

JURY INSTRUCTION NO. 2

UNCONSCIOUS BIAS

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3 We all have feelings, assumptions, perceptions, fears, and stereotypes about others. Some
4 biases we are aware of, and others we might not be fully aware of, which is why they are called
5 implicit or unconscious biases. No matter how unbiased we think we are, our brains are hard-
6 wired to make unconscious decisions. We look at others and filter what they say through our own
7 personal experience and background. Because we all do this, we often see life and evaluate
8 evidence in a way that tends to favor people who are like ourselves, or who have had life
9 experiences like our own. We can also have biases about people like ourselves. One common
10 example is the automatic association of male with career and female with family. Bias can affect
11 our thoughts, how we remember what we see and hear, whom we believe or disbelieve, and how
12 we make important decisions.

13 As jurors, you are being asked to make an important decision in the case. You must one,
14 take the time you need to reflect carefully and thoughtfully about the evidence.

15 Two, think about why you are making the decision you are making and examine it for bias.
16 Reconsider your first impressions of the people and the evidence in this case. If the people
17 involved in this case were from different backgrounds, for example, richer or poorer, more or less
18 educated, older or younger, or of a different gender, gender identity, race, religion or sexual
19 orientation, would you still view them, and the evidence, the same way?

20 Three, listen to one another. You must carefully evaluate the evidence and resist, and help
21 each other resist, any urge to reach a verdict influenced by bias for or against any party or witness.
22 Each of you have different backgrounds and will be viewing this case in light of your own
23 insights, assumptions and biases. Listening to different perspectives may help you to better
24 identify the possible effects these hidden biases may have on decision making.

25 And four, resist jumping to conclusions based on personal likes or dislikes, generalizations,
26 gut feelings, prejudices, sympathies, stereotypes, or unconscious biases.

27 The law demands that you make a fair decision based solely on the evidence, your
28 individual evaluations of that evidence, your reason and common sense, and these instructions.