuals



Biased decision-making and behavior

THE TRADITIONAL UNDERSTANDING OF ETHICAL BEHAVIOR

Unethical/morallydeficient and
only morallydeficient individuals



Unethical decisions and behavior

BUT RECENT RESEARCH TELLS US....

- ✓ Even well-intentioned people—with hearts and minds in the right place—can manifest biased behavior.
- ✓ Even upstanding people—who see themselves as highly moral/ethical—can overlook unethical behavior and manifest biased decision-making that allows unethical behavior to occur.
- ✓ When our unconscious (or implicit) thinking processes take over.

OUR THINKING SYSTEMS

(Kahneman, D., 2011)

Logical System

- **✓** Slow
- ✓ Requires effort to process data and information
- ✓ But can be more accurate in decision-making

Intuitive System

- **√** Fast
- ✓ Requires little effort
- ✓ It is our "instinct"
- ✓ Can be useful but...
- ✓ Can allow mistakes to creep in

OUR IMPLICIT SYSTEM

- Designed to process a deluge of sensory input
- ✓ Quick processing, quick assessment
- ✓ Categorizes things we see and hear
- ✓ Applies category attributes to it: Stereotyping
- ✓ Works outside of our conscious awareness
- ✓ Influences our judgement

STEREOTYPES FILL IN WHEN WE ARE FACING "AMBIGUOUS STIMULI."

A TASTE OF HOW THIS WORKS:

WHAT STEREOTYPES/JUDGEMENTS MIGHT PEOPLE HAVE ABOUT THESE INDIVIDUALS?











BUT WHAT IF.....



















BASES ON WHICH PEOPLE ARE STEREOTYPED AND TREATED DIFFERENTIALLY

- ✓ Race and ethnicity
- ✓ Socio economic status
- English language abilities
- ✓ Gender and gender identity
- ✓ Age

- ✓ Religious affiliation
- ✓ Profession: Lawyers
- ✓ Sexual orientation
- **✓** Body shape
- ✓ Many others



RESEARCH HAS EXAMINED VARIOUS TYPES OF BIASES AND THEIR IMPACT ON DECISION-**MAKING**

Implicit Association: Labor market studies and the black-threat association.

Attentional Bias: Who we listen to, pay attention to, focus upon first.

Anchoring Bias: The initial piece of information we receive and its relationship to decisions we make.

Confirmation Bias: Search for and place importance on information that confirms what we think we already know to be true.

We/They Bias: Our perceptions of self and those who are like us. We see more positives with people who are "us"; more negatives in those who are "they."

RESEARCH **HAS ALSO EXAMINED HOW BIASES IMPACT ETHICAL DECISION-MAKING**

How is that.....

• Smart and upstanding people miss, or turn a blind eye, to wrong-doing?

 Our biases can result in moral "blind spots." TO
UNDERSTAND
THIS:
A LOOK AT
HOW WE SEE
OURSELVES

Moral: We have an ethical compass that guides our decision-making.

Objective: Able to assess facts and apply our intellect and skills to our decision-making.

Unbiased: While recognizing that biases exist in others....we see ourselves as more egalitarian.

(Pronin et al., 2013)

The Executive's Dilemma: Illusion of Objectivity

"Illusion of Objectivity": An inverse relationship

> "Power disinhibits behavior, making people monitor themselves less and operate on automatic more."

(See: Katz, 2007; Pronin & Schmidt, 2013; Frantz & Janoff-Bulman, 2000; Fiske & Krieger, 2013)

THE ETHICAL DECISION-MAKING "BLIND SPOTS"

Ambiguity about the circumstances.

Motivated Blindness—Self interest in a situation = Difficulty approaching without our human biases.

Conflicts of Interest: Even when we want to be objective, our ambition can influence the way we interpret information.

Regardless of how well calibrated our moral compass is!

(Bazerman, 2012)



The Slippery Slope: When ethical standards loosen gradually—easy to miss "small" infarctions.

Indirect Harm: When we are several steps removed from an ethical failure, we fail to hold ourselves (or those around us) accountable.

Misdirection: People will intentionally mislead you.

APPLICATION EXERCISE

ONE UNIVERSITY'S EXPERIENCE



CASE ANAYLSIS

- A graduate student who was serving as an assistant to the Chair of the history department has reported that he saw the professor in the gym's sauna with a young man and they "appeared" to be engaged in sexual activity. The student reports he "only briefly looked into the sauna."
- The professor, whom you see regularly at worship services, recently was awarded a MacArthur "genius scholar" designation—an enormous honor for the University and one that comes with 5 years of fully-funded research.
- You learn that the student was relieved of his graduate assistantship after an investigation determined he plagiarized his first-year thesis.

- ✓ What are the potential "blind spots" here?
- ✓ Does this sound at all familiar?

APPLICATION TO YOUR WORK

- Consider one example of a situation, in your experience, when one of the challenges to effective ethical decision-making was present (e.g. ambiguity of the situation, motivated blindness, conflicts of interest, slippery slope, indirect harm, and misdirection).
- ✓ How might any one of these challenges impact your decision-making/investigation?
- ✓ What are the potential consequences if your investigation is impacted by one of these challenges.
- ✓ What can you do to change the way you approach investigations?

SKILLS FOR REDUCING AND MANAGING OUR BIASES



- Implicit bias is resilient.
- It took us a lifetime to develop our biases.
- There are no quick or easy ways to reduce biases.
- It takes time, attention, persistence.

Reducing biases: Thwarting activation of stereotypes

Managing Biases: Thwarting the application of stereotypes to behavior

(Gilbert & Hixon, 1991; Kawakami et al., 2000)



SKILL # 1: REDUCING BIASES: THWARTING APPLICATION OF STEREOTYPES

- Contact theory
- Exposure to counter-stereotypes
- Perspective-taking
- Recall the stereotypes/judgements we attributed to...

SKILL #2: MANAGING OUR BIASES: THWARTING THE APPLICATION OF STEREOTYPES TO BEHAVIOR

- If we are aware of our implicit biases....
- And we are motivated....
- We can choose to implement bias-free behavior ("controlled responses")

(Monteith et al., 2010; Devine et al., 2012)

THREATS TO IMPLEMENTING CONTROLLED RESPONSES

- Time pressures
 - (Bertrand et al., 2005)
- Cognitive busyness/dissonance
 - Correll et al., 2015)
- Fatigue
 - (Ma et al., 2013)

SKILL #3: BEWARE OTHER PEOPLE'S BIASES

Peers

Supervisors

Complainants

> Other University Employees

THE SEXUAL HARASSMENT COMPLAINT

You are investigating a sexual harassment complaint in which the victim is a transgender individual. You have just completed a lengthy interview with the victim in your office. You head to get some coffee when one of your colleagues smirks and comments: "I am not sure what he/she expected. I'm glad you got the short straw on this one."

- Identify three ways to respond to this situation and the pros and cons of each.
- > Which option do you think is best and why?

DISCUSSION

Biased behavior is difficult to address. You don't want to accuse your colleague of being biased. You might even agree that the complainant's lifestyle is difficult to understand.

Is saying/doing nothing a reasonable option?

You are cognizant that other members of the team are watching and listening to your response.

How might your response impact your team's perceptions of you?

Since you have been working with the complaintant on this case for a couple months, you know that she has heard these types of comments many times before and has told you how difficult it is to hear.

You might explain perspective-taking?



SKILL #4: SLOW THINGS DOWN

- > Allows for critical thinking to take place.
- Recall our discussion of our thinking systems: Thinking Slow/Thinking Fast
- Allows you to counter anchoring and confirmation bias by considering alternative theories of the case.
- Allows for independent reviews of complex cases to see if evidence may have been overlooked or misinterpreted.

THE RESULT: Make better decisions; Less likely to be impacted by biases.

SKILL #5: COMMUNICATE, COMMUNICATE, COMMUNICATE

Internal and External Communication

- Look for "teaching moments" to talk about these issues
 - Intranet communications
 - Employee newsletters
 - > Staff meetings/"brown bag lunches" can be an opportunity to talk about bias in our interactions and decision-making.
 - Formal meetings like this one.
- Communicate with the external UC community: Fairness, impartiality and ethical behavior are our values.
 - > But, we hire humans and humans have limitations of their conscious decision-making.

THANKYOU

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