DIMINISHING IMPLICIT AGE BIAS IN JUDICIAL DECISION-MAKING:

How neurolaw can provide tools for judges to better deal with the issue of adolescents in conflict with the law in Brazil

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Implicit age bias against juvenile offenders

In the last decade, **debates on** reducing the minimum age of criminal responsibility **have gained a lot of attention in Brazil**, both in the public opinion and legislative realms (Andrade da Silva & de Oliveira, 2015)

Faced with the retributivist view **at the center of these proposals**, we argue that, since neurodevelopment processes in adolescents **are not usually being properly addressed, the proliferation of** these ideas can influence, even if unconsciously, **how** judges **analyze cases that deal with juvenile offenders**
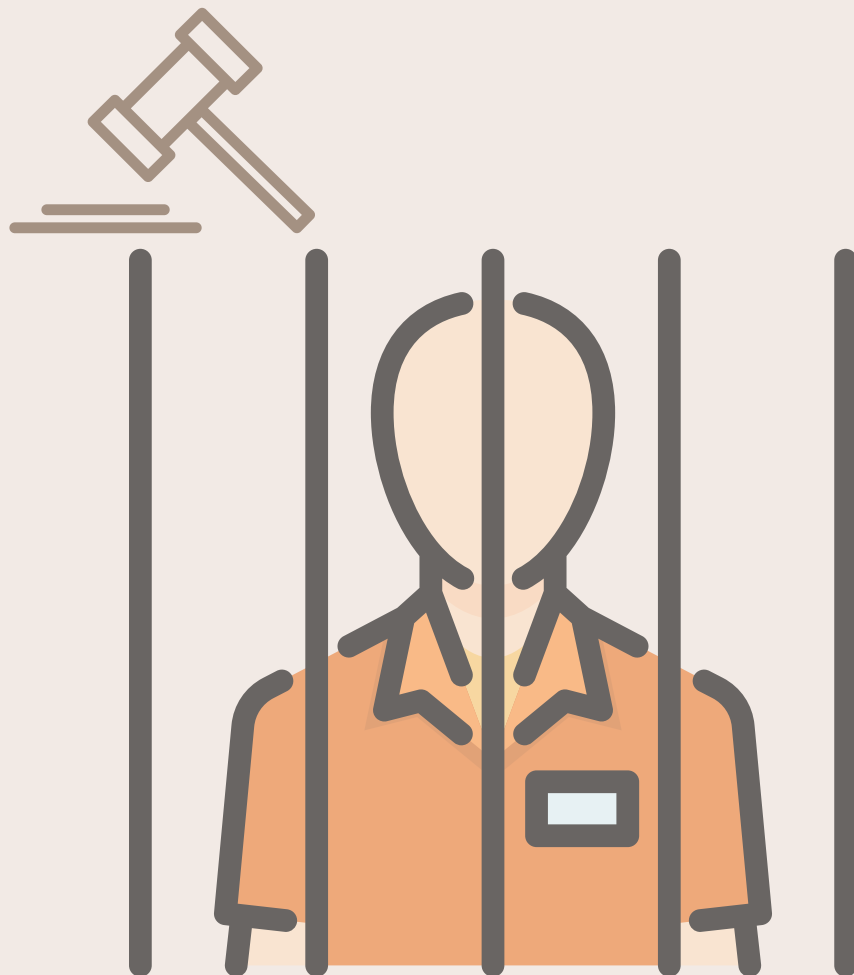
Consequently, the incidence of this implicit age bias **could lead to** harsher decisions

# Adolescents in conflict with the law in Brazil

▬ The **Brazilian Child and Adolescent Statute** acknowledges the **vulnerability of young individuals** while establishing a specific procedure for ascertainment of their attitude, encouraging a more sensible and careful approach

▬ Even though the theoretical general basis of this legislation is compatible with the fact that teenagers are still in a developing stage (Mercurio et al., 2020), much of its application remains in charge of **case-by-case interpretation and discricionarity**, giving space to **prejudice and stereotypes**
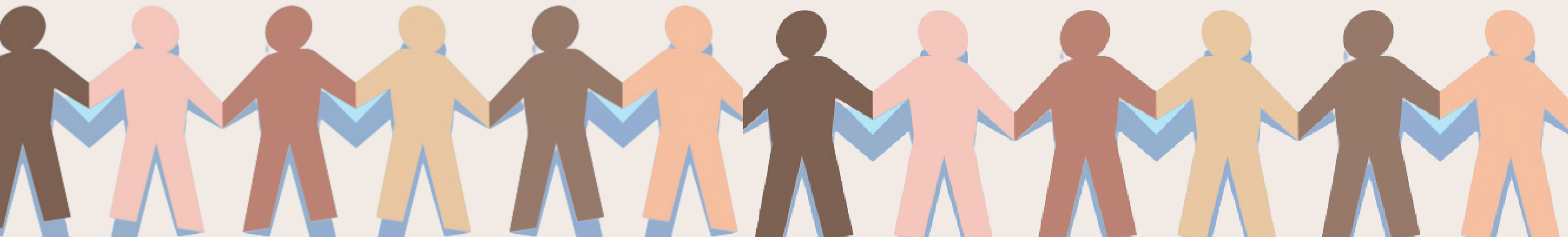
Judges possibly influenced by the scenario

▬ As aforementioned, the predominant ideological scenario in Brazil is not ideal at the moment, paying little attention to what scientific evidence points to, and decision makers are as exposed to these debates as other people in society
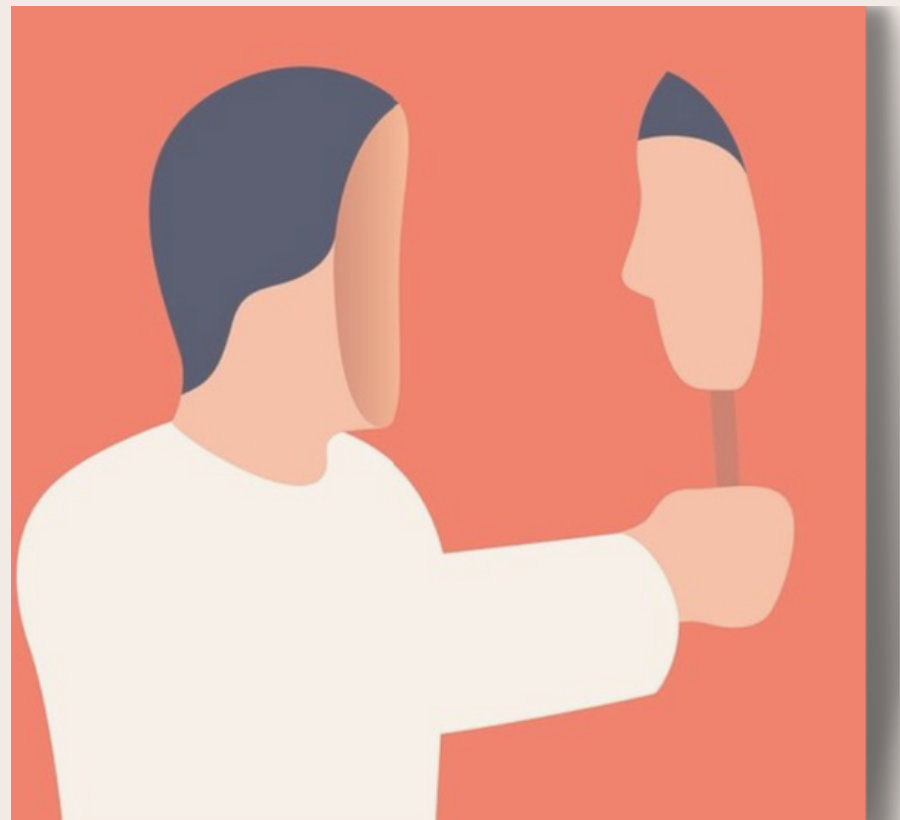
▬ In that sense, we use the notion of cognitive bias (Korteling et al. 2018) to show that judges are, above all, human beings (Bezerra & Cardoso, 2022), and thus can be cognitively influenced in an automatic, implicit, and unconscious manner (Kang et al., 2011)

Debiasing judicial decision-making

The judge responsible for a case has the final word on the offender's liberty, deciding if and what social-educative measures will be applicable

Therefore, it is critical to make sure they are aware not only of the legal notions, but also of the neural and social reality of this age group

Implicit influences could then be diminished by training judges on scientific views about adolescents' neurodevelopment and by raising awareness among them of the possibility that they themselves are biased by media and public debate

Neurolaw awareness and interdisciplinarity

Thus, we argue that spreading appropriate knowledge as a debiasing strategy can lead to more authentic and fair decision-making

It is critical to make sure they are aware not only of the legal notions, but also of the neural and social reality of adolescents

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Thank you!

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