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# Mind your mind-set

## The psychology of judgement for the judiciary

Steven Shorrock

Senior Human Factors and Safety Specialist

European Safety Culture Programme Leader

27 October 20220



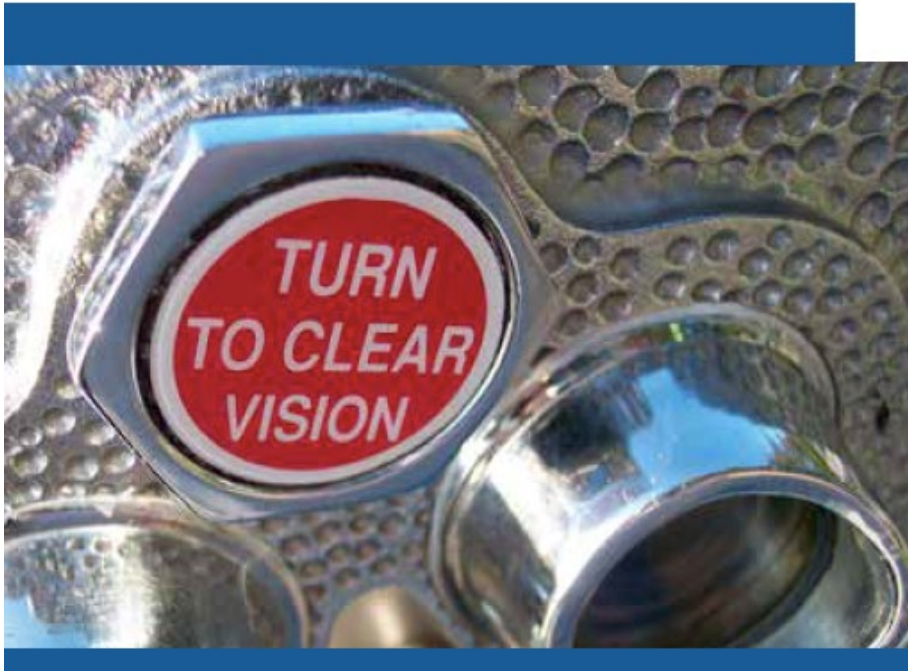
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# Just Culture

## Understanding Biases of Judgement for Members of the Judiciary



## Types of Bias

Each card introduces a different issue for reflection or discussion The biases are organised into the following categories.

|  |
|--|
| Outcome & Baseline Frequency           |
| Quality of Our Judgement               |
| Understanding of Others' Mental States |
| Evidence Presentation                  |
| Suspects, Defendants & Witnesses       |
| Penalty                                |

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The same behaviour or decision, with the same underlying knowledge and skills, should be judged more harshly when the outcome is more severe, even where the outcome is influenced by factors outside of the person's control.

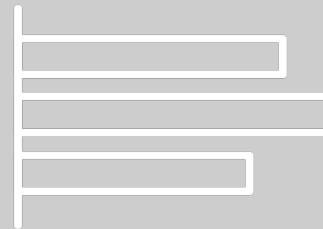
- A. I mostly agree
- B. I mostly disagree
- C. I neither agree nor disagree

Votes: 101

● Closed

|          |  |
|----------|--|
| Internet | This text box will be used to describe the different message sending methods.  |
| TXT      | The applicable explanations will be inserted after you have started a session. |

The same behaviour or decision, with the same underlying knowledge and skills, should be judged more harshly when the outcome is more severe, even where the outcome is influenced by factors outside of the person's control.



## Bar Graph

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## Outcome Bias

We tend to judge a decision based on the eventual outcome instead of the quality of the decision at the time it was made

The same decision or behaviour will tend to be evaluated more negatively when it happens to produce a bad rather than good outcome, even by chance.

How can we reduce the influence of knowledge of outcome on our decisions about a person's performance?

### Outcome & Baseline Frequency



*Photo by Cory Denton*

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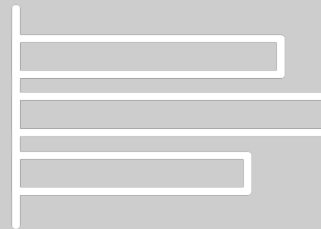
Harmful actions are worse than equally harmful omissions.

- A. I mostly agree
- B. I mostly disagree
- C. I neither agree nor disagree

Votes: 106

 Closed

# Harmful actions are worse than equally harmful omissions.



## Bar Graph

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## Omission Bias

We tend to judge harmful actions as worse, or less moral, than equally harmful omissions

Actions are more visible than omissions and tend to be seen as more harmful in the context of unwanted events.

How can we see actions and omissions as equivalent rather than fundamentally different?

### Outcome & Baseline Frequency



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Given the same training and information about a case, others would interpret information in the same way and make approximately the same judgements.

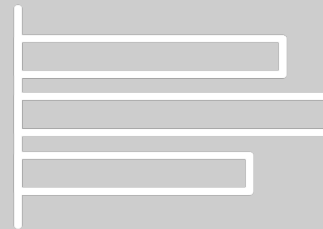
- A. I mostly agree
- B. I mostly disagree
- C. I neither agree nor disagree

Votes: 111

 Closed

Internet This text box will be used to describe the different message sending methods.  
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## Naïve Realism

We tend to think we are objective, but we are not

We sometimes believe that our world view is objective and that others will interpret information with this same view. If their view differs, we think that they must be thinking irrationally. In reality, people interpret the world differently.

How can we acknowledge and take into account our own subjectivity?

### Quality of Our Judgement



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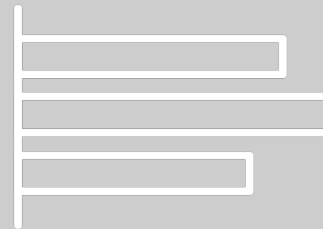
Compared to others in my profession, my judgements are better than average.

- A. I mostly agree
- B. I mostly disagree
- C. I neither agree nor disagree

Votes: 119

 Closed

Compared to others in my profession, my judgements are better than average.



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## Overconfidence Effect

We tend to be overconfident in the accuracy of our judgements

We tend to overestimate our own performance, be overconfident that we know the truth, and believe ourselves to be better than others, or 'better-than-average'.

How can we moderate our own confidence in our judgements, while still being able to make decisions?

### Quality of Our Judgement



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Repeating a statement multiple times has no effect on whether people believe it is truthful.

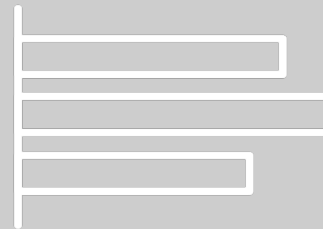
- A. I mostly agree
- B. I mostly disagree
- C. I neither agree nor disagree

Votes: 120

 Closed



Repeating a statement multiple times has no effect on whether people believe it is truthful.



## Bar Graph

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## Illusory Truth Effect

We tend to believe that a statement is true if it has been stated multiple times

Repetition tends to make statements easier to process than new statements, leading people to believe that the repeated conclusion is more truthful.

How can we reduce the impact of familiar or repeated statements on our perceptions of truth?

### Evidence Presentation



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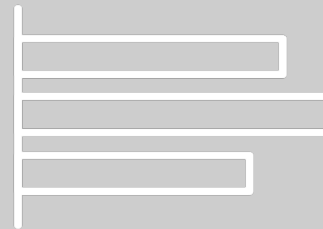
Framing the same information positively (e.g., 1 in 10 chance of winning) or negatively (e.g., 9 in 10 chance of losing) has no effect on people's judgement.

- A. I mostly agree
- B. I mostly disagree
- C. I neither agree nor disagree

Votes: 116

● Closed

Framing the same information positively (e.g., 1 in 10 chance of winning) or negatively (e.g., 9 in 10 chance of losing) has no effect on people's judgement.



### Bar Graph

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## Framing Effect

We tend to draw different conclusions from the same information, depending on how that information is presented or 'framed'

A positive or negative presentation of the same information (e.g., related to opportunity or risk) can lead to very different judgements.

How can we moderate the effect of framing of information on our judgement?

### Evidence Presentation



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When presented with new evidence, others revise their beliefs accordingly.



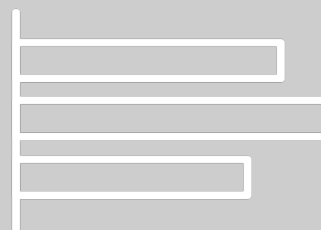
- A. I mostly agree
- B. I mostly disagree
- C. I neither agree nor disagree

Votes: 121

● Closed

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# When presented with new evidence, others revise their beliefs accordingly.



## Bar Graph

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When presented with new evidence, I revise my beliefs accordingly.



- A. I mostly agree
- B. I mostly disagree
- C. I neither agree nor disagree

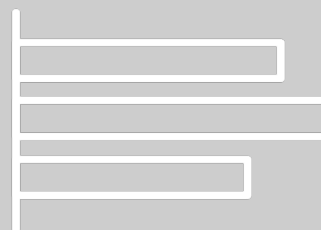
Votes: 128

● Closed

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# When presented with new evidence, I revise my beliefs accordingly.



## Bar Graph

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## Conservatism

**We tend to revise our beliefs insufficiently  
when presented with new evidence**

When update their prior beliefs as new evidence becomes available, people often do so more slowly than we expect, or to a lesser extent.

**How can we present new evidence and updated  
information, and take new information into account?**

### Evidence Presentation



*Photo by Paul Shanks*

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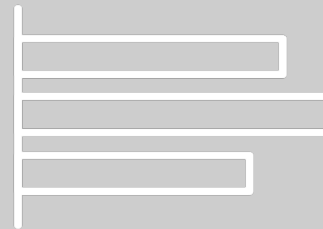
I perform better than my average most of the time.

- A. I mostly agree
- B. I mostly disagree
- C. I neither agree nor disagree

Votes: 125

 Closed

# I perform better than my average most of the time.



## Bar Graph

The results will be shown as an animated Bar Graph once you've started your session and your slide show.

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1a Just Culture

### Outcome Bias

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The same decision or behaviour will tend to be evaluated more negatively when it happens to produce a bad rather than good outcome, even by chance.

How can we reduce the influence of knowledge of outcome on our decisions about a person's performance?

1b Just Culture

### Neglect of Probability

We tend to disregard probability when making a decision under uncertainty

Seriousness of outcome and emotional resonance may inflate our intuitive estimation of risk.

How can we take into account probability when judging performance?

1c Just Culture

### Omission Bias

We tend to judge harmful actions as worse, or less moral, than equally harmful omissions

Actions are more visible than omissions and tend to be seen as more harmful in the context of unwanted events.

How can we see actions and omissions as equivalent rather than fundamentally different?

2a Just Culture

### Naïve Realism

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How can we acknowledge and take into account our own subjectivity?

2b Just Culture

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How can we moderate our confidence in our own judgements, while still being able to make decisions?

2c Just Culture

### Bandwagon Effect

We tend to believe things because many others do

People often derive information from others and prefer to conform, especially with more popular views.

How can we maintain our own independence of judgement and not be unduly affected by others?

2d Just Culture

### Confirmation Bias

We tend to search for, interpret, focus on, and remember information in a way that confirms our preconceptions

This effect tends to be stronger for emotionally charged issues and deeply held beliefs (especially with ambiguous information), and reinforces individual and group beliefs.

How can we challenge our own preconceptions and consider alternatives?

3a Just Culture

### Hindsight Bias

We tend to believe events were predictable at the time that they happened

People attribute responsibility on the basis of the supposed predictability of events. Hindsight bias is stronger for more severe negative outcomes, and applies to self and others.

How can we see situations from the point of view of people who were in the situation at the time, considering what they knew, their options and focus of attention?

3b Just Culture

### The Curse of Knowledge

We unknowingly assume that the others have the necessary background to understand what we understand

A person with particular knowledge may be misunderstand what and how a person (e.g., judge, jury) without that knowledge would think, or how they would act.

How can we better understand the knowledge of others, and help ensure they have the knowledge they need?

4a Just Culture

### Continued Influence Effect

We tend to believe previously learned misinformation even after it has been corrected

It is often easier to accept a piece of information than to evaluate its truthfulness, and truthfulness may be determined via other biases.

How can we challenge and disregard previously learned misinformation?

4b Just Culture

### Illusory Truth Effect

We tend to believe that a statement is true if it has been stated multiple times

Repetition tends to make statements easier to process than new statements, leading people to believe that the repeated conclusion is more truthful.

How can we reduce the impact of familiar or repeated statements on our perceptions of truth?

4c Just Culture

### Framing Effect

We tend to draw different conclusions from the same information, depending on how that information is presented or 'framed'

A positive or negative presentation of the same information (e.g., related to opportunity or risk) can lead to very different judgements.

How can we moderate the effect of framing of information on our judgement?

4d Just Culture

### Anchoring

We tend to rely too heavily - or 'anchor' - on one trait, piece of information or aspect of a situation when making decisions

Once a value of an anchor is set, future arguments may be discussed in relation to the anchor.

How can we ensure that all relevant information is taken into account, without undue emphasis on one aspect?

5a Just Culture

### Conservatism

We tend to revise our beliefs insufficiently when presented with new evidence

When update their prior beliefs as new evidence becomes available, people often do so more slowly than we expect, or to a lesser extent.

How can we present new evidence and updated information, and take new information into account?

5b Just Culture

### Group Attribution Error

We tend to make assumptions about people based on group membership

People tend to think that the characteristics of an individual group member are reflective of a group to which they belong, and that a group's decision outcome must reflect the preferences of individual group members.

How can we challenge our own biases about group membership?

5c Just Culture

### Defensive Attribution Hypothesis

We tend to be biased against people who are different to us when evaluating an event

People tend to assign more responsibility for mishaps to people who are dissimilar to the observer. A mishap may therefore seem controllable and thus preventable.

How can we reduce bias against people who are different to us?

6a Just Culture

### Just World Hypothesis

We tend to assume that a person's actions inherently bring morally fair consequences to that person

People often believe in a just world (for their own wellbeing), but may reinterpret an outcome, cause, or the character of a victim to fit this belief.

How can we moderate beliefs in a 'just world' so that victims are not blamed for their suffering?

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# Comments:

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# Thank you!

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European Safety Culture Programme Leader  
27 October 20220



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