EXPERT BIAS: EXPLORING BIAS AND THE BIAS BLIND SPOT AMONG EXPERT WITNESSES IN A SIMULATED CHILD ABUSE CASE

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INTRODUCTION

Why do abused children end up in the custody of their abusers? Unfortunately, the answers are unclear. Child abuse and neglect cases often lack conclusive and corroborative evidence, leading judges and attorneys to seek out professional opinions from expert witnesses. Expert witnesses often serve to credit or discredit allegations of abuse and neglect which inevitably has serious, life-long consequence for the child, making the role of expert witnesses particularly important. 1

Through a series of two studies, I will explore the effects of bias in expert witness decision making in a child custodial context involving allegations of abuse, explore the size of the bias blind spot among experts in these cases, and explore the potential for blinding procedures to protect experts in a child custodial context involving allegations of abuse and provide a second opinion. The case will depict a father fighting the state for custody of his 7-year-old child and will include unsubstantiated allegations of child sexual abuse against him. Participants will receive a completed Child Interview Form13 assessing the father’s parenting abilities, purportedly filled out by the child with the initial custody evaluator. Participants will then complete a Custody Evaluation Rating Form assessing parenting strengths and weaknesses, the child’s needs, the parent-child fit, and risk of harm to the child. Participants will be randomly assigned to one adversarial allegiance and one anchoring bias condition. For adversarial allegiance, participants will be randomly assigned to either receive the previous examiner’s completed Custody Evaluation Rating Form with favorable ratings for the father, the completed rating form with unfavorable ratings for the father, or they will be blinded to the previous examiner’s ratings and opinion. All participants will be asked whether they would want to hear from the hiring party and whether they would want to see the previous evaluator’s material.

STUDY 1

Goal: uncover people’s assumptions about experts’ biases and bias blindness.

Participants: forensic social workers, forensic psychologists, and non-experts.

Methods: Participants will complete a series of surveys to measure perceptions of their own and others’ bias blind spots. Participants will complete the Bias Blindsport Questionnaire which assesses cognitive and social biases, as well as a series of surveys assessing perceptions of expert’s level of expertise, bias (ex: expert’s motivation to be unbiased), and perceptions of blinding procedures (ex: the effect of blinding procedures on an expert’s credibility).

Hypotheses: In line with bias blind spot research, I expect that forensic experts will see themselves as less biased than others in their field, less biased in their own area of expertise than in other areas, and that nonexperts will see experts as relatively free from bias.

STUDY 2

Goal: Examine moderators of the expert bias blind spot and the consequences of this blind spot in willingness to use bias reduction techniques. We will examine several factors that have the potential to predict increased bias, factors that predict expert’s denial of their biases, and potential moderators of experts’ bias blind spot. We will use the Truth and Bias Model of Judgment to formalize and test our hypotheses.

Participants: Forensic social workers and forensic psychologists

Methods: Participants will view a custody case involving allegations of child abuse and provide a second opinion. The case will describe a father fighting the state for custody of his 7-year-old child and will include unsubstantiated allegations of child sexual abuse against him. Participants will receive a completed Child Interview Form assessing the father’s parenting abilities, purportedly filled out by the child with the initial custody evaluator. Participants will then complete a Custody Evaluation Rating Form assessing parenting strengths and weaknesses, the child’s needs, the parent-child fit, and risk of harm to the child. Participants will be randomly assigned to one adversarial allegiance and one anchoring bias condition. For adversarial allegiance, participants will be randomly assigned to either receive the previous examiner’s completed Custody Evaluation Rating Form with favorable ratings for the father, the completed rating form with unfavorable ratings for the father, or they will be blinded to the previous examiner’s ratings and opinion. All participants will be asked whether they would want to hear from the hiring party and whether they would want to see the previous evaluator’s material.

IMPLICATIONS

This study will be conducted in conjunction with a larger NSF funded study examining the bias blind spot among a forensic psychologists and friction ridge examiners. Our research will provide the foundation for developing a theoretical model which could explain how bias and blindness to bias affect expert decision making and behavior. This research has the potential to transform our limited understanding of the effectiveness of bias reduction techniques as well as contribute to general understanding of biases in a legal context – a context that has the potential to transform thousands of lives. Additionally, this research will lay the foundation for improving the use of expert testimony in child abuse case facilitating child dependency court outcomes that best serve the needs of children.