



Assemblywoman Sydney Kamlager-Dove, 54th Assembly District

AB 242 – B.I.A.S. (Breaking Implicit Attitudes & Stereotypes) in the Judicial Court System

IN BRIEF

Assembly Bill 242 would require implicit bias training for officers of the court, including attorneys, judges and other court personnel every two to three years.

BACKGROUND & PROBLEM

[Implicit bias involves unconscious attitudes or stereotypes that affect our understanding, actions and decisions.](#) Bias is part of human nature, therefore implicit bias affects everyone. Even the most well-intentioned people have biases that negatively can influence important decisions in their personal and professional lives.

Implicit biases are grounded in a basic human tendency to separate and categorize people into groups. The most common biases are based on a person's or group's race, gender, age, ethnicity, social economic class, disability, weight or other identity factors. [Addressing and eliminating the many biases is daunting.](#)

People can embrace ideas of fairness and equality, yet they tend to be subject to stereotypes regarding people they don't know.

Judges are susceptible to bias. While they are supposed to decide and work on cases impartially, as they promise in their oath, they may harbor implicit biases influenced by their experiences and beliefs. [Research shows](#) that trial court judges may rely on intuition, rather than deliberative judging in deciding matters before the bench.

Attorneys also are susceptible to bias. A district attorney or prosecutor has discretion when deciding whether to charge a suspect for a crime. Empirical studies show that [prosecutors are more likely to charge Black suspects than White suspects in similar circumstances.](#)

Public defenders are not immune from implicit bias. They have perceptions that can influence their decision-making processes. Public defenders may work harder for a defendant they perceive as more

educated or likely to be successful because of their race, gender or socio-economic status.

Judicial leadership needs to recognize how implicit bias influences decision-making processes.

SOLUTION

California's justice system should be at the forefront to improve treatment and outcomes for the underprivileged general public that have been impacted by the courts.

AB 242 would allow court professionals to understand and reduce disparities in the justice system by requiring implicit bias training as a component of mandatory courses under the State Bar and Judicial Council.

SUPPORTERS

Anti-Recidivism Coalition (ARC)
California Employment Lawyers Association
California Voices for Progress
Courage Campaign
Disability Rights California
Ella Baker Center for Human Rights
Equal Justice Society
San Francisco Public Defender's Office
UDW/AFSCME Local 3930

FOR MORE INFORMATION

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