Reducing Racial Bias:
The Effect of Implicit Bias Remedies on Jurors

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We explored if two Unconscious Bias Juror (UBJ) remedies could reduce racial bias in an *aggravated battery trial.*

Actual courts currently use UBJ video and instructions as implicit bias remedies (developed by the United States District Court, Western District of Washington, 2017), *but no prior study has tested its efficacy.*

Introduction

Background.
- *UBJ Video.* A district judge and two attorneys educate viewers on what unconscious bias is and how to avoid it.
- *UBJ Instructions.* Pretrial and posttrial instructions that define unconscious bias and its impacts on decision-making.
- Our pilot study determined effects of defendant race.
  - White defendants (vs. Black) were more likely to be found guilty.
- Same-race bias in decision-making:
  - White and Black jurors showed more leniency for defendants of the same race (Mazzella & Feingold, 1994; Mitchell et al. 2005).
- Aversive Racism Theory:
  - Egalitarian views guide White people to appear unbiased in conscious decisions, but they still hold unconscious racial stereotypes (Dovidio et al., 1998; Dovidio & Gaertner, 2004).
- Dual Process Theory (Chaiken, 1980; Kahneman, 2011):
  - *Heuristic processing* (unconscious and automatic).
    - Implicit bias can occur and guide decision-making.
  - *Systematic processing* (effortful and controlled).

Hypotheses.
- H1: Juror race and defendant race are expected to interact.
  - If the juror and defendant are the same race, the juror is likely to render not guilty verdicts and shorter sentences.
- H2: UBJ remedies and juror race are expected to interact.
  - Exposure to an UBJ remedies will impact White jurors by reducing juror racial bias, but not impact Black jurors' bias.

Methods and Materials

Participants. Recruited 539 participants (50.5% female; 50.5% White; 49.5% Black; M_{age} = 46.46, SD = 16.00) through Qualtrics.

Inclusion/exclusion criteria.
- Meet three state jury participation requirements.
  - i.e., 18± y/o, a U.S. citizen, and not a convicted felon.
- Pass manipulation/attention checks.
- Identify as either Black or White.
- Cannot speed through study.

Trial Stimuli. Edited form of *State v. Rollins,* a case summary about a college athlete accused of battery with serious bodily injury on one of his teammates (Elek and Hannaford-Agor, 2014).
- Our joint study used a murder trial stimuli.

Design. 2 (Juror Race: Black vs. White) x 2 (Defendant Race: Black vs. White) x 2 (Instructions: UBJ vs. general) x 2 (Video: present vs. absent).

Defendant Race. Conditions were collapsed across three different photos (Eberhardt et al., 2004) and, to manipulate race, a single photo of either a Black or White defendant was placed into the trial stimulus.

Figure 1
Effect of Juror Race on Verdicts
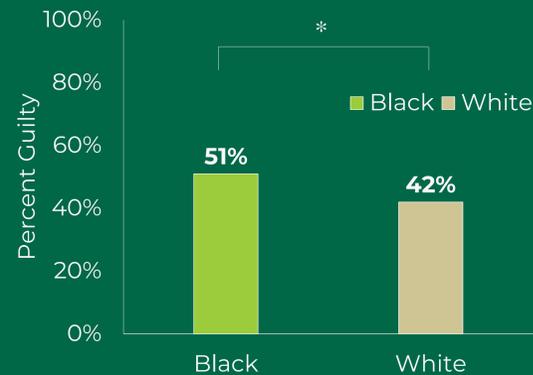
Note. For all figures, error bars represent standard deviation. * signifies *p* < .05.

Figure 2
Effect of Juror Race on Sentence
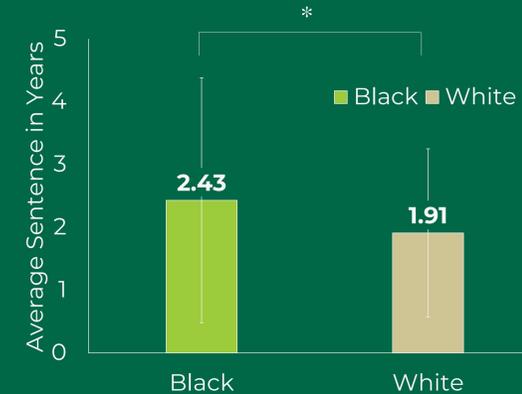
Note. Mock-jurors only suggested a sentence length if they found the defendant guilty. Mock-jurors could recommend sentences ranging from 0 to 5 years.

Figure 3
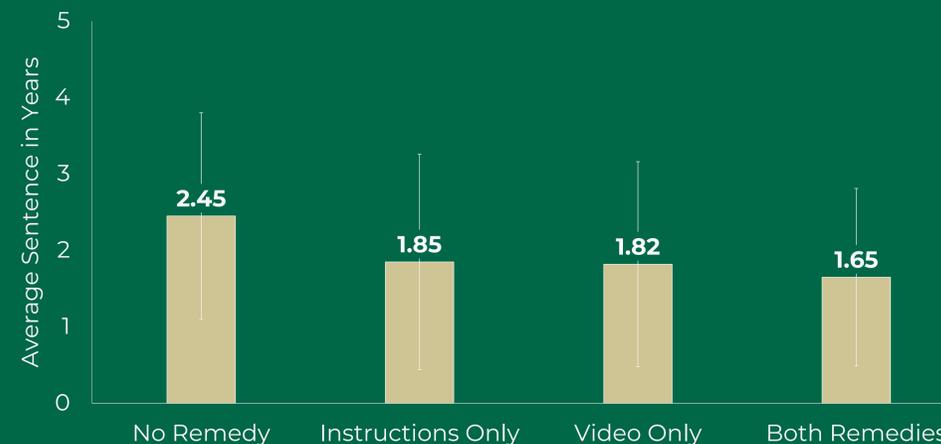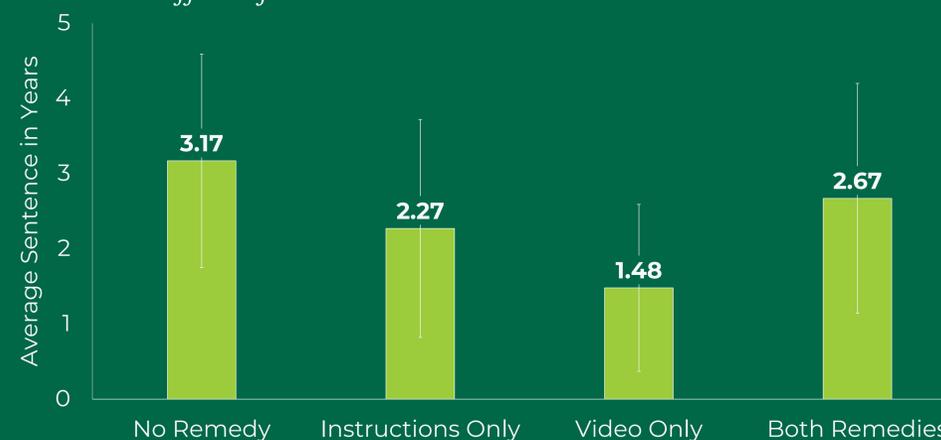*Effect of UBJ Remedies on White Jurors' Sentences*

Figure 4
Effect of UBJ Remedies on Black Jurors' Sentences

Results

Overall, the UBJ remedies did not effectively reduce racial bias; however, they did influence juror decision making in important ways.

Verdicts.
- Analyzed using a loglinear ANOVA and Chi-square test.
- White jurors were more likely than Black Jurors to find the defendant not guilty, regardless of defendant race (see Figure 1), $\chi^2(1, 554) = 4.13$, V= .09, *p*= .04.
- The UBJ video and UBJ instructions did not impact verdicts.

Sentence.
- Analyzed using a Factorial ANOVA.
- White jurors (vs. Black) rendered shorter sentences, regardless of defendant race (see Figure 2), $\chi^2(1, 235) = 6.59$, ω^2= .02, *p*= .01.
- Exposure to only ONE UBJ remedy resulted in shorter sentences in Black jurors as compared to White jurors (see Figures 3 and 4).
- When NEITHER remedy was present, or BOTH were present, Black jurors provided longer sentences than White (see Figures 3 and 4).

Discussion

Conclusions.
- White jurors' leniency can be attributed to the elevated status of the defendant (Skolnick & Shaw, 1997), making the status of the defendant (an elite college athlete) more impactful.
- The remedies did not effectively reduce racially biased verdicts.
  - Remedies did result in less punitive outcomes overall.
- The remedies' lack of effect may be due to recent prolific events that made race salient, leading to White people correcting their biases in attempt to appear impartial (Ingriselli, 2015).

Limitations.
- Timing of data collections may limit this study because recent public events (e.g., 2020 impeachment trial) may have influenced decisions.
  - Real jurors would have also been influenced by recent events.
- Does not emulate real-life jury situations.
  - Mock-jurors chose when and where to participate virtually.
  - Used modified, shortened trial stimulus.
  - No jury deliberations.
- The current study does not address other racial or ethnic groups.

Implications.
- First study testing the efficacy of the UBJ video and instructions.
- Future research should explore the remedies' efficacy in varying trial types, victim race, modified UBJ remedies, etc.
  - Modifications focus on active participation (Morewedge et al., 2015), which have been shown to combat implicit bias.
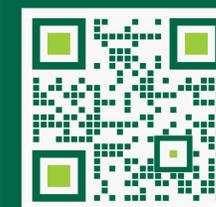
References

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