

The Law is Not Blind: Bias in the Legal System



What Studies Show

Research shows that the legal system is not immune to cognitive bias. Studies have found that judges, jurors, and legal professionals are all susceptible to various biases that can influence their decisions. For example, research has shown that judges are more likely to convict defendants who are perceived as being of a lower social class or who are from a minority group. Similarly, jurors are more likely to convict defendants who are perceived as being more dangerous or more likely to re-offend. These findings suggest that the legal system is not as objective as it is often portrayed to be, and that cognitive bias plays a significant role in the outcomes of legal proceedings.

IMPACT "RACIAL" BIAS IS EVERYWHERE
Every person who touches the case will impact it.
And every person will bring their biases to bear on it.

Police
Prosecutors
Defense Counsel
Witnesses
Juries
Judges

What Can We Do?

While the reality of cognitive bias is undeniable, there are steps that can be taken to mitigate its impact on the legal system. One approach is to increase transparency and accountability in the legal process. This can be done by requiring legal professionals to disclose any potential biases they may have and by providing training on cognitive bias to all participants. Another approach is to use decision-making tools that are designed to minimize the influence of bias, such as structured decision-making frameworks or algorithms. Finally, it is important to continue to research and understand the nature of cognitive bias in order to develop more effective strategies for reducing its impact.

In the law, we aren't exempt. Biases color every step of the legal process:

- Phases of an investigation
- Gathering evidence
- Documenting evidence
- Forensics
- Court/Arbitration Proceedings
- Sentencing
- Community Support



In The Courtroom & Media

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Every minute of every day, we operate with cognitive bias.

179 identified cognitive biases: behavioral, social, memory error, decision-making biases

- Schemas/Affect heuristic - subjective good/bad impressions and mental "templates" are source of fast judgement, emotional response takes the lead
- Attentional bias - perception impacted by recurring thoughts
- Confirmation bias - seeking only information that confirms pre-existing belief
- Focusing effect - placing undue value on one aspect of an event
- Stereotyping - judging an individual based on perception of a group
- False memory - misattribution where imagination is mistaken for memory
- Misinformation effect - less accurate memory because of past-event information
- Suggestibility - ideas suggested by questioner mistaken for memory
- Conjunction fallacy - believing specific, multiple conditions are more probable than general ones
- In-group bias - giving preferential treatment to people of "your group"
- Outcome bias - judging a decision based on outcome instead of quality of the decision



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CITATIONS

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The Investigation

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Between hindsight bias, fake causality, positive bias, anchoring priming, et cetera et cetera, and above all the dreaded confirmation bias, once an idea gets into your head, it's probably going to stay there.

(Eliezer Yudkowsky)

SMS
Forensic Experts
Juries
Judges

• Court/Appellate Proceedings
• Sentencing
• Community Support



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PEOPLE
GENERALLY SEE
WHAT THEY LOOK FOR
AND HEAR
WHAT THEY LISTEN FOR

TO KILL A MOCKINGBIRD

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