

Implicit Bias Trainings

State Attorney Katherine Fernandez Rundle's continued commitment to instill the highest standards of prosecutorial ethics is reflected by her robust training program that begins the moment an attorney joins the SAO and extends throughout their tenure. During the last five years, the State Attorney has brought the subject of Implicit Bias to the forefront and has included highly respected subject matter experts to conduct presentations and lead discussions on Implicit Bias and the criminal justice system.

"It is important that we continue our conversation about Implicit Bias to ensure that the processes and outcomes of the criminal justice system are fair," said State Attorney Fernandez Rundle. "I expect my prosecutors to consider the role that the officers', witnesses', and their own implicit bias may have on defendants."

The most recent presenter was Antony Page, Dean of Florida International University's (FIU) College of Law. Dean Page has been widely published in a variety of distinguished journals and his scholarly work has been cited by numerous courts, including the U.S. Supreme Court.

Dean Page spoke about the impact of Implicit Bias on jurors, jury selection, and *Batson* challenges. In any case, a party may excuse a certain number of potential jurors for any reason other than gender,

race, ethnicity, or religion. A *Batson* challenge occurs when a party accuses the other of excluding a juror for improper reasons.

Dean Page argued that the *Batson* challenge procedure ultimately flounders in its goal to eliminate racial and gender discrimination in large part because it does not account for the effects of implicit bias.

In December 2020, Tamara Lawson, Dean of St. Thomas University School of Law, presented on the impact of Implicit Bias and perceptions of race on the prosecution of criminal cases. Dean Lawson is a former prosecutor who served in the Clark County District Attorney's Office for Las Vegas, Nevada, and joined the faculty at St. Thomas Law in 2004. Her research and writing have been published numerous times in prestigious law journals. She is a highly sought-after speaker on issues of race, policing, and the law.

Dean Lawson discussed how a prosecutor should be prepared to address the issues of race and bias when some or all of the jurors in a case perceive it to be an issue, especially when doing so is necessary to present the truth to the trier of fact.

She also spoke about a prosecutor's obligation to eliminate implicit bias and other improper biases and the American Bar Association's (ABA) Prosecution Standard on the subject.

Implicit Bias training, as well as other important topics in the realm of criminal justice, will continue to be a part of our prosecutor training program.