

Unconscious Prejudice:
Examining the Contributions of both Implicit & Explicit Racial Bias to
Ethical Decision-Making in Criminology Students

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Abstract

Exploring the relationship between prejudice and ethical decision-making within individuals that wish to pursue a career in the field of criminal justice has the potential to yield valuable insights on the ways that moral decisions may be impacted by extraneous factors. The objective of this thesis was to explore this relationship by means of quasi-experimental design and through examining 30 potential criminal justice candidates. Results suggested that significant associations between explicit racial attitudes and ethical decision-making are largely context-specific. Conversely, there was no significant relationship found between implicit racial attitudes and decision-making. In conducting this study, a better understanding of the role that explicit factors contribute within the decision-making process was revealed and a gap within the literature was identified. Also worthy of note, this study was the first known research inquiry into the relationship between both implicit and explicit attitudes and ethical decision-making within a Canadian criminological setting.

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Introduction

The goal of this thesis is to examine the contributions that both implicit and explicit attitudes bear on the ethical decision-making of individuals working in the criminal justice system. Bias within state actors has, and continues to be, an area of great interest and concern for criminologists. This is because in western societies, it is considered desirable that those in power govern in a fair and relatively unbiased manner. Past instances of racial bias being displayed by criminal justice personnel have shown that when agents employed within the state apparatus enforce laws in a discriminatory or unfair manner, it disrupts the social fabric that binds citizens together and promotes conflict which can manifest as forms of social disorder and chaos. Examples of this have been frequent throughout modern history and have ranged from mere protest, to acts of civil disobedience, to even full-scale rioting (e.g. Rosa Parks to rioting in L.A.). Today, racial bias is often expressed in relatively subtle ways (Henry & Tator, 2005). Its impact, however, is no less destructive.

From a research perspective, bias within individual state actors, whether it be police or correctional officers, lawyers or judges, security or immigration officials, etc., can now be explored at both an implicit and explicit level using recently developed methods. Using instruments such as the Implicit Association Test (discussed in detail

later), an individual's implicit/unconscious attitudes toward a variety of constructs can be ascertained with at least some degree of validity.¹

Key Terms

First and foremost, it is imperative that the terms implicit and explicit be defined and distinguished. Both of these constructs originated out of cognitive and developmental psychology and their degree of influence on the decision-making process remains contested (as displayed throughout the conceptual framework of this thesis). Although there is widespread variation towards the definition of an implicit response, for the purposes of this study, implicit biases, cognitions, or attitudes will be viewed as automatic responses based on unconscious motivators that can exist outside of awareness (Fazio & Olsen, 2003). Cognitive psychologists claim that individuals internalize prejudicial beliefs from their environmental and cultural surroundings, which include family, friends as well as the media (Jones, 1991; Saujani, 2003). Accordingly, implicit measures are to be viewed as methods of bypassing self-presentational motives as people have less control over these particular responses (Wilson & Dunn, 2004). Conversely, explicit responses are defined within this study as cognitions, or attitudes that are based on volitional thought processes. These responses are generally elicited by stimuli from an individual's immediate external environment and are generally associated with the individual's self-presentation (a factor which was taken into consideration during the design of this study). Baumeister and colleagues define explicit/conscious cognition as a

¹ There exist a variety of Implicit Association Test's, such as: Gender, Race, Religion, Weight, Weapons, etc. See the Project Implicit website for a listing of various IATs: <https://implicit.harvard.edu/implicit/>.

trait which is mostly unique to humans, and includes reflection, reasoning, and the temporally extended sense of self (2011). As indicated by Karpinski and Hilton (2001), both implicit and explicit attitudes are exhibited via three components: a cognitive component, an affective component, as well as a behavioural component; however, the distinguishing feature of implicit attitudes is that they operate outside of conscious awareness. Therefore, it can be concluded that explicit responses are generally acute and subject to the given social setting; whereas implicit responses are generally stable and automatic regardless of the external setting.

Another distinction to be noted for this study is the difference between ethics and morals. Fundamentally, morals define personal character, while ethics stress a social system in which those morals are applied. In general, personal morals tend to reflect beliefs and are often influenced by religion, culture, family and friends (Weber, 1993). Ethics, on the other hand, point to standards or codes of behaviour expected by the group to which an individual belongs to. This could be national ethics, social ethics, company ethics, professional ethics, or even family ethics (Weber, 1991). So while a person's moral code is usually stable and resistant to change, the ethics he or she practices can be context-dependent.

The ethical decision-making process is another construct that must be defined in order to fully comprehend this study. Essentially, decision-making can be understood as the cognitive process that one engages in to produce a conclusive outcome (Jones, 1991). This outcome is generally the result of a series of choices, both conscious and unconscious, that an individual makes. At a very basic level, decision-making involves interpreting information from the immediate external environment and contrasting this to

personal experience often in the face of uncertainty. This study used Thomas Jones's (1991) Issue-Contingent Model of ethical decision-making, which will be depicted in a subsequent section.

In addition, the criminal justice system, when referred to in this study, consists primarily of three components: investigation (law enforcement), prosecution (courts), and corrections (mostly prison). Law enforcement consists primarily of police officers, border/immigration officials, as well as the increasing private security sector; adjudication encompasses mainly the judiciary and prosecution/defense; and corrections consist principally of prison and individuals associated with the supervision and monitoring of convicts, such as probation and parole officers.

A final key construct that requires definition for this study is that of racial profiling. Racial profiling, according to Wortley (2005), "is said to exist when racial differences in law enforcement surveillance activities cannot be totally explained by racial differences in criminal activity, traffic violations, calls for service, or other legally relevant variables" (pp. 583). In other words, it occurs when law enforcement/security officials, consciously or unconsciously, subject individuals to higher scrutiny because of their race. Racial profiling is perhaps the most common form of bias within the field of legal decision-making and appears to be most prevalent in the area of law enforcement; as illustrated for example by police disproportionately stopping black drivers. Other forms of racial profiling within the criminal justice system include, but are not limited to: greater attention from customs/border services, and immigration officials in determining admittance/deportation, disproportionate sentencing of a specific ethnic group by judges,

as well as any biased behaviour that involves acting on negative stereotypes (Closs & McKenna, 2006; Wortley, 2005).

Core Assumptions

This study operated under a number of assumptions in order to best frame the research questions as well as insure validity and reliability in the data collection. With regards to differentiating between implicit and explicit attitudes, it was assumed that explicit responses can be ascribed greater to situational factors, whereas implicit responses are greater attributed to an individual's development and personality. However, this is not to suggest that both constructs have distinctly different origins. Furthermore, it was assumed that there exists a lack of controllability and effort involved in the expression of implicit attitudes. These assumptions are imbedded in various studies that have examined the constructs of implicit and explicit processing (Greenwald et al, 1998; Karpinski & Hilton, 2001; Nosek, 2005; Nosek et al, 2007; Wilson & Dunn, 2004). In consequence, it can be held that implicit and explicit attitudes constitute two distinct phenomena which may overlap at varying degrees within individuals. Following these assumptions, it is presumed that people in general differ in terms of the implicit and explicit attitudes that they hold, as well as in the level of congruence that exists between these attitudes. Consequently, it is believed that people who are either employed or oriented towards pursuing a career within the field of criminal justice will have differing ethically-oriented perceptions of situations that require ethical decision-making.

It was anticipated that the participants in this study would differ in terms of the way they process scenarios featuring ambiguous ethical situations. These differences were conceptualized in accordance with Jones's (1991) model of ethical decision-making, in which individual responses are accredited to both implicit and explicit influences, as well as to one's degree of cognitive moral development (analyzed in accordance with Kohlberg's model – also discussed in detail later). In keeping with Jones's model, it was theorized that: those who scored higher on both measures of unconscious and conscious prejudice (in this study these are the implicit and explicit tests) would reflect a sense of morality that is similar to the pre-conventional stage; those that displayed conflicting measures of attitude would reflect the conventional stage (where most adults are found); and those that produced the lowest scores on both measures would reflect a post-conventional sense of morality. In essence, this study assumed that an individual's level of morality would be associated with their implicit and explicit attitudes toward certain ethnic groups.

Objectives

The primary objective of this study was to examine the relationship between implicit and explicit attitudes relative to ethnic origin and ethical decision-making within individuals who are oriented toward a future career within the criminal justice system. This objective encompassed all of the main elements of the study as it entailed distinguishing between implicit and explicit responses in contrast to ethical scenarios that criminal justice personnel may encounter in their line of work. Implicit measures are of key importance for this particular study as explicit measures of prejudice often fail to

account for the impact of social desirability, whereby individuals provide specific answers that are typically aligned with group and societal norms in an effort to promote a more desirable self-presentation.² Research on social desirability suggests that individuals typically tend to underreport their favouritism for a preferred group as compared to a non-preferred group (Greenwald et al, 1998; Karpinski & Hilton, 2001; Nosek, 2005; Nosek et al, 2007).

This study also explored methods for obtaining a better understanding of the impact of implicit attitudes that exist within individuals interested in working within the field of criminal justice. As indicated by Wilson and Dunn (2004), there has recently been an explosion of research on explicit attitudes.³ However, what differentiates this study from others is that it is the first known research endeavour to investigate the relationship between implicit cognitions and moral decision-making within a criminological setting, using a quasi-experimental design. As such, a further objective of this study is to provide a better understanding of implicit attitudes and their association with ethical decision-making.

Ultimately, this study explored whether variations in one's level of ethical decision-making were a primary function of: a) implicit attitudes, b) explicit attitudes, or c) discrepancies between the implicit and explicit attitudes. The goal here was to capture whether different ethical viewpoints should be attributed to implicit characteristics, explicit characteristics, or both.

² The social desirability effect is a term used to describe the tendency of participants to give responses that will be viewed favourably by others. Social desirability bias can lead participants to fake responses or to omit genuine responses (Mitchell et al, 2010).

³ Nevertheless, Levinson et al (2010) indicate that there have been few empirical studies of implicit bias in the legal setting.

Chapter 1: Conceptual Framework

1.1. Implicit and Explicit Bias

As portrayed throughout this section, there has been much debate concerning the issue of consciousness and the degree to which it influences human behaviour. As stated in a recent article put forth by Baumeister and colleagues, “consciousness is one of the defining features of human life and experience, yet a perennial challenge to explain” (pp. 332). This can be attributed to the fact that it is practically impossible to determine whether conscious thought constitutes a strong dictating force on human behaviour, an occasional resource for use in situations where automaticity is rendered insufficient, or a reflective/post-hoc phenomenon that accompanies or follows behaviour rather than initiating it. As shown in recent studies on the topic of conscious awareness, there has been resurgence in support of the latter two as automatic, unconscious processes have been found to precede action.⁴ Regardless of these findings, it appears that the most accurate accounts pertaining to the topic of consciousness and behaviour are those that suggest interplay at varying degrees and consider such factors as cognitive load, familiarity/automatization, and moral intensity. This is a reason as to why Jones’s Issue-Contingent Model was selected for this study. Baumeister and colleagues provide similar insight in their speculation of how consciousness influences behaviour. The authors assert

⁴ This was exemplified by Baumeister et al (2011) in their article *Do Conscious Thoughts Cause Behaviour?* In this article the authors depicted the positions of various theorists from both the behaviourist era and recently, which included: Huxley and his (1874) ‘steam whistle hypothesis’ – conscious thought contributes to behaviour just as much as the steam whistle on a train contributes the movement; Bargh and his objective account of the unconscious – our psychological reactions are 99.44% automatic; Wegner and his reaffirmation of Huxley – “just as compass readings do not steer the boat, conscious experiences of will do not cause human actions”; and, Dijksterhuis with his bold assertion that “conscious thoughts do not exist.”

four fundamental conclusions regarding conscious thought: it integrates behaviour over time, it allows behaviour to be informed by social and cultural factors, it is influential in situations that present multiple alternative possibilities, and human behaviour is the result of both conscious and unconscious processes (2009). In light of all the research on the subject, it appears that conscious thoughts should be regarded as much more than mere epiphenomenon.

Regarding conscious awareness, cognitive load serves as a key moderator as there appears to be a negative correlation between this construct and cognitive performance (i.e. as cognitive load increases there is a corresponding decrease in one's ability to process information). This contention has become standard within western jurisprudence as both moral and legal rulings on criminal liability continue to reflect a 'mens rea' approach (i.e. 'mens rea' and 'actus reus' are required for someone to be held criminally responsible). In other words, the concept of cognitive load is becoming more apparent as the world continues to become more stimulating and full of distraction. This is evident in perhaps all facets of society ranging from the constant bombardment of advertising, to the continual growth in the prevalence of ADHD within youth, to even the widespread banning of cell phone use while driving. As one can see, cognitive load is an essential component in understanding how humans make behavioural decisions, especially for criminal justice personnel, as it coincides with consciousness. For law enforcement officials, the concept of cognitive load is grossly understudied as this profession tends to encounter high stakes situations on a consistent basis and performance could quite literally mean the difference between taking a life and saving one. Although it is unclear as to how much (if at all) conscious thought influences human behaviour, particularly in

comparison to unconscious processing, the study of implicit and explicit cognition continues to be a popular topic within the realm of social psychology.

Implicit and explicit biases are two concepts that can be conceptualized as both independent and related to each other. This has been illustrated in a variety of recent research endeavours investigating both forms of bias (Greenwald & Banaji, 1995; Karpinski & Hilton, 2001; Dovidio et al, 1997; Wittenbrink et al, 1997; von Hippel et al, 1997; Wilson & Dunn, 2004). The origins, as well as the cognitive systems used, for processing and expressing both unconscious and conscious bias have been contested for quite some time. However, one can argue that today the study of implicit and explicit attitudes has been pioneered by Greenwald and his colleagues through their development and use of technologies designed to capture these constructs, such as the Implicit Association Test (IAT).

As previously touched on, for this project it is assumed that implicit and explicit attitudes constitute two distinct phenomena that may or may not show congruence in an individual. In essence, it is believed that implicit and explicit attitudes may overlap at varying degrees as explicit attitudes are assumed to be primarily a product of one's reaction to the immediate social environment and implicit attitudes are thought to be derived more from developmental factors (Fazio & Olsen, 2003). However, there exist competing theories that explain the relationship between these two constructs. One theory is that implicit and explicit attitudes represent a sole attitudinal construct. Karpinski and Hilton (2001) best describe this theory using an example of an iceberg where explicit attitudes are depicted as residing above the surface of conscious control and implicit attitudes as residing below it, yet both measures tap into the same general domain of

‘attitudinal propensities’. This model evokes Freud’s original structural conceptualization of the mind, with a clear separation between the conscious and unconscious (Freud, 1915). Another prominent theory, endorsed by Wilson and Dunn (2004), states that each individual presents two separate attitudes toward an object as implicit and explicit biases tap into two different perceptual systems, without the possibility of congruence. To summarize, the two most prominent theories suggest that implicit and explicit attitudes exist either separately or through some degree of overlap with each other. Today, these two competing theories of attitudes in humans constitute the base for research being conducted in the area of implicit and explicit biases.

One key aspect that implicit and explicit constructs have in common is that they are both influenced, albeit to different extent, by one’s external environment. It has been claimed that individuals often show specific racial preferences, both implicit and explicit, based on values stressed within their immediate setting (Karpinski & Hilton, 2001). This ‘environmental association model’ states that racial attitudes are fuelled by cultural stereotypes that suggest a more positive orientation towards the specific group of which an individual is affiliated with. It explains how an individual can be explicitly neutral in their attitudes toward another ethnic group, yet implicitly express a negative stance toward this same group. This phenomenon was demonstrated in a study using the ‘Race’ IAT, which showed black participants indicating a preference for white individuals (Nosek et al, 2002). In this particular study, participants expressed greater positive implicit attitudes toward white individuals than that of their own race. Thus, it can be claimed that bias, whether it be manifested internally or externally, can be accredited to environmental forces such as the prevailing social norms in a given context.

According to Wilson and Dunn (2004), implicit and explicit attitudes can be distinguished by means of two formulations. The first one suggests that people have only one dominant attitude toward an object or person, but are often motivated to distort or disguise that attitude when asked to report how they feel. The second explanation refers to a ‘different systems view’ approach, which argues that there can be discordance between implicit and explicit attitudes towards the same object. The theory that implicit and explicit responses are subject to different systems of evaluation provides the rationale for contrasting each variable, both independently and interdependently, to moral decision-making (see *Figure 1.3* for illustration). This line of questioning is supported by Greenwald and colleagues in their assertion that, since implicit and explicit measures tap into different sources, it can be ‘assumed’ that these two measures have a weak relationship (Greenwald et al, 1998).

To sum up, one cannot conclusively state that implicit and explicit attitudes are completely unrelated as research indicates that these two constructs tend to overlap at varying degrees. For instance, there have been many studies within the domain of prejudice and stereotypes that show these two constructs as having at least some correlation; albeit, a low correlation in most cases (Fazio et al, 1995; Greenwald et al, 1998; Rudman & Kilianski, 2000; Kawakami & Dovidio, 2001; Monteith et al, 2001; Ottaway et al, 2001; Rudman & Glick, 2001; Devine et al, 2002). Furthermore, in a meta-analysis pertaining to implicit and explicit measures conducted by Greenwald and collaborators (2009), it was found that these constructs show statistically significant associations to each other. This meta-analysis reviewed 122 research reports and found that both implicit (the IAT) and explicit (self-report surveys) measures are capable of

predicting a variety of behavioural, judgement, and physiological measures.⁵ Specifically, for 32 studies involving black-white interracial behaviour, a theme that is also being examined within the present study, the predictive validity significantly exceeded that of self-report measures. This review also found that for socially sensitive topics (i.e. racial prejudice), the predictive validity of self-report measures was remarkably low and the incremental validity of IAT measures was relatively high. Ultimately, this meta-analysis conducted by Greenwald et al justifies the use of both implicit and explicit measures jointly in research looking at attitudinal determinants of decision-making.

1.1.1. The Implicit Association Test

The Implicit Association Test is a method developed by Greenwald and colleagues that is intended to measure the strength of associations between concepts through response latencies in computer-administered categorization tasks (Greenwald et al., 2009). It requires participants to categorize information as quickly as possible, and then calculates a participant's reaction time (response latency) as well as his/her accuracy in completing the categorization task. The logic behind this measure is that one's ability to categorize different types of information reflects something meaningful in that person's automatic cognitive processes. Essentially, the IAT is an interactive computer task that measures implicit attitudes toward various constructs (i.e. race, gender, etc.). The IAT has been shown to be a valid method of assessing implicit cognitive processes. This particular study used the 'Race' IAT in order to capture implicit racial attitudes

⁵ The meta-analysis conducted by Greenwald and colleagues involved 122 research reports (184 independent samples, 14,900 subjects). The IAT predictive value was found to have an average $r = .274$ predictive value. Parallel explicit (i.e., self-report) measures, available in 156 of these samples (13,068 subjects), also predicted effectively (average $r = .361$), but with much greater variability of effect size.

within participants.⁶ Although the ‘Race’ IAT is not considered to be a completely ‘accurate predictor’ of racial bias, it has been shown to be a ‘reliable predictor’ of this construct (Greenwald et al, 2009). It should be noted that research regarding implicit measures has been largely atheoretical as it continues to be an empirically driven enterprise (Fazio & Olsen, 2003).

1.2. Ethical Decision-Making

Social psychologists have shown that behaviour is primarily dictated by environmental forces and subtle social and contextual cues. In accordance with this, the human decision-making process is often initiated by the presence of a situational problem that requires a solution and/or response. This is a constant that is found in models explaining how individuals make decisions (Jones, 1991). An ethical decision is most appropriately defined as a choice that is both legally and morally acceptable to the larger community; thus, conversely, an unethical decision is either illegal or morally unacceptable (Kelman & Hamilton, 1989). Currently, ethical decision-making remains a vague concept, particularly within the social sciences, as multiple theoretical models account for it in different ways (Ferrell & Gresham 1985, Jones, 1991; Rest, 1986; Trevino, 1986; Dubinsky & Loken, 1989; Brommer et al, 1987; Hunt & Vittel, 1986). The methods by which ethical decisions are generated and expressed continue to be contested as theoretical accounts for this process are difficult to tailor on a micro-individualistic/interactionist level. This could explain why the most prominent research

⁶ See the Project Implicit website for a demonstration of the ‘Race’ IAT:
<https://www.implicit.harvard.edu/implicit/>.

on this topic has been found within the field of social psychology, with strong attention directed towards business ethics.

As touched on previously, the concept of ethical decision-making happens to be a key construct for this study as ethical decisions, both implicit and explicit, are dictated by one's internal processes as well as the external environment. Therefore, when an individual engages in ethical decision-making, it is believed that he/she follows a given formula in order to produce the outcome (known as the ethical decision-making process).

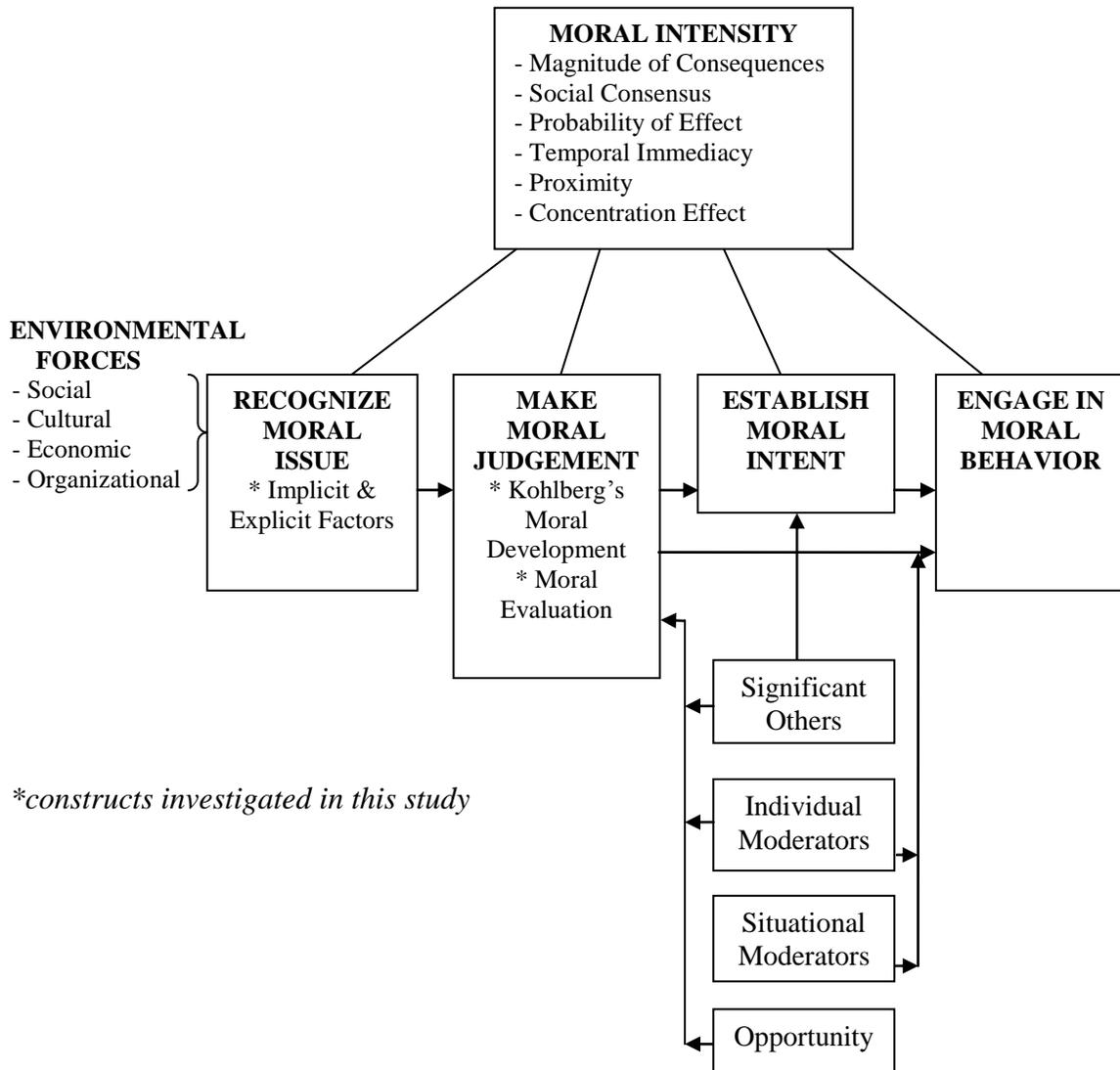
The decision-making process is characterized within the fields of social and cognitive psychology in terms of 'schemata'. This concept, first defined by Piaget (1948), consists of a set of core beliefs or cognitive structures within the human mind that represent organized knowledge and allow an individual to categorize, as well as interpret, his/her experiences in a meaningful way. A schema is best defined as, "a structure for screening, coding, and evaluating the stimuli that impinge on the organism" (Padesky, 1994, pp. 268). It is the mode by which the environment is broken down and organized into its many psychologically relevant facets. There exist different types of schema depending on the context of the decision to be made. In ethical decision-making, the process of making a decision is known as an 'event' schemata and the decision-maker contributes through 'role' schemata. Event schemata represent structures that depict suitable sequences of events in well-known situations; whereas role schemata are norms and behaviours that are appropriate to certain situations (Fiske & Taylor, 1984).

1.2.1. Jones's Issue-Contingent Model

In 1991, Thomas M. Jones of the University of Washington published an article on ethical decision-making by individuals within organizations which proposed an integrated model detailing the ethical decision-making process. This model (illustrated in *Figure 1.1*), which used Rest's (1986) four-stage framework as its foundation, integrated the strengths of several previous models in order to synthesize an Issue-Contingent Model of ethical decision-making.⁷ Jones labelled this model as 'Issue-Contingent' because it was the first model to stress the importance of 'moral intensity'. Previous models did not account for moral intensity which meant that they failed to consider the influence that factors such as stress and cognitive load contribute to any given ethical decision (i.e. deciding to shoot a suspect and the theft of an office supply would be evaluated the same).

⁷ James Rest (1986) proposed a model for ethical decision-making that consists of four components: recognize the moral issue, make a moral judgement, establish moral intent, and act on moral concerns. This model served as the base for Jones's Issue-Contingent Model as well as the empirical basis for many other research projects investigating the relationship between moral development and action (Jones, 1991).

Figure 1.1. Jones’s Issue-Contingent Model of Ethical Decision-Making



The introduction of moral intensity as either an independent or moderating variable into the ethical decision-making process allows for the consideration of concepts such as: magnitude of consequences (degree of harm/benefit), social consensus (social agreement with the decision), probability of effect (the odds of the act and/or magnitude occurring), temporal immediacy (length of time between the present and the onset of

consequences), proximity (social, cultural, psychological, or physical) and concentration of effect (inverse of magnitude) (Jones, 1991). Jones concluded that ethical behaviour will be observed more frequently as the degree of moral intensity increases. He also postulated that issues involving high moral intensity will require higher levels of cognitive development (re: cognitive load).

The process illustrated within Jones's Issue-Contingent Model begins with the environment (re: environmental association model), which consists of social, cultural, economic and organizational factors. In this model, the environment is described as the source, and social context, in which moral issues emerge.

The decision-maker then applies implicit and explicit attitudinal factors in their recognition of a moral issue; in essence, this is the first stage of the process. In recognizing a moral issue the individual must first acknowledge that he/she is a moral agent. Jones states that a person acknowledges that he/she is a moral agent in the presence of two conditions: when they recognize that their decision will affect others and when some choice (volition) is involved. Without these two conditions being present the moral issue is not recognized and is resolved according to some other schemata (e.g., economic rationality).

Once a moral issue is recognized, moral evaluation and cognitive moral development are required for the decision-maker to make a moral judgement on the issue at hand. At this point, Kohlberg's (1976) model of moral development (see next section and *Figure 1.2*) becomes relevant as it is crucial to understanding how people make moral judgements. Moral evaluation is also important at this stage in the process as moral reasoning takes time and effort through gathering facts, applying moral principles and

making moral judgements (Jones, 1991). It is at this point that the stakes are by and large taken into consideration in order to formulate a suitable judgement.

Upon making a moral judgement, moral intent is then established in consideration of moderating variables which consist of significant others, individual moderators, situational moderators and opportunity. It is important to stress that what a person determines to be a morally 'correct' judgement, is not the same as deciding to act on that judgement or to establish moral intent. In considering moderating variables, a decision could be made that was previously determined to be the 'wrong' thing to do. For example, an officer may initially decline to issue a ticket (moral judgement) as they feel it was the 'right' thing to do under the circumstances; however, he/she may issue the ticket anyway (failure to establish moral intent) for reasons of career advancement or occupational pressures. The establishment of moral intent is vital to the ethical decision-making process as intentions have been found to be the best predictors of subsequent behaviour (Rest, 1986).

The final stage of Jones's model entails acting on moral intentions. It is at this stage where executing and implementing an intended plan generally comes to fruition. Jones's Issue-Contingent Model served as the most suitable explanation of the ethical decision-making process for this study. It utilizes all of the constructs that this thesis investigates and remains an important theoretical framework for understanding moral decision-making in general.

1.2.2. Other Accounts of Ethical Decision-making

As illustrated thus far, the ethical decision-making process, in accordance with Jones's model, utilizes event schema which requires a moral agent to participate in the moral evaluation of a specific issue. The process is initiated by environmental forces and involves implicit and explicit attitudes in the recognition of a moral issue prior to making a moral judgement.

The model described above is complex, involving cognitive heuristics and moderators which detail how human-beings make ethical decisions. However, there exist other explanations that can also account for decision-making. For instance, Gary Klein, working in the field of heuristics, posited a framework during the 1980's called Naturalistic Decision-Making (NDM) to account for how individuals are able to rapidly categorize situations in order to make effective decisions. In essence, NDM is a form of processing based on previous observational experiences (Klein, 2008). Another explanation for how humans make decisions has come to be known as 'thin-slicing'. Thin-slicing, a term that was coined by Nalini Ambady in the 1990's, has recently become a topic of popular interest largely in part due to Malcolm Gladwell's (2005) book entitled *Blink*. Gladwell describes thin-slicing as an unconscious ability to find patterns in situations and behaviour based on very little pieces/slices of past experience. Although both Klein and Ambady's theories are intriguing, they fail to appreciate the moral aspect of ethical decision-making and do not fully account for the complexity of the interplay between implicit and explicit factors.

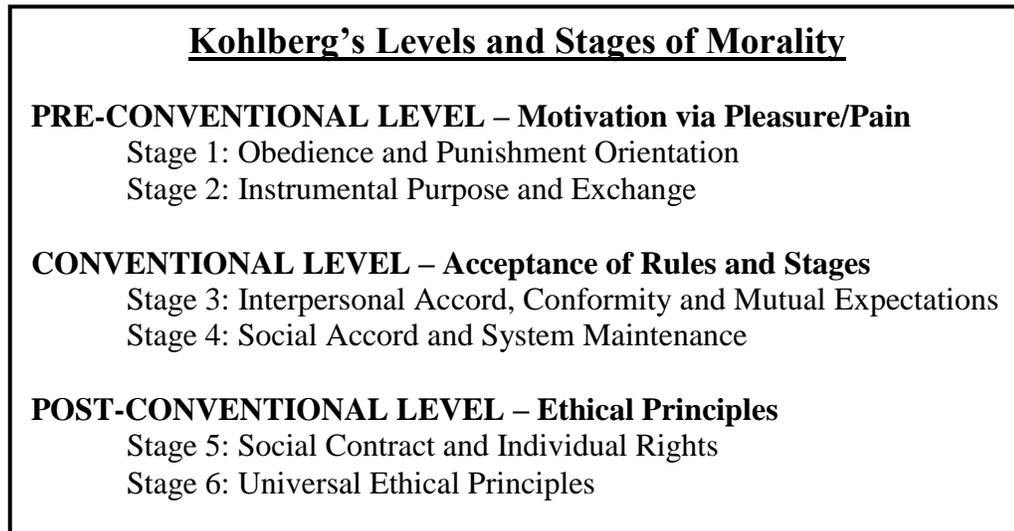
Ethical/moral reasoning has been studied thoroughly by psychologists, most notably Kohlberg and Gilligan during the 1980's, yet the concept today remains highly

contested. Some authors contend that moral reasoning has little to no bearing on decision-making at all; that is, people do not typically engage in behaviour by applying reason and logic. For instance, Emler (1998) suggests that moral reasoning is generally learned for the purpose of arguing and influencing the behaviour of others; whereas Haidt (2001) believes that moral reasoning serves the purpose of justifying automatic processes to others. These accounts propose that moral reasoning is a post-hoc phenomenon used to rationalize processes that are otherwise unexplainable and implicit. Despite this being a possible explanation for the role that moral reasoning plays in the human decision-making process, Jones's model remains a suitable paradigm for explaining decision-making as implicit forces are considered and accounted for.

1.2.3. Kohlberg's Model of Cognitive Moral Development

Kohlberg relied on scenarios such as the 'Heinz Dilemma' for his studies, and was interested in how individuals would justify their actions if placed in similar moral dilemmas. He then analyzed the form of moral reasoning displayed, rather than its conclusion, and classified it as belonging to one of six distinct stages. Below is a figure depicting each moral stage within Kohlberg's model.

Figure 1.2. Kohlberg's Model of Moral Decision-Making.



Pre-Conventional Level

Stage 1 – Obedience and Punishment Orientation

In this primitive stage the individual seeks to avoid physical punishment, and deference to power is stressed. Essentially, the immediate physical consequences of an action determine its goodness or badness. The example of genocide being committed by soldiers 'carrying out orders' under threat of punishment, illustrates that adults as well as children are capable of functioning at a stage one level. This stage epitomizes a hedonistic view of morality by the decision-maker.

Stage 2 – Instrumental Purpose and Exchange

This stage can be summarized as a 'you scratch my back, I'll scratch yours' or 'an eye for an eye, a tooth for a tooth' conception of morality. In this stage the individual does what is necessary and makes concessions only to satisfy his/her own needs. Here, the right

action consists of what instrumentally satisfies one's own needs. Also, vengeance is considered a moral duty and people are valued in terms of their utility.

Conventional Level

Stage 3 – Interpersonal Accord, Conformity and Mutual Expectations

This stage emphasizes conformity to the behavioural expectations of one's society or peers. Essentially, it entails individual acts to gain the approval of others. Good behaviour is that which pleases or helps others within the group and one earns approval by being conventionally respectable and nice. Poor decision-making is that which breaches the expectations of the social order, and retribution is collective rather than individual.

Stage 4 – Social Accord and System Maintenance

This stage, where most adults fall under when making a moral decision, emphasizes respect for rules, laws and properly constituted authority. It stresses responsibility toward the welfare of others in the society. At this stage, justice demands that the wrongdoer be punished, that he/she 'pay their debt to society', and that law abiders be rewarded. Authority figures are seldom questioned and consistency, as well as precedent, must be upheld to maintain social order.

Post-Conventional Level

Stage 5 – Social Contract and Individual Rights

At this stage, moral action in a specific situation is not defined by reference to a checklist of rules, but from logical application of universal, abstract, moral principles. Individuals have natural or inalienable rights and liberties that must be protected by society.

Retributive justice is neither rational nor just, because it does not promote the rights and welfare of the individual. At this stage, the individual acts out of mutual obligation and a sense of public good. This stage of moral decision-making holds that the freedom of the individual should be limited by society only when it infringes upon someone else's freedom.

Stage 6 – Universal Ethical Principles

An individual who reaches this stage acts out of universal principles based upon the equality and worth of all human beings. Here, having rights means more than individual liberties. Ultimately, this stage transcends democracy as every individual is due consideration of his interests in every situation, those interests being of equal importance with one's own. The individual at this level can see beyond norms, laws, or the authority of groups or individuals. It should be noted that few people ever yield consistent decisions based on this stage of moral decision-making.⁸

Kohlberg's (1976) model of moral development asserts that moral reasoning, the basis for ethical decision-making, can be categorized into one of six developmental stages. In creating this model, Kohlberg relied on responses to hypothetical scenarios, called "Heinz Dilemmas", for the purpose of categorizing ethical decisions (refer to Appendix C). The Heinz Dilemma represents a scenario where an individual is given a specific number of facts pertaining to a situation that he/she must pass judgement on. It is not important what the individual thinks should occur; rather, it is the individual's

⁸ For a more detailed illustration of Kohlberg's Model, please refer to: *Stages of Moral Development* by Lawrence Kohlberg (1971 & 1976) or *Moral Development and Moral Education: An Overview* (Murray, 2008).

justification for their decision that matters. The current study utilized four separate dilemmas (one was Kohlberg's original Heinz Dilemma and the other three were specifically designed to include both a legal and racial element) in order to gauge each participant's level of moral development. It was found in a similar study, which also assessed moral reasoning, that the majority of participants tend to make ethical decisions that fall within the Conventional Stage (Weber, 1990).⁹ Similar results are expected for this research project as well.

Cognitive moral development has been linked to ethical behaviour in past studies (Blasi, 1980; Trevino, 1986; Weber, 1990). Therefore, by capturing an individual's level of moral reasoning using various dilemmas, the construct of ethical decision-making can be correlated to both implicit and explicit attitudes.

It is worth noting that a recent study which conducted a review of the empirical ethical decision-making literature from 1996 to 2003 (O'Fallon & Butterfield, 2005) was of key relevance to this thesis. This particular review summarized the findings of 147 articles that were published in peer-reviewed business journals. Findings generated from this study indicated that there has recently been a large growth in research within the field of ethical decision-making. Furthermore, insight into the field's strengths and weaknesses was provided. It was found that increasing knowledge into the factors that influence ethical decision-making was amongst the strengths listed. This is what the current study is intent on accomplishing as the principal aim is to gain a better understanding of the

⁹ In the James Weber (1990) study Managers' Moral Reasoning: Assessing Their Responses to Three Moral Dilemmas, 86% of participants fell within the 'Conventional Stage' range (n = 37, mean = 3.51).

decision-making process by examining racial attitudes as a contributor. Weaknesses included problems in the operationalization and measurement of ethical/unethical behaviour, and a lack of consideration of the interaction effects involved. This thesis aimed to overcome these weaknesses as demographic characteristics were scrutinized as possible confounds, and the measurement of ethical/unethical behaviour has been contrasted to Kohlberg's model for the purpose of using a reliable and valid form of assessment.

1.3. The Concept of Racial Bias in Legal Decision-Making

Racial bias alone is a complex issue as it can take place at both a systemic and individual level.¹⁰ Racial bias toward minorities can be exhibited in a variety of forms within the field of criminal justice. Popular forms of racial bias that have been exemplified by the media include: racial profiling and police brutality, harsher and inconsistent sanctions, as well as mass incarceration.¹¹ However, racial bias has evolved over the years into what has been termed 'new racism', a tacitly expressed form of bias that appears to be more subtle, yet just as insidious, than earlier, more blatant forms (Henry & Tator, 2005). In essence, racial bias has gradually developed from an overt practice to more of a subtle, covert one. Nonetheless, it remains present within jurisprudence and continues to serve as a means of maintaining and replicating processes of social power.

¹⁰ Systemic Racism is defined by the Ontario Human Rights Commission as: "patterns of behaviour, policies or practices that are part of the structures of an organization, or an entire sector, which can create or perpetuate disadvantage for racialized persons." See: <http://www.ohrc.on.ca/en/issues/racism>.

¹¹ Other forms of racial bias that have been illustrated by Tanovich (2005) include: harassment, intimidation, false arrests, violence, death, stigmatization, and an engendering of mistrust.

This section is mainly dedicated to depicting the prevalence, manifestations and potential effects of racial bias in legal decision-making. As indicated by Wortley and Tanner (2005), research into this area, particularly within Canada, is still in its early stages. Unlike many jurisdictions in the United States and Great Britain, it is not mandated in Canada that statistics regarding the racial background of citizens coming in contact with criminal justice personnel be recorded.¹² Furthermore, the majority of the research that has been conducted on racial bias in the area of criminal justice has focused specifically on racial profiling within policing organizations. Therefore, the bulk of the statistics portrayed in this section have been derived from studies of racial profiling in Canadian policing as other areas of the Canadian criminal justice system are yet to be explored. It should be noted that law enforcement officials often engage in decision-making under much higher stress than other agents within the field of criminal justice; however, Jones's Issue-Contingent Model accounts for this, and therefore allows for some generalization based on the findings.

The concept of bias in legal decision-making is an understudied phenomenon in Canada considering the costs associated with its presence. Bias, particularly racial bias, within the wide-ranging domain of the criminal justice system can have drastic effects on both a micro and macro scale. For instance, government bodies often come under intense scrutiny and/or face dramatic legal repercussions due to the unethical decisions (which are often exacerbated by implicit stereotyping and poor judgement) that individual officials have made in evaluating situations. This has been observed in virtually all areas

¹² It was illustrated in Wortley & Tanner (2005), as well as Henry & Tator (2006), that data collection efforts regarding racial profiling continue to be resisted by the Canadian policing community.

of the Canadian criminal justice system throughout Canada, as exemplified in popular cases such as: Kevin Khan,¹³ Robert Dziekański,¹⁴ Mavis Baker,¹⁵ J. J. Harper,¹⁶ Dudley George,¹⁷ and Kirk Johnson,¹⁸ as well as the gross over-incarceration of aboriginals compared to whites.^{19 20}

¹³ In 2001, Kevin Khan, a 29 year old school teacher, was pulled over and subsequently searched following a traffic stop in the city of Toronto. During the search of the vehicle (which Mr. Khan had just picked up from his brother) the officers found narcotics and proceeded with an arrest. The two arresting officers submitted conflicting reports accounting for the initial stop. It was later revealed that the vehicle was searched because the driver was acting suspicious and there was a strong smell of cocaine coming from the car. The presiding judge, Justice Anne Molloy of the Superior Court of Justice stated in her decision that, “Mr. Khan was targeted for this stop because of racial profiling: because he was a black man with an expensive car... the evidence is overpowering that the officers’ testimony was untrue.” As a result the case was dismissed.

¹⁴ Robert Dziekański (1967-2007), was a polish immigrant to Canada who was killed by Royal Canadian Mounted Police officers on October 14, 2007. Mr. Dziekański was in the process of emigrating from Poland to British Columbia when he was delayed at the Vancouver International Airport where he was to meet his mother upon arrival. Dziekański became agitated after many hours in the immigration waiting area and was approached by four RCMP officers. The officers then tazed Dziekański a total of five times which resulted in his immediate death. An RCMP spokesperson stated that Dziekański was acting belligerently; however, video footage (which was originally suppressed by the RCMP) revealed that the officers acted excessively and made no attempt to defuse the situation nor provide CPR to Dziekański.

¹⁵ The case of *Mavis Baker v Ministry of Citizenship and Immigration (1999)* set legal precedent in the standard of procedural fairness regarding judicial review and is a leading case in Canadian administrative law. Ms. Baker, a Jamaican woman working as a domestic worker illegally in Canada, was ordered to be deported by the Ministry of Citizenship and Immigration in 1992. In 1993, Davis applied for an exemption based on humanitarian and compassionate considerations pursuant of s.114(2) of the *Immigration Act* due to her having four children in Canada and being diagnosed as a paranoid schizophrenic. Officer Caden, the immigration officer charged with deciding Ms. Davis’ fate, failed to provide a reason for his decision to deport Davis. Officer Lorenz, another immigration officer on the case, stated: “*This case is a catastrophe. It is an indictment of our ‘system’ that the client came as a visitor Aug. ’81, was not ordered deported until Dec. ’92 and in APRIL ’94 IS STILL HERE! She will, of course, be a tremendous strain on our social welfare systems for (probably) the rest of her life. I am of the opinion that Canada can no longer afford this type of generosity. However, because of the circumstances involved, there is a potential for adverse publicity.*” It was found that procedural fairness was not awarded to Ms. Davis due to a reasonable apprehension of bias from the immigration officers in charge.

¹⁶ On March, 9, 1988, John Joseph Harper was shot and killed by a police officer in Winnipeg, Manitoba. This case involved an officer stopping and searching Mr. Harper (a Canadian Aboriginal) in relation to a vehicle theft, even after the officer had learned that the true perpetrator was in custody. A struggle ensued and Harper was shot. It was found during the investigation that race was the reason that Harper was ultimately stopped and killed.

¹⁷ Anthony O’Brien “Dudley” George (1957-1995), an Ojibwa protestor, was shot and killed by an OPP Officer on September 7, 1995, during a land claims dispute. The police officer was charged with criminal negligence causing death.

¹⁸ In 2003, Kirk Johnson, a professional boxer from Nova Scotia, filed a lawsuit against the Halifax Regional police. Mr. Johnson claimed that he had his car stopped 28 times over a period of five years while

1.3.1. Racial Profiling in Canada

As exemplified by the following Toronto Police Chief quotes, racial profiling is a contested issue within Canadian policing. However, the degree to which it is acknowledged can either undermine, or prescribe, efforts to correct it.

“We do not do racial profiling. We do not deal with people on the basis of their ethnicity, their race, or any other factor. There’s no racism!”

- *Julian Fantino (Toronto Police Chief from 2000 to 2005)*

“We’re not trying to make any excuses for this. We recognize that bias in police decision-making is a big, big, issue for us, and so we’re working really hard on it”

- *William Blair (Successor Toronto Police Chief to Fantino)*

Racial profiling, as defined at the beginning of this study, has been described as one of the most controversial issues facing the Canadian criminal justice system today (Wortley, 2005). The continual debate over whether racial profiling constitutes discrimination or sound policing continues to produce turmoil in western countries. In Britain and the United States, the existence of racial profiling as a routine and regular

driving in Halifax. As a result, Johnson was awarded \$15,000 (\$10,000 in damages and \$5,000 in travel expenses) and the police service set up an annual scholarship in his name.

¹⁹ For statistics pertaining to over incarceration of aboriginals, refer to *Working Together: Enhancing the Role of Aboriginal Offenders in Federal Corrections* by Gina Wilson (Director General, Aboriginal Issues, CSC). Wilson states: “While forming only 3% of the general Canadian population, Aboriginal offenders make up 17% of the federal penitentiary inmates.” Retrieved from CSC website at: <http://www.csc-scc.gc.ca/text/prgrm/abinit/ab6-eng.shtml>.

²⁰ Other popular instances that involve racial bias being practiced by Canadian law enforcement officials include: the 1996 arrest of Rubin ‘the Hurricane’ Carter (a former boxer in his 60’s) in a case of mistaken identity by Toronto police, the 2002 assault of Peter Owusu-Ansah (a deaf black man) that happened to fit the profile of a robbery suspect, as well as the 2002 assault of Devon Murray by a police officer in Toronto during yet another case of mistaken identity.

practice within policing has been illustrated beyond contention (Closs & McKenna, 2006; Wortley, 2004).²¹ Unfortunately, there exist few Canadian studies that demonstrate the seriousness of racial bias within a legal context. However, there have been two major works in recent years that have helped portray this issue: the Kingston Police Study (2005) and the Toronto Star Investigation (2003-2008).

In 2005, Scot Wortley of the University of Toronto completed a study examining the prevalence of racial profiling within the Kingston, Ontario police service. This study was completed in collaboration with Kingston police officers at the request of the city's chief of police in an effort to improve relations with the community following a series of precipitating events.²² The objective was to have Kingston police officers collect data regarding race and ethnicity on every occasion where they stopped a person, which could encompass anyone that has been interrogated, suspected, searched, warned, charged, or completed a computer check on.²³ The study found that black people were four times more likely to be pulled over by police than were white people. It also found that 10% of police stops involving a black resident either resulted in an arrest or charge, whereas this rate was only 6% for white individuals.

²¹ In Britain, following the case of Steven Lawrence (a black male murdered on the streets of London in 1993), a public inquiry was launched by Her Majesty's Inspectorate of Constabulary (HMIC) to investigate the policing practices of all 43 police services in England and Wales. The HMIC concluded that differential treatment of ethnic minorities was clearly present. Similarly, it has been found that there is substantial activity of racial profiling in every region of the United States according to Fridell et al (2001) in *Racially Biased Policing: A Principled Response*.

²² Precipitating events for this study revolved around the integration of racial profiling into routine police work. On two separate occasions (2001 and 2003), Kingston police officers were observed drawing their firearms on black youth teenagers involved in no wrongdoing. The chief of the Kingston police then agreed to participate in this study, having full knowledge of the potential harms, in order to reassure the public that their police force was open and accountable (Closs & McKenna, 2006). For further 'precipitating events' see *A Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned*, by Ramirez et al, 2000.

²³ One of the most common complaints of racial profiling involves black men claiming that they were stopped by police simply because they were driving an expensive car (also known as DWBB – Driving While Being Black).

From 2003 to 2008, the Toronto Star newspaper presented a series of articles that focused on racial profiling by police officers within the city.²⁴ An examination of 1.7 million contact cards²⁵ by the newspaper revealed that police are three times more likely to stop blacks than whites in the city of Toronto. The Star also found during its investigation that blacks are overrepresented in certain charge categories, are treated more harshly after they are arrested, and are more likely to be held in custody for bail hearings than whites (Rankin et al, 2002). Ultimately, blacks were found to be documented more than whites in virtually every part of Toronto, with the highest level of disproportion in areas that are predominantly white. This phenomenon has been referred to as the ‘out of place factor’ as people often draw more attention when they are in areas in which they do not fit in (Tanovich, 2005).²⁶

Further prominent accounts of racial profiling in Canada include the 1995 Commission on Systemic Racism in the Ontario Criminal Justice System (CSROCJS), the 2000 Toronto Youth Crime and Victimization Survey (TYCVS), and the 2005 Ontario Human Rights Commission (OHRC). Each investigation found evidence attesting to the presence of racial profiling within Ontario’s criminal justice system. The CSROCJS (1995), which examined perceptions of various criminal justice personnel, found that 43% of black male residents, compared to 25% of white male residents, had

²⁴ Refer to *The Toronto Star* website series ‘Race Matters’ at: <http://www.thestar.com/racematters>.

²⁵ Contact cards (also known as 208s) are used by various police agencies in order to obtain personal information about the individual being questioned (not necessarily being charged) as well as identify patterns in policing practices. These cards document name, age, gender, race, colour, address, physical features, names of associates, as well as the reasoning for the initial contact. In an interview conducted by the Toronto Star (2010) of Toronto Chief Police William Blair regarding the significance of contact cards, the Chief stressed that they are an invaluable investigative tool, and that since their deployment at least one murder has been solved. Nevertheless, the Star puts forth that they reveal a ‘disturbing trend’ in policing.

²⁶ Tanovich uses the cases of: *R. v. Greaves* [2004], *R. v. Yamanak* [1998], and *People v. Bower* [1979] to portray the ‘out of place’ phenomena.

reported being stopped by police within the past two years. This commission also found that many Torontonians believe that judges discriminate on the basis of race. The TYCVS (2000), a survey which sampled 3,393 Toronto high school students, found that police stopped and searched black students (23% of the black respondents) at a much higher rate than white students (only 5%). It also found, after controlling for key criminological variables such as deviant behaviour, drug/alcohol use, and various demographic characteristics, that black students were still much more likely to report being stopped and searched by the police. This meant that self-reported data regarding police stop and search experiences could not be explained by racial differences in engaging in criminality. The OHRC (2005), which focused on the social, economic, and psychological costs of racial profiling, resulted in a series of recommendations directed toward various community-based and policing organizations.

Additional inquiries and cases of racial bias within a Canadian legal context have been illustrated by David Tanovich, a professor of Law and another leading expert in the field. In his writings, Tanovich depicts various instances of how racial profiling has come to attract increasing attention from the Canadian media,²⁷ courts,²⁸ human rights commissions, the Canadian Bar Association, and academia (Tanovich, 2005).

²⁷ The bulk of the media that has focused on the subject of racial bias (specifically within Canadian policing) has been illustrated in an in-depth investigation by the *Toronto Star* [Supra note at 24]. Other media focuses on the topic have been exhibited in the *Montreal Gazette*: “Guilty of Racial Profiling, Montreal Ordered to Pay Victims” (18 January 2008), the *National Post* “Police used profiling, court rules: ‘driving while black’” (17 September 2004); as well as the *Edmonton Journal* “Muslims distribute pocket guide to civil rights: what-to-do booklet if detained by police” (26 April 2004). Refer to Tanovich (2005) for a more detailed account of Canadian media coverage.

²⁸ Key court cases that have not yet been mentioned and involve racial bias within the Canadian CJS include: *R. v. Moosvi* [2004]; *R. v. Greaves* [2004] 24 C.R.; *R. v. Faqi*, [2010] A.J. No. 558 (P.C.); *R. v. Moran*, [2010] O.J. No. 1356 (S.C.J.); *R. v. Ahmed*, [2009] O.J. No. 5092 (S.C.J.); *Abbott v. Toronto Police Services Board*, [2009] HRTO 1909; *Phipps v. Toronto Police Services Board*, [2009] HRTO No. 877; *Nassiah v. Peel (Regional Municipality) Services Board*, [2007] HRTO No. 14; *R. v. Nguyen*, [2006]

1.3.2. The Francois and Diallo Tragedies

The cases of Marcellus Francois and Amadou Diallo represent two of the most extreme instances of racial bias within western policing.²⁹ Marcellus Francois, a 24 year old black male, was mistaken for a male suspect who bared no resemblance to him apart from race.³⁰ Mr. Francois left an apartment building that was under surveillance by the police and entered a vehicle with three other black individuals. During the police operation, it was revealed that the surveillance officers referred to the occupants of the vehicle being tailed as “niggers” and “darkies”.³¹ Upon their arrival, the police boxed in the vehicle. Shortly after, an officer fired through the car’s windshield and hit Francois in the head as it appeared as though he was reaching for a gun. It was later found that the police proceeded with the arrest of the other occupants of the vehicle, two of whom were women, even though they were aware that the occupants were not involved in the investigation (Tanovich, 2005).

Amadou Diallo, a 23 year old Ghanaian immigrant in New York City, was also shot and killed by police officers. He was returning home late on February 4th, 1999, when he was approached by four white plain-clothed NYPD officers who thought Diallo to be a rape suspect. The officers ordered him to stop and raise his hands in an aggressive

O.J. No. 1221 (C.J.); R. v. Safadi, [2005] A.J. No. 4559 (Q.B.); R. v. Campbell, [2005] Q.J. No. 394 (Crim & Pen Div); R. v. Mac, [2005] O.J. No. 527 (S.C.J.); R. v. Peck, [2001] O.J. No. 4581 (S.C.J.); R. v. Chung (1994), 23 W.C.B. (2d) 579 (Ont. P.C.); Peart v. Peel Regional Police (2006), 43 C.R. (6th) 175 (Ont. C.A.); R. v. Brown (2003), 173 C.C.C. (3d) 23 (Ont. C.A.). Refer to Tanovich (2005) or the University of Windsor’s Law Enforcement Accountability Project (LEAP) for a more detailed account of Canadian court cases involving racial bias.

²⁹ Well-publicized police shootings within Ontario and Quebec that have lead to public accusations of police discrimination include the cases of Dudley George, Jeffrey Roedica, Lester Donaldson, Allen Gosset, Sophia Cook, Buddy Evans, Wade Lawson and Marlon Neal.

³⁰ The original suspect, Kirk Haywood, was described as black, six feet tall, 160 pounds and Rastafarian-style braids down to his knees; whereas, Francois was short-haired, 5’7 feet tall, and 130 pounds. “Case based on fatal shooting in July 1991” *The Montreal Gazette* (4 November 1992) in Tanovich (2005).

³¹ “Police Racist toward Blacks” *The Montreal Gazette* (7 May 1992) in Tanovich (2005).

manner; however, Diallo proceeded to reach into his pocket. One officer yelled “Gun!” and the officers proceeded to fire a total of 41 rounds at Diallo (19 struck him). As Diallo lay dying just inside his apartment, it was discovered that he was reaching into his pocket for his wallet. All four officers were acquitted at trial (McFadden & Roane, 1996).

The Francois and Diallo incidents sparked allegations of racial bias in both communities. It is clear that during these particular incidents, the officers involved employed poor decision-making in assessing whether or not the victim posed a threat. Furthermore, it can be suggested that these shootings would not likely have occurred had Francois and Diallo been white. Unfortunately, it is impossible to ascertain what truly caused the officers to respond with such violence in both cases; however, the idea of four police officers shooting a man simply entering his home, or one officer shooting a man that is surrounded and within the confines of a vehicle, remains a disturbing one nonetheless.

In applying Jones’ Issue-Contingent Model, it could be speculated that these events were a product of poor recognition as well as poor judgement of the issues at hand. It is more than plausible that overt and tacit forces, in the forms of stereotyping and systematic racial profiling, were contributing factors to these tragedies as they involved poor moral evaluation in situations involving distinctly black individuals being investigated under routine circumstances. Although these examples represent extreme cases on the continuum of racial bias within criminal justice, they both serve as chilling examples of the perils of implicit and explicit prejudice.

1.3.3. The Importance of Studying Racial Bias

The consequences of racial bias within criminal justice can be very costly. It is common sense that if one group of people is being investigated more than another group (i.e. blacks compared with whites), then it is more than likely that the group receiving greater attention will be more susceptible to getting caught when they break the law. This is a clear example of a self-fulfilling prophecy as the presumption that blacks engage in crime at a higher rate indirectly causes this to become reality. If officers stop and search blacks at a greater frequency, then it follows that blacks are going to display a higher crime rate due to the greater amount of scrutiny. A result of racial bias in Canadian policing has been the gross over-representation of minorities in the legal system at large (Wortley & Tanner, 2005).

As observed in such instances as Marcellus Francois, Amadou Diallo and to a greater extent the popular case of Rodney King (which sparked the 1992 L.A. riots), racial bias is a destructive phenomenon that can range from minor abuses of discretion to complete catastrophe. Regardless of what form racial bias manifests, the impact is always detrimental to relations with minority groups. Examples of the damage that racial bias can produce are abundant. These include: decreased reporting to the police, resulting in unaddressed victimizations; alienation of both law enforcement services and citizens, resulting in a further entrenched policing subculture; the adoption of an 'us versus them' mentality, resulting in resentment, distrust and disorder; as well as a breakdown in the multicultural identity that is constitutionally endorsed in Canada. In the end, racial profiling creates racial inequalities by depriving minorities of their privacy, identity, place, security, and control over their daily lives (Cross, 2001).

1.4. Previous Research on Explicit versus Implicit Bias in Ethical Decision-Making

Recent studies that are related to this thesis include Katherine Knight's 2008 dissertation *Justice Is Not Blind: The Role of Race in Law Enforcement Decisions and Practices*, as well as Levinson and colleagues' 2010 study *Guilty by Implicit Racial Bias: The Guilty/Not Guilty Implicit Association Test*.

Katherine Knight's dissertation included three studies examining different forms of racial bias within law enforcement. The most relevant study (study one), utilized a similar thesis and methodology to that of the current research project. Knight's primary goal in this study was to examine how police decisions may be affected by the race of individuals. The instruments used within this part of her dissertation included: the 'Race' IAT, the 'Gender' IAT, the Shoot/No-Shoot task, an acquittal-conviction questionnaire, a demographic questionnaire, and the Modern Racism Scale. Knight's dissertation proclaimed to be the first study to examine the implicit racial attitudes of police officers.

In conducting her study, Knight was able to obtain meaningful results from her participants regarding racial bias in law enforcement. In particular, she found that police cadets had significantly higher racial bias scores on the IAT (favouring whites) compared to college students. This suggests that those who choose to pursue a career in law enforcement may have significantly higher rates of implicit attitudes in favour of the majority (Caucasian) group than those involved in other occupations. It was also found that explicit attitudes tend to be better predictors of shooter task performance than implicit attitudes, indicating that explicit attitudes should not be ignored in the study of police shooting decisions.

Knight's (2008) dissertation served as a basis for the current study as her research objectives were somewhat aligned with those put forth in this project. Although her investigation was much more specific (police trainees rather than students interested in pursuing a career within the criminal justice system at large) and was conducted within a different jurisdiction (the U.S. rather than Canada), her results indicated that the topic of racial bias within the field of criminal justice is worthy of further investigation.

In their recent (2010) study, Levinson, Cai, and Young also employed a similar methodology to that of the current study. The objective of this particular study was to examine implicit racial prejudice within jury-eligible participants, as well as to explore the relationship between implicit and explicit measures of racial bias. Levinson and co-authors utilized several familiar measures within their study, including: a (black/white) 'Guilty/Not Guilty' IAT, a 'Race' IAT, the Modern Racism Scale, 'thermometer' scales for assessing affect, and a robbery evidence evaluation task. Findings from this study indicated that the participants held meaningful implicit associations between 'Black' and 'Guilty' status, and that implicit attitudes of race were substantially distinct from explicit attitudes. The study then concluded that the integrity of the fundamental legal principle of 'presumption of innocence' is in jeopardy. Levinson and colleagues' study is of particular relevance as it used similar instruments (the 'Race' IAT, the Modern Racism Scale, an evaluation task) to that of the current study.

1.5. Statement of the problem and research questions

The primary objective of this study is to examine the relationship between implicit and explicit attitudes and ethical decision-making in individuals who are oriented toward a future career within the criminal justice system. To obtain an answer to this particular problem will involve examining patterns of associations between these variables in situations where participants are confronted with ethical dilemmas.

As indicated by Wilson and Dunn (2004), there has recently been an explosion of research on the importance of attitudinal factors in the understanding of human decision-making. However, what differentiates this study from most others is that this is the first known research endeavour to investigate the relationship between racial bias and the ethical decision-making process within a criminological setting. Ultimately, it is the central aim of this study to provide a better understanding of both implicit and explicit attitudes, as well as the ethical decision-making process.

Another relationship that is to be examined within this study is the impact that discrepancies between implicit and explicit biases have on decision-making. This involves building on past inquiries into the relationship between implicit and explicit cognition; however, it introduces an ethical setting against which the participant's moral development will be contrasted against. In essence, this will require measuring the differences between implicit and explicit scores and then comparing these variations to the differences observed in the participant's moral decision-making process.

This study will also explore whether variations in one's level of ethical decision-making are a primary function of: a) implicit, b) explicit, or c) discrepancies between the implicit and explicit attitudes. The goal here is to capture whether different ethical

viewpoints should be attributed to implicit motivations, explicit (i.e., self-reported) traits, or patterns of concordance/discordance between these.

1.6. Hypotheses

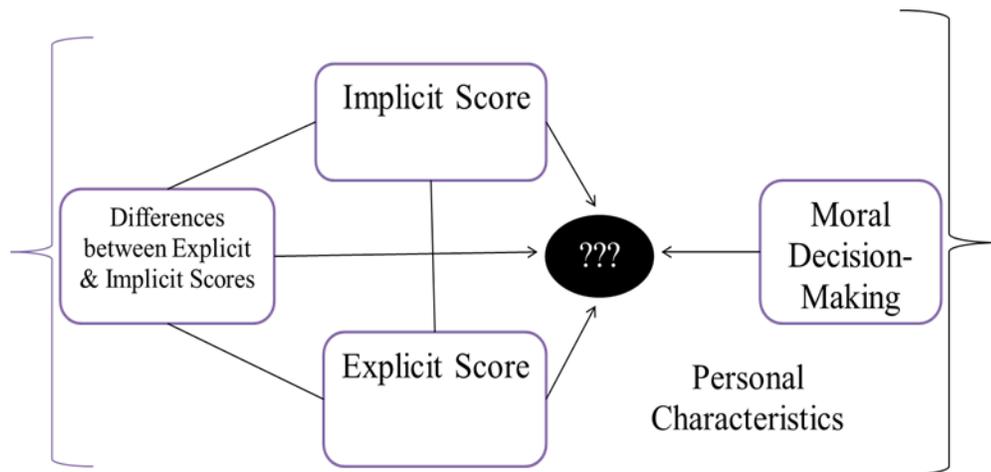
Variables:

- *Independent Variables:* Both Implicit & Explicit Attitudes.
- *Dependent Variables:* Moral Standpoint and Ethical Decision.
- *Extraneous Variables:* Demographic/Personal Characteristics

Figure 1.3 represents a simplistic portrayal of the correlational study at hand. As one can see, the independent variables (implicit and explicit attitudes) will be correlated individually against the construct of moral decision-making, as well as the ultimate decision made, for each ethical dilemma presented. Following this, the absolute differences between the implicit and explicit scores will be correlated with both outcome and moral decision-making.

The variables pertaining to demographic characteristics presented a unique situation for this particular study as the opportunity to use these items as either moderators or statistical noise was provided. In evaluating demographic characteristics as moderators, this construct could be integrated into Jones's Issue-Contingent ethical decision-making model. This option would allow for an examination of covariance as factors such as age, education, and gender would be contrasted with the other variables within this study.

Figure 1.3. Interaction of Variables within this Study



Null Hypothesis

There is no relationship between attitudes and decision-making within criminal justice candidates/personnel.

Alternative Hypotheses

- 1) There exists a weak-to-moderate association between implicit and explicit attitudes.
- 2) Implicit attitudes will show a significant association with decision-making, above and beyond the contribution of explicit attitudes.
- 3) There exists a relationship between differences in implicit and explicit racial attitude scores and ethical decision-making scores.

Chapter 2: Methodology

The data for this study was collected throughout both the Fall of 2010 and Winter of 2011 at the University of Ottawa. The study featured a correlational, quasi-experimental design that utilized three distinct measures as well as a general socio-demographic questionnaire in order to capture the relevant information. It employed quasi-experimental cross-sectional analysis as only one specific group of participants was investigated at one point in time, and there was no random assignment. The sample consisted only of criminology students in an effort to approximate a population of criminal justice-oriented individuals and fulfill the research objectives outlined in the previous chapter of this thesis.

2.1. Participants

The sample for this study consisted strictly of criminology students, from both undergraduate and graduate programs, enrolled at the University of Ottawa at the time of the data collection. A total of 30 students were recruited from various undergraduate and graduate criminology classes at the University of Ottawa throughout the 2010-2011 school year. All participants expressed a direct interest in pursuing a career within the field of criminal justice and agreed to participate during non-class hours. The incentive that was offered to participate included the chance to be entered into a draw where he/she would be eligible to win one of three gift certificates, each valued at \$20 to the bookstore

Chapters, as well as the opportunity to participate and gain experience in a major research project.

Information regarding the identity of the participants was kept anonymous; however, specific background characteristics were captured by the demographic questionnaire that was administered as part of this study. Participants ranged in age from 18 to 28 years of age ($M = 22.93$ years, $SD = 2.72$), and displayed a ratio of 14 male to 16 female (47%:53%) participants. Furthermore, the primary language for all participants was English. Please refer to *Table 2.1* of this chapter for a more in-depth review of the participant characteristics.

2.2. Measures

Data for this research project was obtained through the use of four measures: a Demographic Questionnaire, Ethical Scenarios, an Implicit Association Test, as well as the Modern Racism Scale (Bobocel, 1998). Upon arrival, participants were given a consent form to inform them of the nature of the study, present the risks/benefits associated with their participation, and provide contact information should any queries arise. The participants were then administered the four measures, in random sequence, in order to obtain the data for this project. Following completion of the tests, which took on average 25-35 minutes to complete, the participants were then issued a debriefing form as the implicit portion of the study was not revealed to the participants prior to the study (this was a precaution to better secure internal validity).

The measures were administered in an isolated room within the Department of Criminology at the University of Ottawa in order to prevent/minimize distractions. Each participant was indirectly supervised, meaning that the researcher was present should any questions arise, and the responses were analyzed only after the data collection period of this study was completed. As mentioned, the names of the participants remained anonymous and volunteers could only be identified by either a number (ranging from 01 to 30) for the purpose of data entry, or e-mail for the purpose of the draw. It should be noted that once all 30 e-mail addresses were entered into a randomized draw, the winning participants were notified and awarded their prize, and then the e-mail addresses were deleted.

2.2.1. Demographic Questionnaire

The demographic questionnaire used in this study consisted of a brief survey which covered ten general constructs of interest (refer to Appendix A). Items covered in this particular survey consisted of closed-ended questions pertaining to: age, race, language, educational level, marital status, religious and political affiliation, as well as the setting/area in which the participant was raised and now lives. The principal rationale for obtaining this data was to allow for description of the demographic makeup of the participants for generalization purposes. In addition, background characteristics which were found to be related to outcomes (decisions and moral reasoning) in preliminary explorations of the data would be controlled for in the main analyses in order to decrease the risk of external variables leading to spurious results.

2.2.2. Modern Racism Scale (Canadian Version)

The Modern Racism Scale (Bobocel, 1998) was used in this study to capture the construct of explicit bias. The scale consists of nine items and uses a nine-point likert-response scale for each item (refer to Appendix B). This particular scale is an adapted version of the original Modern Racism Scale (McConahay, 1986) and was created to assess explicit racial attitudes within a Canadian context. It was obtained from Dr. Ramona Bobocel of the Department of Psychology at the University of Waterloo and features scaling properties that help prevent response biases and general random response patterns. Within this study, explicit scores ranged from -9 to +30 ($M = 13.57$, $SD = 9.25$), with lower/negative scores indicating greater explicit ethnocentric racial attitudes.

2.2.3. Ethical Scenarios

The ethical scenarios administered in this study were based on a Heinz Dilemma format (refer to Appendix C – Scenario 1). Participants were presented four social scenarios: one initial Heinz Dilemma and three other dilemmas involving scenarios that were loosely based on past cases involving controversial decision-making by Canadian criminal justice personnel (refer to Appendix C for the four scenarios that were presented in this study). Participants were asked to read each case carefully and then provide a response which detailed the course of action that he/she would take in the event that he/she encountered the given scenario. It is important to note that when answering moral dilemmas, it is not only the final decision that is considered important, but also the rationale and arguments that are being provided for justifying such a decision.

The purpose of the ethical scenario portion of this study was to capture the participant's moral standpoint regarding controversial criminal justice issues. The answers provided in this section for each scenario were carefully analyzed and then categorized into one of the six stages of moral decision-making identified by Kohlberg using a scoring guide (refer to Appendix D for general scoring guide). Decisions were also coded dichotomously.

Percentage agreement between raters for the dichotomous final decisions was 100% for the Heinz (scenario 1), 95% for the Immigration (scenario 2), 100% for the Judge (scenario 3), and 95% for the Parole (scenario 4) situations. Pearson correlations coefficients for ethical reasoning scores between raters were .72, .63, .81, and .70 for the Heinz, Immigration, Judge, and Parole scenarios, respectively. Disagreements between raters were resolved through discussion and consensus ratings were used in subsequent analyses.

2.2.4. Implicit Association Test

The 'Race' IAT measures implicit cognitions pertaining to racial preferences in participants. It is a measure of the strength of association between a particular group (black and white) and a positive or negative concept (pleasant or unpleasant). Anthony Greenwald and colleagues (2009) provide the following description of how the 'Race' IAT is used to capture implicit attitudinal bias:

In an initial block of trials, exemplars of two contrasted concepts (i.e. face images of Black and White individuals) appear on a screen and subjects rapidly classify them by pressing one of two keys (i.e. 'e' key for white and 'i' key for black). Next, exemplars of another pair of contrasted concepts appear and are classified using the same two keys (i.e. words representing Good and Bad). In the first combined task, exemplars of all four categories

are classified and assigned to the same initial key. In the second combined task, a complementary pairing is used (i.e. 'e' for White or Good, and 'i' for Black or Bad). In most implementations, respondents are obliged to correct errors before proceeding, and latencies are measured to the occurrence of the correct response. The difference in average latency between the two combined tasks provides the basis for the IAT measure. For example, faster responses for the 'White + Good' over the 'Black + Bad' pairings indicate a stronger association of white people with positive valence.³²

The IAT has been shown to be a valid method of measuring implicit cognitive processes. This particular study used the 'Race' IAT in order to capture implicit racial attitudes within participants.

For this particular study, IAT results were obtained using the demonstration 'Race' IAT found on the Project Implicit website.³³ This site was developed by Greenwald and colleagues through Harvard University and includes various IATs for specific constructs (i.e. gender, religion, weapons, etc.). Upon completing the 'Race' IAT through this website, a score was generated depicting the implicit racial attitudes of each participant. The scoring categorized each individual participant as having a neutral, slight, moderate or strong preference for people of either European (white) or African (black) descent. Scores in this study ranged from -1 (slight preference for blacks) to +3 (strong preference for whites), with 0 indicating no preference for either race (M = 1.63, SD = 1.19).

³² See the Project Implicit website for a demonstration of the 'Race' IAT: <https://implicit.harvard.edu/implicit/>.

³³ Ibid.

2.3. Procedure

2.3.1. Recruitment Process

The recruitment process for gathering data consisted of a series of stages that were guided through strict adherence to the procedure approved by the Ethics Review Board of the University of Ottawa. The target sample population for this study was composed strictly of criminology students; therefore, the objective was to recruit students using various procedures that fell within the prescribed guidelines. The initial phase of this process involved obtaining approval to display recruitment posters and brochures within the department of criminology. For this part, approval was granted from the Criminology Graduate Student Association. The next phase of the recruitment process was to focus on recruiting students from various criminology classes. As a result, numerous submissions to various professors that were engaged in teaching criminology courses were sent out along with a recruitment text explaining the purpose of the study. Upon approval, short recruitment presentations were made at the beginning of each approved class followed by the distribution of brochures. Once contacted, the participants were asked through e-mail correspondence if they were enrolled in the criminology program and whether or not they displayed an interest in pursuing a career within the field of criminal justice. If the participant answered 'yes' to both questions then a time was negotiated and further information regarding the meeting place and study were provided.

Upon arrival the participant was issued two consent forms, one of which he/she was to keep. After reading the consent form and agreeing to participate in the study, each participant was asked to complete each measure of this study in random order. Upon completion, the participant was then issued a debriefing form as deception was used

during the recruitment process to hide the true objective of the study. No participant chose to interrupt the experiment in this study.

2.3.2. Consent and Debrief Forms

The consent form (see Appendix E) of this study was a standard consent form that included: the title and purpose of the study, researcher and research ethics contact information, risks and benefits, assurances of confidentiality and anonymity, and other pertinent information regarding the study. The consent form was administered at the beginning of the study upon the arrival of the participant. Once the participant read the consent form, two copies were signed and dated by the researcher only (to ensure confidentiality and anonymity), one of which was issued to the participant.

After completing the study, two debriefing forms (see Appendix F) were issued, read over by the participant, and then signed and dated by the researcher; again, at this point, one copy was provided to the participant. The debriefing form explained that passive deception was used to conceal the implicit portion of the study. For this project, participants were informed that the purpose of the study was to survey racial attitudes and their impact on ethical decision-making. This remained true; however, the primary objective of this study was to examine the impact of both implicit (unconscious) and explicit (conscious) bias on the ethical decision-making process. The implicit portion of this study was concealed in order to ensure that it remain implicit (outside of awareness to the participant) and thereby help protect its validity. It can be assumed that if the participant were aware that this project was examining their unconscious racial attitudes

that they would attempt to correct their behaviour by performing differently on both the IAT and Ethical Scenario measures in order to appear less biased.

2.3.3. Ethical Considerations

Prior to conducting this study, it was anticipated that there would be few, if any, ethical threats since both physical and emotional pain were unlikely to be endured by the participants. As mentioned, the use of passive deception on the participants was employed in order to hide the true objective of the study and minimize/prevent bias associated with impression management. However, as indicated in the consent and debrief forms, precautions were taken should any unforeseen discomfort be experienced by any participant as a result of the content of the study or the manner in which it were conducted.

Through strict adherence to ethical guidelines prescribed by the Social Science and Humanities Research Ethics Board of the University of Ottawa, the study was conducted without incident and data was collected from the targeted sample population. There were no ‘in-progress’ modifications that transpired as was there no special conditions applied.

2.4. Data Analysis

In essence, the data analysis section of this project can be broken down into four stages. The first stage was to record the background variables and create descriptive statistics for preliminary analysis. This part can be found in *Table 2.1* of this chapter. The second stage was to find any links between the background variables and the outcome

variables. At this stage bivariate correlations, or Chi-square analyses in the case of categorical indicators, were performed to examine the degree to which certain demographic variables were associated with the dependent variables. The third stage of the data analysis was to examine any relationships between the independent and dependent variables. This meant performing a series of logistic regression analyses to examine any associations between the implicit scores, the explicit scores, and the dichotomous decisions for each scenario. Hierarchical multiple regressions were used to look at associations between predictors and moral reasoning. For each multivariate analysis, any covariates were entered first into the equation, followed by independent predictors, and finally by a term representing the absolute difference (discrepancy) between the predictors.

Table 2.1. Demographic Characteristics

Variable	Frequency	Percent	Cumulative Percent
Level of University			
Undergraduate			
1	5	16.7	16.7
2	1	3.3	20
3	1	3.3	23.3
4	5	16.7	40
5 (or >)	2	6.7	46.7
Masters			
1	5	16.7	63.3
2	8	26.7	90
3 (or >)	1	3.3	93.3
PhD			
1 (or >)	2	6.7	100
Marital Status			
Single	22	73.3	73.3
Married	1	3.3	76.7
Living with partner	6	20	96.7
Divorced	-	-	96.7
Other	1	3.3	100
Religious Affiliation			
Christian-Protestant	1	3.3	3.3
Christian-Catholic	6	20	23.3
Evangelical-Christian	-	-	23.3
Jewish	-	-	23.3
Muslim	-	-	23.3
Hindu	-	-	23.3
Buddhist	1	3.3	26.7
No Affiliation	22	73.3	100
Political Affiliation			
Strongly Conservative	-	-	0
Moderately Conservative	1	3.3	3.3
Slightly Conservative	3	10	13.3
Neutral	7	23.3	36.7
Slightly Liberal	4	13.3	50
Moderately Liberal	10	33.3	83.3
Strongly Liberal	5	16.7	100

Race*			
Asian/Pacific Islander	4	13.3	13.3
Black	2	6.7	20
Caucasian/White	23	76.7	96.7
Hispanic	-	-	96.7
Indigenous/Aboriginal	-	-	96.7
Latino	-	-	96.7
Multiracial	1	3.3	100
Other	-	-	100
Living Arrangement			
Student Housing/ Residence	9	30	30
Private Residence	18	60	90
Shared Residence with Parents	3	10	100
Area Raised			
Urban	12	40	40
Rural	9	30	70
Suburban	9	30	100
Current Living Area			
Urban	25	83.3	83.3
Rural	1	3.3	86.6
Suburban	4	13.3	100

*Note: *Race was further dichotomized into 'Caucasian' and 'Non-Caucasian' for the purpose of factoring it as a covariate variable.*

Chapter 3: Results

3.1. Links between Background and Outcome Variables

As mentioned in the methodology, the initial stage of the data analysis was to investigate the relationship between background and outcome variables for the purpose of identifying potential covariates. To accomplish this, associations between continuous variables were examined using Pearson correlations, whereas chi-square and t-tests were utilized to document links between categorical variables, as well as categorical and continuous variables, respectively.

It was found that Gender, the first background variable, was associated with the dichotomous outcome variable ‘decision to deport’ in the Immigration scenario, with males being significantly more likely to deport than females (69% vs. 13%; $\chi^2(1) = 9.81$, $p < .01$). No other association between gender and outcome variables was found.

In addition, participant age was found only to be significantly associated with level of ethical reasoning for the Parole scenario, $r(30) = .40$, $p < .05$, and no other outcome variables. It was also found that Caucasian participants were more likely to grant parole than their counterparts from other ethnic groups (81% vs. 33%; $\chi^2 = 5.08$, $p < .05$), and showed a higher level of ethical reasoning on the Parole scenario, $t(28) = 2.08$, $p < .05$.

No significant association was found between any other background and/or outcome variable.

3.1.1. Simple Associations between the Main Variables

For this study there was found to be a moderate but statistically significant relationship between implicit and explicit attitudinal scores, $r(30) = .53, p < .01$.

A tetrachoric correlation matrix displaying associations between dichotomous decisions is presented below.

Table 3.1. Associations between Dichotomous Decision Scores

	Heinz	Immigration	Judge	Parole
Heinz	1.0	-	-	-
Immigration	-.20	1.0	-	-
Judge	-.08	.32*	1.0	-
Parole	.21	.06	.16	1.0

Note: * $p < .05$

The table suggests that decision-making in different scenarios is largely context-specific, with the exception of the Immigration and Judge situations, where a moderate association is observed.

Pearson correlation coefficients between levels of ethical reasoning across different scenarios are presented in the table below:

Table 3.2. Associations between Ethical Reasoning Scores

	Heinz	Immigration	Judge	Parole
Heinz	1.0	-	-	-
Immigration	.08	1.0	-	-
Judge	.26	.40*	1.0	-
Parole	.17	.16	-.09	1.0

Note: * $p < .05$

Again, with the exception of a moderate association between the Immigration and Judge scenarios, it appears that decision-making is largely context or situation specific.

3.2. Links between Implicit, Explicit and Outcome Variables

This part of the analysis examined the association between implicit and explicit attitudes, and dichotomous decision-making across various scenarios. For this purpose, logistic regressions were used to examine the relative contribution of each predictor, including covariates where appropriate.

Table 3.3 presents the main results. As observed, explicit attitudes towards ethnic groups showed a modest association with categorical decision-making for the Immigration and Judge scenarios, but not for the neutral (Heinz) and Parole scenarios. Implicit attitudes were not predictive of decision-making in the three experimental conditions, although a modest association was found for the neutral scenario. The discrepancy terms between predictors for the various outcomes were not significant.

3.3. Multivariate Model

Results of multiple regressions for the various predictors across scenarios are shown in *Table 3.4*. As observed, none of the predictors, taken separately or in combination, showed any significant association with the outcomes (level of ethical reasoning), across the scenarios.

Table 3.3. Logistic Regression Model for Dichotomous Decisions as a Function of Explicit and Implicit Attitudes.

Predictors	Outcome Variables (Ethical Scenarios – Dichotomous Scoring)											
	Heinz			Immigration			Judge			Parole		
	<i>B</i>	<i>SE B</i>	<i>OR</i>	<i>B</i>	<i>SE B</i>	<i>OR</i>	<i>B</i>	<i>SE B</i>	<i>OR</i>	<i>B</i>	<i>SE B</i>	<i>OR</i>
Covariates												
Race	-----			-----			-----			2.14	1.03	8.47*
Sex	-----			2.86	.96	17.5**	-----			-----		
Main Effects												
Explicit	-.15	.07	.86*	.12	.07	1.13†	.19	.10	1.21†	.03	.06	1.03
Implicit	.94	.51	2.56†	-.50	.47	.61	-.56	.69	.57	.24	.48	1.27
Discrepancy	-.01	.05	.99	-.03	.07	.97	.08	.10	1.08	.03	.07	1.03
R^2		.31			.51			.35			.28	
$\chi^2(1)$		7.35†			13.89**			6.31†			5.84	

Note: † $p < 0.1$ * $p < .05$ ** $p < .01$

R^2 : Nagelkerke R-Square OR: Odds Ratio

The following covariates were included in the model: Gender for the Immigration scenario and Ethnicity for the Parole scenario. Chi-square values reflect the whole model, including the covariates.

Table 3.4. Multiple Regression Model for Level of Moral Reasoning as a Function of Explicit and Implicit Attitudes.

Predictors	Outcome Variables (Ethical Scenarios – Moral Reasoning Scores)											
	Heinz			Immigration			Judge			Parole		
	<i>B</i>	<i>SE B</i>	β	<i>B</i>	<i>SE B</i>	β	<i>B</i>	<i>SE B</i>	β	<i>B</i>	<i>SE B</i>	β
Explicit	-.02	.02	-.27	.01	.01	.22	.02	.01	.25	.01	.01	.10
Implicit	.03	.15	.04	-.09	.10	-.21	-.15	.11	-.31	-.02	.08	-.04
Discrepancy	.26	.17	.31	.05	.12	.09	.16	.13	.24	.12	.10	.24
R^2 (covariate)	-----			-----			-----			.27*		
R^2 (main)	.06			.04			.08			.01		
R^2 (interaction)	.08			.01			.05			.04		

Note: † $p < 0.1$ * $p < .05$ ** $p < .01$

R^2 : Nagelkerke R-Square β : Standardized Beta

Age and ethnicity were used as covariates for the Parole scenario.

Chapter 4: Discussion

4.1. Overview of Findings

The results obtained in this study suggest that the Null Hypothesis, in general, could not be rejected. Therefore, results generally cannot be interpreted as supporting a reliable link between attitudes and ethical decision-making.³⁴ A more detailed discussion of the implications of the findings follows

4.1.1. Links between Background and Outcome Variables

As presented in the results section, gender was related to the dichotomous decision of whether or not to deport the illegal immigrant in the second ethical scenario. To be more precise, for the scenario in which the participant is charged with deciding on whether or not to deport Kara Nguyen, male participants were more likely to deport the character than their female counterparts. However, this decision may not have been completely race-based. A possible explanation for this outcome could be that females were able to relate more to the female minority character than males due to gender association and in turn posited more lenient decisions.

³⁴ *Alternative Hypotheses:*

- 1) There exists a weak-to-moderate association between implicit and explicit attitudes.
- 2) Implicit attitudes will show a significant association with decision-making, above and beyond the contribution of explicit attitudes.
- 3) There exists a relationship between differences in implicit and explicit racial attitude scores and ethical decision-making scores.

In addition to gender, both age and race were also found to be significantly related to an outcome variable. Findings uncovered a positive relationship between one's age and their ability to apply higher levels of moral reasoning for the Parole scenario. This relationship was generally expected as Kohlberg's model postulates that moral development gradually matures with age. It was also found that Caucasians are more likely than their counterparts from other ethnic groups to grant parole, as well as to apply a higher degree of ethical reasoning in their decision-making, for the same scenario (Parole). However, to the fact that these two background variables are only significant for the Parole scenario decreases the potential significance of the finding.

4.1.2. Simple Associations between the Main Variables

The findings in this study suggest that implicit and explicit attitudinal scores share a substantially greater relationship than revealed in the meta-analysis conducted by Greenwald and colleagues (2009). This could be attributed to the unique measures that were used to capture these two constructs, or perhaps even the setting or targeted sample group. Regardless, it seems that implicit and explicit attitudes may share a closer connection than originally thought by researchers.

It was also revealed that dichotomous decisions, regarding which course of action to proceed with, were moderately related for two out of the three scenarios where race was a factor (both the second and third scenarios). This also held true for ethical reasoning scores. This pattern may imply that decision-making tends to be context specific rather than constituting a stable characteristic of the person.

4.1.3. Links between Implicit, Explicit and Outcome Variables

This part of the analysis revealed that explicit attitudes shared a modest relationship with scenarios two and three, as both of these scenarios were found to be moderately related to each other. This suggests a common element, or elements, found in both scenarios pertaining to explicit racial attitudes (depicted in General Discussion of this chapter).

There were no significant relationships found between implicit attitudes and any of the outcome variables in the race-based scenarios; however, it was found that implicit attitudes were predictive of decision-making for the neutral scenario. This particular finding was contradictive to the expected results and could imply that implicit attitudes have lesser predictive value for ethical decision-making involving race-based scenarios than neutral scenarios.

4.1.4. Multivariate Model

It was found that there was no significant relationship between the dependent and independent variables when analyzed both separately and through interaction. Ultimately, this result leads to a failure to reject the Null Hypothesis as significant interactions between implicit bias, explicit bias and moral reasoning were not found.

4.2. General Discussion

The purpose of this section is to explore the examined variables at a more in-depth level. To simplify this, discussion of the findings will be analyzed first in

accordance with the reported results and then as they relate to the decision-making process.

4.2.1. Discussion of Findings

As observed, there were a few statistically significant findings that were revealed by this study. First, depending on the scenario, it was found that key demographic characteristics can be significant factors in decision-making. For participants that were male and non-Caucasian, negative decisions pertaining to the fate of the minority character were posited at a significantly greater rate than their counterparts; again, this was only found for specific scenarios. This is of some interest as these two variables are among three demographic factors surveyed which constitute “static” characteristics (the other variable being age). In other words, of the eleven demographic variables which were analyzed, two of three characteristics that the participant has no control over were related to race-based decision-making. This finding lends support to the idea that one’s social background may in part determine perceptions and actions taken with respect to ethical problems (Grossman, 1966). This is not to suggest that non-Caucasian males hold inherently greater prejudiced racial attitudes by any means as the two scenarios of which these two variables were found to be significantly associated with (gender in scenario two and race in scenario four) were not related.

A second significant finding pertains to the association between implicit and explicit attitudes within this study. The relationship between implicit and explicit attitudinal scores was found to be fairly strong ($r = .53$) for the 30 participants that were examined. This finding ultimately points to a substantial attitudinal overlap in participant

perceptions of the scenarios presented. The relationship here far exceeds that of previous meta-analyses that have examined IAT-explicit correlations. In the most recent meta-analysis to be conducted on the topic, Greenwald and colleagues (2009) found a moderate correlation for 155 independent samples ($r = .214$) and a low to moderate correlation for 27 race-based samples ($r = .117$) that were examined. Evidently, there is a substantial difference between the current study and Greenwald's (2009) meta-analysis. However, the disparity in findings can be explained through key distinctions in research methodology as there were major differences in the instruments used to collect data. For the current study, a demonstration 'Race' IAT, featuring consistent predictive validity as that of a full-length 'Race' IAT, was used to propagate interval scores rather than standard ratio scores. Furthermore, the explicit tool used in this study was a modified version of the Modern Racism Scale (McConahay, 1986) to measure explicit racial attitudes specific to a Canadian context.

It was also found that dichotomous decisions and ethical reasoning scores were significantly associated in two out of three of the race-based scenarios. Specifically, participants that stated "yes" to deporting the illegal immigrant in scenario two generally decided to charge the driver who had drugs in his trunk for scenario three. For these same two scenarios, participants who displayed a higher level of ethical reasoning in one scenario also displayed similar results in the other. These findings indicate that there are elements in scenarios two and three which elicit specific patterns of decision-making. Possible explanations for the Immigration and Judge scenarios being associated to each other, yet distinct from the other race-based scenario (Parole), are many. For example, in scenarios two and three: both characters are clearly identified as being black, whereas in

scenario four the character is only identified as Sri Lankan; both characters display ignorance of their dilemma, whereas in scenario four the character does not contest being engaged in illegal activity; in both scenarios two and three the characters are yet to be punished, whereas in scenario four the character is waiting to be released; both characters are involved in crimes that are specific to Canada, whereas the LTTE is specific to Sri Lanka; and, both characters are loosely based on actual people from existing cases, whereas scenario four was entirely fictitious. These elements are noteworthy for future investigations into racial attitudes and should not be underestimated. Perhaps if specific case elements were to be identified then these aspects could be isolated and racial attitudes could be better predicted.

Another significant find involving scenarios two and three pertains to the modest positive association that exists between explicit racial attitudes and dichotomous responses. Specifically, it was revealed that those participants who scored higher on the Modern Racism Scale (Bobocel, 1998) also tended to posit negative outcomes for the characters in the Immigration and Judge scenarios. In considering the previously established relationship between scenarios two and three, this finding appears to provide evidence that explicit racial attitudes can be somewhat predictive of decision-making in context-specific scenarios. Conversely, implicit racial attitudes were not found to be significantly associated with decision-making for any of the three race-based scenarios; however, implicit attitudes were found to be modestly associated with responses to the neutral scenario. To summarize, although the relationship between implicit and explicit attitudes was found to be moderately strong, only explicit attitudes were discovered to be predictive of actual decision-making in race-based scenarios. The multivariate model

revealed that there is no relationship between differences in implicit and explicit racial attitude scores and ethical decision-making scores. Since there were no significant associations, taken separately or in interaction, between the independent variables (implicit and explicit attitudes) and dependant variables (moral standpoint/decision), and all significant findings were context-specific, the overarching null hypothesis cannot be rejected.

4.2.2. Findings Relative to the Decision-making Process

As illustrated in chapter one, ethical decision-making is a multifaceted process involving numerous moderating factors. The ethical dilemmas presented in the race-based scenarios of this study were designed to be as ambiguous as possible so that researchers would be able to document the construct of “attitudes”. Accordingly, it was anticipated that these racially-charged ambiguous scenarios would activate a decision-making process which would eventually lead to a particular outcome using a particular level of ethical reasoning (the dependant variables).

Jones’s (1991) Issue-Contingent model theorizes that implicit and explicit attitudes are contributing factors in recognizing the moral issue at hand. Although implicit attitudes were found to have no significant associations with outcomes within this study, it was discovered that explicit attitudes can be predictive of ethical decision-making within context-specific situations. In effect, this suggests that explicit racial attitudes should be accounted for within the decision-making process; however, to what extent and under which set of circumstances remains undetermined. Regardless, one could infer from this finding that explicit racial attitudes, or consciously supported

prejudices, are more influential to an individual's decision-making process for race-based scenarios than implicit attitudes.

Jones's (1991) model also speculates that both moral judgement and individual moderators (demographic characteristics) are key factors in rendering an ethical decision.³⁵ Results suggest that these two claims hold true to a certain degree. Moral reasoning and individual characteristics, specifically race and gender for this study, were found to be significant in two of the three scenarios, which again is indicative of a context-specific relationship.

4.3. Limitations

There exist various limitations to the current study. First, the convenience sampling strategy adopted means that the results were confined strictly to criminal justice candidates. As a consequence, there can be no generalization of the results to the general public and the uniqueness, if any, of the group examined could not be determined. Although a comparison group was considered during the design phase of this project, due to time constrictions and participant availability it was decided that this type of design would prove detrimental to completing this thesis within the set timeframe.

A second limitation to this study can be attributed to the prescribed incentive to participate. As illustrated in the methodology chapter, this thesis was tightly bound by ethical restrictions due to the sensitive topic of racial bias, and as a result, compensation for an estimated 30 minutes of participation was limited to a chance to win one of three

³⁵ Refer to *Figure 1.1* (Chapter 1).

gift certificates. This could be a primary reason as to why only 30 participants were able to be examined over the course of the 2010-11 school year. Perhaps if there had been a stronger recruiting incentive (e.g. course credit), there may have been more willing participants come forward.

For this study, there is a very real possibility that the construct of moral intensity as a general contributor throughout the decision-making process was underestimated. Although precautions were taken to secure an ideal environment for examining the participants, there are moral intensity factors that could have compromised both the internal and external validity of the project. If one were to account for magnitude of consequences, social consensus, probability of effect, temporal immediacy, proximity, and concentration of effect (the variables which constitute moral intensity), then a more accurate gauge of implicit and explicit bias as a contributor to the ethical decision-making process could be obtained.

Other limitations to this study can be ascribed to ecological factors, the Hawthorne Effect and the manner by which decisions were recorded. The scenarios presented in this study involved 'low-stakes' situations where the participant was instructed to make a decision based on limited information which required no investment on his/her part. In order to attain greater ecological validity, the participant would have to be more entrenched in these mock scenarios and then asked to make decisions while in the presence of the main character. However, this option was not available due to the sensitive nature of this study. The Hawthorne Effect also represents an aspect of concern as participants were aware that they were being studied and may have altered their normal behaviour to conform to the environment. As a result, there is a possibility that

the responses may not have been completely representative of the participant. Lastly, for this study, participants were asked to write their decisions on paper to better secure anonymity. In hindsight, it may have been better to conduct the decision-making task in a verbal manner (interview) as people are often not willing to write as much as they would say verbally.

4.4. Implications for Research and Practice

The current study accomplished three major goals which could have implications for future research and practice. First, a methodology, tailored to Jones's (1991) Issue-Contingent Model, was adopted so that key contributors to the decision-making process could be examined. In turn, a methodological foundation for future exploration of this topic has been established. Second, certain variables were found to be statistically significant contributors to the decision-making process for context-specific scenarios. In particular, race, gender and explicit attitudes were found to be predictive of decision-making within selected race-based situations. Last, this research endeavour was the first known study to have examined the relationship between implicit attitudes, explicit attitudes and moral decision-making within a criminological setting. Consequently, a gap within the field of implicit and explicit biases has been identified. However, the degree to which racial bias influences our actual decisions remains largely unknown.

This study can be viewed as an exploratory first step toward understanding how implicit and explicit biases contribute to the decision-making process. As a result, implications within the social sciences, as well the criminal justice system, could be

significant should this topic be pursued. The simple reality is that the decisions and actions of criminal justice personnel have the potential for producing tremendous social consequences; especially in the realms of health, safety, and welfare. Unfortunately, today this area of study remains largely unexplored. The research presented in this study represents only the beginning of a vast area that is yet to be investigated within the field of criminal justice. Practical applications of future research within this area could range from better training and education of criminal justice candidates to a greater understanding of the decision-making process. Consequently, further exploration of this topic could prove promising in solving critical social problems that accompany racial prejudice within the criminal justice system.

4.5. Future Studies

The overall aim of future studies may be to more thoroughly investigate the relationships between various predictors and the decision-making process. Since the ramifications for criminal justice personnel could be significant for the vulnerable individuals involved, it is recommended that this context be preserved.

It is also recommended that future studies utilize a different experimental design than that of the current study. The use of a comparison group would prove quite valuable as a comparative analysis could be performed. Furthermore, adopting a longitudinal design would no doubt prove fruitful as changes in implicit and explicit attitudes could be monitored over time. This in turn could lay the groundwork for exploring further

attitudinal phenomena such as racial profiling, career burn-out and criminal justice subcultures.

In addition, future studies should examine context-specific scenarios for actual personnel within particular branches of the criminal justice system. The current study incorporated general scenarios that were not specific to any particular profession and examined potential criminal justice candidates. If one were to narrowly focus on an area of concern and examine actual criminal justice personnel then the results could be much more significant. Areas of concern where implicit and explicit racial attitudes are of great interest include: police decisions to pull-over, charge, arrest, or use force; judicial decisions to prosecute, render a guilty verdict, or sanction; correctional officer decisions to write-up inmates; parole officer decisions to deny parole; as well as immigration or border officer decisions to admit, refuse or revoke stay. As one can see, virtually any aspect of the criminal justice system whereby discretion is permitted can be examined.

Last, future studies should utilize, or even develop, elaborate decision-making models that can be adapted to specific populations of interest. Jones's (1991) model was chosen because it accounted for implicit and explicit attitudes, ethical reasoning and moral intensity; however, it is not the only decision-making model that is available, nor should researchers be deterred from creating their own. Also, if further studies are to be performed in this area, experiments should involve high-stakes scenarios where the participant has an invested interest in the outcome. This could then provide the external validity that is required to make valid inferences regarding criminal justice personnel.

Ultimately, the study of implicit and explicit contributions to the ethical decision-making process remains underdeveloped and largely atheoretical. If the decision-making

process was to be accurately mapped and predictors identified, then the implications within the field of criminology alone would be substantial.

Chapter 5: Conclusion

As the field of criminal justice continues to develop, it is important that new areas of research be explored via an interdisciplinary approach. The goal of this study was to examine the degree to which implicit and explicit bias contribute to ethical decision-making within criminal justice oriented individuals. In utilizing a quasi-experimental design, interdependent and independent associations between the constructs implicit bias, explicit bias and ethical decision-making were investigated. Instruments that were used to examine these constructs included a standard demographic questionnaire, a demonstration version of the 'Race' Implicit Association Test, a Canadian version of the Modern Racism Scale and an Ethics Questionnaire consisting of ethical scenarios unique to criminal justice situations. Ethical scenarios were assessed in accordance with Kohlberg's stages of moral development in order to contrast ethical decision-making within the participants.

Jones's (1991) Issue-Contingent Model served as the basis for comprehending ethical decision-making as it pertains to implicit and explicit attitudes for reasons outlined in the first chapter of this thesis. This model postulates that decisions are made in order of: environmental stimulation, recognition of a moral judgement, surrendering to moral judgement, establishing moral intent, and then engaging the decision (Jones, 1991). Ultimately, this process is grounded in schemata, governed by moral intensity and involves latent implicit and explicit contributors. As illustrated in *Figure 1.1* (Chapter 1), decision-making is a complex conundrum as moderating variables are abundant and

subject to individual interpretation. In appreciating these obstacles, this thesis set out to identify implicit and explicit contributors to the decision-making process and evaluate their worth as predictors within a racially charged context.

This study was conducted under the assumption that implicit and explicit attitudes (the independent variables), which constitute two separate phenomena that are believed capable of achieving congruence at varying degrees, are somehow related to the ethical decision-making process (the dependent variable). Specifically, it was anticipated that implicit and explicit attitudes would be predictive of ethical decision-making. As a result, the null hypothesis for this study stated that there is no relationship between attitudes and decision-making within criminal justice candidates/personnel.

The sample used to represent potential criminal justice candidates in this study consisted of 30 students enrolled in criminology programs at the University of Ottawa. Participants that were selected expressed a direct interest in pursuing a career within the field of criminal justice and agreed to volunteer with the incentive that they would be eligible to win one of three gift certificates through a draw. Using the instruments depicted above, information specific to the variables of interest was obtained. The subsequent data analysis, consisting of descriptive, bivariate and multivariate analyses, revealed a series of associations.

The first, and perhaps most substantial finding of this study, pertains to the discovered association between explicit attitudes and decision-making. For the three race-based scenarios that were presented in this study, scores on the Modern Racism Scale were found to be predictive of ethical decision-making within the two scenarios that were most related. This finding indicates that explicit bias can be predictive of one's decision-

making for context-specific situations. In effect, this suggests that explicit racial attitudes can be accounted for within the decision-making process; however, to what extent and under which set of circumstances continues to be elusive.

Another interesting find suggests that static demographic characteristics can also be predictive of ethical decision-making within context-specific scenarios. Under the prescribed parameters of this study, gender and race were found to be associated with dichotomous decision-making for one scenario each. However, the respective scenarios for which each demographic variable was found to be predictive of were not related to one another, prompting further investigation into this relationship.

Surprisingly, the association between implicit and explicit racial attitudes was found to be much greater than anticipated. Past studies have revealed a low to moderate relationship between these two constructs; however, the current study found that there exists a much greater association. It is possible that this abnormality could be attributed to differences in the instruments used or even the culture/context that this study was conducted in. Nevertheless, implicit attitudes were not found to be predictive of decision-making.

The Overall Perspective

Racial prejudice within western policing institutions has been at the forefront of criminological discussion for the past half-century. As a result, measures such as affirmative action hiring and legislative reform have been put forth to address race-related issues. However, today racial bias continues to remain a threat to the idea of an impartial justice system. Much like a resilient disease, racial bias within the Canadian

criminal justice system continues to pose a global threat, even as it lays dormant. The fact is that despite racial bias within policing, courts and corrections having evolved into a more subtle form over the past 20-30 years, it remains just as harmful.

This study demonstrates that despite the numerous studies which have examined prejudice within the field of criminal justice, there still exist gaps in the literature. If anything, the findings of this study have revealed that the ethical decision-making process is very complex and subject to an unknown number of contributors with varying influence. For criminal justice personnel, this is of particular interest as decisions made by this occupational group are capable of producing tremendous consequences in terms of human life, legal repercussions and state-citizen relations. As portrayed in the cases illustrated throughout the conceptual framework of this thesis, racial bias is a destructive phenomenon that is entrenched particularly within the subculture of Canadian law enforcement. Accordingly, one could argue that identifying racial bias within criminal justice candidate/personnel deserves to be at the forefront of inquiry.

It is generally acknowledged that citizens prefer to be governed by unbiased state actors, especially citizens of minority status. Fortunately, in Canada, multiculturalism is embedded in our constitution and the behavioural expectations of public service employees are set relatively high. However, despite the mantra of our criminal justice system, justice is not neutral. As long as there exists room for discretion within criminal justice, the subjective decisions of those entrusted with sustaining public safety will be prone to implicit and explicit bias.

The overarching goal of this study was to lay a foundation for future research into the role that implicit and explicit bias plays within the ethical decision-making process of

criminal justice employees. Although this study was completed with Canadian policing at the center of discussion, it is believed that the results are transferable to other branches of the criminal justice system as discretion, clientele and constitutional liability are unique to these services.

Eliminating racially biased attitudes within criminal justice employees is not a hopeless endeavor; rather, it is far from it. Studies have shown that bias, whether it is implicit or explicit, is a facet of one's behaviour that can in fact be conditioned, and even eliminated (Baumeister and colleagues, 2011; Plant & Peruche, 2005; Saujani, 2003; Young, Klosko & Weishaar, 2003). Through such techniques as education, sensitization, perspective taking and conscious processing, an individual can curve/eliminate racial prejudices. However, the first step to the prevention of racial bias is identification; which, as presented in the Kingston (2005) and Toronto (2003-2008) studies, is an obstacle in itself since policing institutions are understandably resistant to participating in such projects.

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Appendix A: Demographic Variables

Please fill out the following to the best of your knowledge

1. What is your sex?
Male__ Female__
2. What is your age? _____
3. What is your primary language?
English__ French__ Other__
4. What level of university education are you currently enrolled in?
Undergraduate year: 1__ 2__ 3__ 4__ 5+__
Masters: 1__ 2__ 3+__ PhD__
5. What is your current marital status?
Single__ Married__ Living with partner__ Divorced__ Other__
6. What is your religious affiliation?
Christian-Protestant__ Christian-Catholic__ Evangelical Christian__ Jewish__
Muslim__ Hindu__ Buddhist__ No Affiliation__
Other (please specify)_____
7. What is your political affiliation?
Strongly Conservative__ Moderately Conservative__
Slightly Conservative__ Neutral__ Slightly Liberal__
Moderately Liberal__ Strongly Liberal__
8. What is your race?
Asian/Pacific Islander__ Black__ Caucasian/White__ Hispanic__
Indigenous or Aboriginal__ Latino__ Multiracial__
Other (please specify)_____
9. Which of the following best describes the setting in which you live?
Student Housing/Residence__ Private Residence__
Shared Residence with Parents__
10. What best describes the area in which you were raised?
Urban__ Suburban__ Rural__
11. What best describes the area in which you now live?
Urban__ Suburban__ Rural__

Appendix B: Explicit Questionnaire

Please answer the following questions by circling the number that best characterizes how you feel (please note that 0 is neutral).

1. There are too many foreign students being allowed to attend university in Canada.

Very Strongly Disagree -4 -3 -2 -1 0 +1 +2 +3 +4 Very Strongly Agree

2. Canada should open its doors to more immigration from the poorer countries.

Very Strongly Disagree -4 -3 -2 -1 0 +1 +2 +3 +4 Very Strongly Agree

3. It's good to live in a country where there are so many different ethnic and racial groups.

Very Strongly Disagree -4 -3 -2 -1 0 +1 +2 +3 +4 Very Strongly Agree

4. Some races or ethnic groups are, by their nature, more violent than others.

Very Strongly Disagree -4 -3 -2 -1 0 +1 +2 +3 +4 Very Strongly Agree

5. There is nothing wrong with intermarriage among the "races".

Very Strongly Disagree -4 -3 -2 -1 0 +1 +2 +3 +4 Very Strongly Agree

6. It is easy to understand the anger of minorities in Canada.

Very Strongly Disagree -4 -3 -2 -1 0 +1 +2 +3 +4 Very Strongly Agree

7. The government should not make any special effort to help minority groups because they should help themselves.

Very Strongly Disagree -4 -3 -2 -1 0 +1 +2 +3 +4 Very Strongly Agree

8. Over the past few years, the government and the news media have given more attention to minorities than they deserve.

Very Strongly Disagree -4 -3 -2 -1 0 +1 +2 +3 +4 Very Strongly Agree

9. Minorities are getting too demanding in their push for special rights.

Very Strongly Disagree -4 -3 -2 -1 0 +1 +2 +3 +4 Very Strongly Agree

Appendix C: Ethical Scenarios

Please read the following scenarios carefully and then provide answers that best represent which course of action you feel would be most appropriate. Answers should be both brief and point form.

Scenario 1 - Heinz

A woman was near death from a special kind of cancer. There was one drug that the doctors thought might save her. It was a form of radium that a druggist in the same town had recently discovered. The drug was expensive to make, but the druggist was charging ten times what the drug cost him to produce. He paid \$200 for the radium and charged \$2,000 for a small dose of the drug. The sick woman's husband, Heinz, went to everyone he knew to borrow the money, but he could only get together about \$1,000 which is half of what it cost. He told the druggist that his wife was dying and asked him to sell it cheaper or let him pay later. But the druggist said: "No, I discovered the drug and I'm going to make money from it." So Heinz got desperate and broke into the man's store to steal the drug for his wife.

Should Heinz have broken into the store to steal the drug for his wife? Why or why not?

Scenario 2 – Immigration Officer

Kara Nguyen is a citizen of Nigeria who entered Canada as a visitor in June of 1999, and has remained in Canada since. Ms. Nguyen never received permanent resident status; however, she has supported herself illegally as a live-in domestic worker for 11 years. She has had a total of 8 children: four were born in Canada (she has custody over 2 children; whereas the other 2 children live with their biological father), the other four were born in Nigeria and have remained in Nigeria without her contact since. Shortly after her last child was born, Ms. Nguyen suffered from psychotic symptoms, and was eventually diagnosed with paranoid schizophrenia. She applied for welfare at that time and began receiving it shortly after. When she was first diagnosed with the mental illness, two of her children were placed in the care of their natural father, and the other two were placed in foster care (later to be released back into her custody). Since developing schizophrenia, Ms. Nguyen has received four visits from Children's Aid Society following complaints by neighbours. She has also been fired by two separate employers for stealing. She has no feasible future plans to improve life for her or her children, nor does she have any ambition to acquire any practical job skills.

Kara Nguyen was ordered to be deported in October of 2009, after it was determined that she had worked illegally in Canada and had overstayed her visitor's visa. In February of 2010, Ms. Nguyen applied for an exemption from the requirement to apply for permanent residence outside Canada, based upon humanitarian and compassionate considerations, pursuant to s. 114(2) of the Immigration Act. She had the assistance of duty counsel in filing this application, and included, among other documentation, submissions from her lawyer, a letter from her doctor, and a letter from a social worker

with the Children's Aid Society. The documentation provided indicated that, although she was still experiencing psychiatric problems, she was making progress. It also stated that she might become ill again if she were forced to return to Nigeria, since treatment might not be available for her there. Ms. Nguyen's submissions also clearly indicated that she was the sole caregiver for two of her Canadian-born children and that the other two depended on her for emotional support and were in regular contact with her. The documentation suggested that she too would suffer emotional hardship if she were separated from them.

Ms. Nguyen states that there is nothing for her in Nigeria and that she has not been there in a long time. She is no longer close to her children in Nigeria and believes that there are no jobs there. She has no skills other than as a domestic worker and states that if deported her children would suffer as she can not take them with her and can not leave them with anyone here. She says that she is aware of her mental illness and expresses fear that her mental state would deteriorate if she was sent back to Nigeria.

Based on the facts of this case, should Kara Nguyen be deported? Why or why not?

Scenario 3 – Judge

Paul Jones (age 28), a black professor at a local college and a renowned activist for civil rights, was pulled over by two white police officers (Sergeant Thomas and Cadet Peterson) during a routine traffic stop. Mr. Jones was driving his cousin's Dark Red 2010 Mercedes-Benz S-Class Luxury vehicle at the time of the stop and was travelling to visit his mother at 8:15pm on a Saturday night. Upon being pulled over, he was asked to provide his licence and registration. After struggling to find the registration in his cousin's car, he provided both documents. After verifying the documents, Sgt. Thomas asked Mr. Jones to step out of the vehicle and then performed a search of both him and the car. Upon searching the trunk, both officers discovered 1.14 kg of cocaine in a duffle bag and then proceeded with a formal arrest of Mr. Jones. The accused stated that he had no idea that the drugs were there and that he had only borrowed his cousin's car to visit his mother because his car was currently being serviced. There was no roadside alcohol test administered and the arrest proceeded without incident.

The two officers, Sergeant Adam Thomas (a 17 year veteran of the police service) and Cadet Josh Peterson (a recruit in training) submitted conflicting reports on several issues that transpired the night that Paul Jones was arrested.

According to Sgt. Thomas the vehicle was initially pulled over for rolling a stop sign. Sgt. Thomas then stated that he exited his police cruiser and upon asking Mr. Jones for his licence and registration he appeared very nervous and was acting in a 'suspicious manner'. He then returned to the cruiser where he and Cdt. Peterson verified that the documents and car were legal. He then approached the vehicle with the new recruit and asked the accused where he was heading. At this point, Sgt. Thomas recalls Mr. Jones

answering him incoherently and becoming increasingly belligerent. At this point, Sgt. Thomas noticed what he described as ‘the distinct smell of cocaine’ and felt that he had enough reason to suspect that the accused was under the influence of narcotics. He then proceeded to search both the victim and the vehicle. Upon searching the trunk of the car he discovered a duffle bag with cocaine and proceeded with the arrest.

According to Cadet Peterson, he did not witness the accused perform a rolling stop as he was not paying particular attention to the Mercedes as it went through the intersection. Upon pulling over the vehicle, Sgt. Thomas stated: “I bet you 20 bucks this car is stolen”, at which point he instructed him to stay in the cruiser and run the plates while Sgt. Thomas checked it out. Sgt. Thomas then returned to the cruiser and stated: “they just keep getting richer and dumber”. Sgt. Thomas then instructed him to come assist him as he suspected the driver of being a drug dealer. In assisting Sgt. Thomas, Cdt. Peterson stated that he did not notice the driver behaving suspicious at all, nor did he notice an unusual smell as he was unaware that cocaine even had a distinct smell that was detectable by humans. He then witnessed Sgt. Thomas search the suspect and then proceed to search the trunk without obtaining permission from Mr. Jones. At this point, Sgt. Jones proceeded with the arrest while he confirmed the arrest with dispatch.

At the judicial pre-trial meeting, the defence argued that Mr. Jones is a well respected member of the community that had his civil liberties infringed on by a racist police officer. Based on what they claim is “clear evidence of bias and procedural violations” in this case, the defence argues that all charges should be dropped immediately. The Crown argued that Mr. Jones was a renowned anti-police demonstrator

with an illegal substance in his possession that happened to be arrested based on good police experience. Therefore, the prosecution should be pursued.

Based on the facts of this case, do you proceed with the trial? Why or why not?

Scenario 4 – Parole Officer

Rajiv Prabhakaran (age 33), a permanent resident of Canada, was convicted of aggravated sexual assault (s. 273 of the Criminal Code of Canada) in June of 2006, following the testimony of a female acquaintance who reported an episode of rape. After spending four years (of a six year term) in prison, he had become eligible for full -parole; however, he was refused parole because he was believed to be a security threat. While incarcerated, Mr. Prabhakaran participated in various sex offender rehabilitation programs and displayed model prisoner behaviour. He was described by correctional staff as having made “significant progress” towards rehabilitation in the context of the treatment program.

During the trial of the accused, the crown revealed that Mr. Prabhakaran had acted as a fundraiser and recruiter for a Sri Lankan organization known as the Liberation Tigers of Tamil Eelam (LTTE) or Tamil Tigers. This is a separatist organization that has been continually struggling for independence from Sri Lanka for over 40 years. A number of organizations such as the United Nations claimed that The Tamil Tigers committed widespread human rights violations that include recruiting child soldiers, ethnic cleansing, and the targeting and execution of civilians. Thirty-two countries, including Canada, have listed the LTTE as a terrorist organization.

Prior to being incarcerated, Mr. Prabhakaran was the manager of a fast-food restaurant. He would frequently visit Sri Lanka throughout the year and does not deny his involvement as a Tamil Tiger, nor does he believe that the Tamil Tigers should be classified as a terrorist organization. He states that his involvement was completely non-violent and that upon his release he plans on resuming his role in the organization.

Rajiv Prabhakaran has expressed remorse for his crime, and plans on once again to obtain work as a fast-food manager upon his release. This was his first offence.

Based on the given information, should Rajiv Prabhakaran be granted parole, or should he remain incarcerated for the remainder of his sentence? Why or why not?

Appendix D: Scoring Guides

General Scoring Guide for Stage Orientation

- 1) Concern over the consequences of personal harm.
- 2) Concern over the consequences of personal need. Concern for personal satisfaction. A sense of duty to oneself.
- 3) Concern over the consequences to an immediate group. Concern over personal relationships with others. A sense of duty due to how others will perceive me, my actions. Concern over personal integrity, how I will look to others. A sense of duty to the consequences it may have for others.
- 4) A sense of duty to a professional responsibility or group. A sense of duty due to a commitment to a code, oath, principle. A sense of duty to a larger, societal group. Concern for social order, harmony. Concern for society's laws. Concern over the consequences to the larger, societal group.
- 5) Personally held values or beliefs of justice, fairness, and rights. Personally held belief in a moral law, above society's laws. A "social contract" to protect everyone's rights. The greatest good for the greatest number of people affected.
- 6) Universal principles of justice, fairness. Universal laws governing behaviour, superseding society's laws.

Scoring Guide Example for Heinz Dilemma

➤ **Stage one (obedience):** Heinz should not steal the medicine because he will consequently be put in prison which will mean he is a bad person. Or: Heinz should steal the medicine because it is only worth \$200 and not how much the druggist wanted for it; Heinz had even offered to pay for it and was not stealing anything else.

➤ **Stage two (self-interest):** Heinz should steal the medicine because he will be much happier if he saves his wife, even if he will have to serve a prison sentence. Or: Heinz should not steal the medicine because prison is an awful place, and he would more likely languish in a jail cell than over his wife's death.

➤ **Stage three (conformity):** Heinz should steal the medicine because his wife expects it; he wants to be a good husband. Or: Heinz should not steal the drug because stealing is bad and he is not a criminal; he has tried to do everything he can without breaking the law, you cannot blame him.

➤ **Stage four (law-and-order):** Heinz should not steal the medicine because the law prohibits stealing, making it illegal. Or: Heinz should steal the drug for his wife but also take the prescribed punishment for the crime as well as paying the druggist what he is owed. Criminals cannot just run around without regard for the law; actions have consequences.

➤ **Stage five (human rights):** Heinz should steal the medicine because everyone has a right to choose life, regardless of the law. Or: Heinz should not steal the medicine because the scientist has a right to fair compensation. Even if his wife is sick, it does not make his actions right.

➤ **Stage six (universal human ethics):** Heinz should steal the medicine, because saving a human life is a more fundamental value than the property rights of another person. Or: Heinz should not steal the medicine, because others may need the medicine just as badly, and their lives are equally significant.

Appendix E: Consent Form

Title of the Study: Primed for Prejudice: Examining the Relationship between Racial Bias and the Ethical Decision-Making Process within Criminal Justice Oriented Individuals.

Contact Information of Researcher:

Principal Investigator:

Student:

Private cell phone:

E-mail:

Thesis Supervisor:

Professor:

Office:

Phone:

E-mail:

Invitation to Participate: I am invited to participate in the abovementioned research study conducted by _____.

Purpose of the Study: The purpose of this study is to determine the impact that racial attitudes have on ethical decision-making within individuals that wish to pursue a career within the criminal justice system. In conducting this study, a better understanding of how people make decisions (specifically, within a criminal justice context) will be acquired. Results from this study have the potential for generating major implications within both the social sciences and criminal justice system as it will be the first known study to have examined the relationship between racial cognitions and moral decision-making within a criminological setting.

Participation: My participation will consist essentially of attending one 30 minute session, during which I am to complete four tasks: the Implicit Associations Test (a brief script using interactive software: 10 minutes), the Modern Racism Scale (a 9-point questionnaire: 5 minutes), an Ethics Questionnaire (involving responses to 3 scenarios: 10 minutes), as well as a General Profile Questionnaire (10 basic questions about the participant: 5 minutes). The session has been scheduled for a time of convenience for the participant during the Fall term of the 2010 school year.

Risks: My participation in this study will entail that I volunteer personal information. I have received assurance from the researcher that every effort will be made to minimize any possible discomforts (although there are no possible foreseen discomforts that may arise from such a study).

Benefits: My participation in this study will provide me with experience in a ground-breaking study within the social sciences (as this is the first time that the ethical decision-making process will be examined within a criminological

setting). Practical applications of this research include better training and education of criminal justice candidates. This is due to the reality that the decisions and acts of criminal justice personnel (the population of interest) have the potential for producing tremendous social consequences; particularly in the realms of health, safety, and welfare. Furthermore, results from this study range from advancing the theoretical framework surrounding the aspects of ethical decision-making, to solving critical social problems pertaining to racial prejudice within criminal justice personnel.

Confidentiality and Anonymity: I have received assurance from the researcher that the information I will share will remain strictly confidential. I understand that the contents will be used only for examining the decision-making process within criminal justice candidates and that my confidentiality will be protected as there will be no way of associating the participant with the data provided since names are to be withheld. Anonymity will be protected in the same way.

Conservation of Data: The data collected through the Implicit Associations Test, the Modern Racism Scale, the Ethics Questionnaire, as well as a General Profile Questionnaire, will be kept in a secure manner as it will be stored for a period of 5 years within a secure office prior to being terminated.

Compensation: All participants will be entered into a draw and will be eligible to win 1 of 3 gift certificates to one of the following venues: Kelsey's, Chapters, or HMV.

Voluntary Participation: I am under no obligation to participate and if I choose to participate, I can withdraw from the study at any time and/or refuse to answer any questions, without suffering any negative consequences. If I choose to withdraw, all data gathered until the time of withdrawal will no longer be available for analysis.

Acceptance: By completing the attached questionnaires and other scales and returning it to either the researcher or his supervisor, I freely and willingly consent to participating in this study.

If I have any questions about the study, I may contact the researcher or his supervisor.

If I have any questions regarding the ethical conduct of this study, I may contact the Protocol Officer for Ethics in Research.

Tel.:

Email:

There are two copies of the consent form, one of which is mine to keep.

Researcher's signature:

Date:

Appendix F: Debriefing Form

Thank you for completing your participation in this study. Now that the research activities are done, I would like you to know that for research validity purposes, we had to hide the true objective of the research until after you had responded to our questions. I invite you to read with me the document below so that I can fully explain to you what the study entailed and also to give you an opportunity to give full informed consent.

Title of the Study: Unconscious Prejudice: Examining the Contributions of both Implicit and Explicit Bias to the Ethical Decision-Making Process.

Contact Information of Researcher:

Principal Investigator:

Student:

Private cell phone:

E-mail:

Thesis Supervisor:

Professor:

Office:

Phone:

E-mail:

Invitation to Participate: I have been invited to participate in the abovementioned research study conducted by _____.

Purpose of the Study: The purpose of this study is to determine the impact that racial attitudes have on ethical decision-making within individuals that wish to pursue a career within the criminal justice system. In conducting this study, a better understanding of how people make decisions (specifically, within a criminal justice context) will be acquired. Results from this study have the potential for generating major implications within both the social sciences and criminal justice system as it will be the first known study to have examined the relationship between racial cognitions and moral decision-making within a criminological setting.

For this project, participants were informed that the purpose of the study was to survey racial attitudes and their impact on ethical decision-making. This remains true; however, the primary objective of this study is to examine the impact of both implicit (unconscious) and explicit (conscious) bias on the ethical decision-making process. The implicit portion of this study was concealed in order to ensure that it remain implicit (outside of awareness to the participant) and thereby protect its validity. It can be assumed that if the participant were aware that this project was examining their unconscious (unknown) racial attitudes, that they would attempt to correct their behaviour

(by performing differently on both the IAT and Ethical Scenario measures) in order to appear less prejudice. In consequence, the impact of implicit bias on ethical decision-making could be compromised.

Participation: My participation consists of attending one 30 minute session, during which I was asked to complete four tasks: the Implicit Associations Test (a brief script using interactive software: 10 minutes), the Modern Racism Scale (a 9-point questionnaire: 5 minutes), an Ethics Questionnaire (involving responses to 3 scenarios: 10 minutes), as well as a General Profile Questionnaire (10 basic questions about the participant: 5 minutes).

Risks: My participation in this study will entail that I volunteer personal information. I have received assurance from the researcher that every effort will be made to minimize any possible discomforts (although there are no possible foreseen discomforts that may arise from such a study).

Benefits: My participation in this study will provide me with experience in a ground-breaking study within the social sciences (as this is the first time that the ethical decision-making process will be examined within a criminological setting). Practical applications of this research include better training and education of criminal justice candidates. This is due to the reality that the decisions and acts of criminal justice personnel (the population of interest) have the potential for producing tremendous social consequences; particularly in the realms of health, safety, and welfare. Furthermore, results from this study range from advancing the theoretical framework surrounding the aspects of ethical decision-making, to solving critical social problems pertaining to racial prejudice within criminal justice personnel.

Confidentiality and Anonymity: I have received assurance from the researcher that the information I will share will remain strictly confidential. I understand that the contents will be used only for examining the decision-making process within criminal justice candidates and that my confidentiality will be protected as there will be no way of associating the participant with the data provided since names are to be withheld. Anonymity will be protected in the same way.

Conservation of Data: The data collected through the Implicit Associations Test, the Modern Racism Scale, the Ethics Questionnaire, as well as a General Profile Questionnaire, will be kept in a secure manner as it will be stored for a period of 5 years within a secure office prior to being terminated.

Compensation: All participants will be entered into a draw and will be eligible to win 1 of 3 gift certificates to one of the following venues: Kelsey's, Chapters, or HMV.

Voluntary Participation: I am under no obligation to participate and if I choose to participate, I can withdraw from the study at any time and/or refuse to answer any questions, without suffering any negative consequences. If I choose to withdraw, all data gathered until the time of withdrawal will no longer be available for analysis.

Acceptance: I have completed the questionnaires and other scales and have been debriefed about the true objectives of the research. I agree to having the collected data used in the study. If I no longer desire to participate in the study or refuse that my data be used for this research, I may ask the researcher to immediately remove my questionnaires and other data from the data set.

If I have any questions about the study, I may contact the researcher or his supervisor.

If I have any questions regarding the ethical conduct of this study, I may contact the Protocol Officer for Ethics in Research.

Tel.:

Email:

There are two copies of the debriefing form, one of which is mine to keep.

Researcher's signature:

Date: