Confronting Bias: Elevating Efforts to Reduce Racial and Ethnic Disparities in the Juvenile Justice System

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What Would You Do? (ABC News Video)

Source: YouTube http://www.youtube.com/watch?v=ge7i60GuNRg
What Would You Do? (Video)

- What are the implicit and explicit biases at play in the scenario?
- What are the implications for understanding and addressing RED/DMC in our juvenile justice systems?
Goals of Work to Reduce Racial and Ethnic Disparities

- Reduce over-representation of youth of color at key decision points
- Reduce the disparate treatment of youth of color at key decision points
- Prevent youth of color from unnecessarily entering and moving through the juvenile justice system
What are some of the Common Causes of Racial and Ethnic Disparities?

- Structural inequalities in our society
- Juvenile justice policies that are fair on their face but have unintended negative consequences
- Police responses to crime
- Differential offending patterns/Location of offenses
- Differential decision-making
- Explicit and implicit bias
What is Implicit Bias?

- A preference (positive or negative) for a social category that operates outside of awareness.

- The opposite of an explicit bias - a conscious preference (positive or negative) for a social category.

Key Concepts for Understanding Implicit Bias

- Schemas - Mental maps or templates
- Stereotypes - Thoughts or beliefs associated with a social group
- Prejudice - Feelings associated with a social group
- Discrimination - How one acts toward the members of a social group

Common Sources of Implicit Bias in the Juvenile Justice System

- Law enforcement decisions and reports
- Diversion decisions
- Detention intake decisions
- Decisions made by prosecutors and defenders
- Presentations made by prosecutors and defenders
- Judicial decisions
- Recommendations in mental health studies
- Recommendations in pre-disposition reports
- Decisions made by probation officers
- Recommendations and reports from probation
- Treatment and placement decisions
Research on Bias in the Juvenile Justice System

Public attitudes
Law enforcement officers
Probation officers
Trial judges
Research on Bias: Public Attitudes

Gilliam and Iyengar (July 2000)


**Findings:**
- Where a **black perpetrator** was shown, 70% of subjects recalled a black perpetrator.
- Where **no perpetrator** was shown, 60% recalled seeing a perpetrator, and 70% of those recalled seeing a black perpetrator.
- Where a **white perpetrator** was shown, 10% recalled seeing a black perpetrator.
Graham and Lowery (2004)

*Priming Unconscious Racial Stereotypes about Adolescent Offenders.* Law and Human Behavior, 28(5), 483-504.

Findings:
- Police officers’ unconscious racial stereotypes affected how they perceived and treated juvenile offenders.
- When primed with cues that invoked black race, officers judged offenders as more blameworthy and meriting harsher sanctions.
- Consciously held beliefs about race did not moderate the effects.
Research on Bias: Probation Officers

Example: Two 17-year-old boys

No prior criminal history for either one

Both charged with first degree robbery with a firearm

No injuries in either incident

One case: gas station robbery

Other case: robbery of two motels

One boy was black, the other was white
Ed: “This robbery was very dangerous as Ed confronted the victim with a loaded shotgun. He pointed it at the victim and demanded that he place the money in a paper bag. This appears to be a premeditated and willful act by Ed….There was an adult quality to this referral. In talking with Ed, what was evident was the relaxed and open way he discussed his life style. There didn’t seem to be any desire to change. There was no expression of remorse from the young man. There was no moral content to his comment.”
Research on Bias: Two 17-Year-Old Boys

Lou: “Lou is the victim of a broken home. He is trying to be his own man, but...is seemingly easily misled and follows other delinquents against his better judgment. Lou is a tall, emaciated little boy who is terrified by his present predicament. It appears that he is in need of drug/alcohol evaluation and treatment.”

Which boy was black and which boy was white?
Research on pre-disposition reports:


Reports on **black** youth were more likely to include negative **internal** attributions (personality, values) than reports on white youth.

Reports on **white** youth were more likely to include negative **external** attributions (environment, peers) than reports on black youth.

**Black** youth were judged to have a higher risk of reoffending than white youth.
Research on Bias: Trial Judges

Research on trial court judges from three jurisdictions, using the Implicit Association Test (IAT):


Findings:
Judges harbor the same implicit biases as other people.

These bias can influence their judgment.

But given sufficient motivation, judges can compensate for the influence of these biases.
## Cross System Collaboration
- Improve collaboration and communication among agencies within the juvenile justice system, with other child-serving systems, and with youth families and communities of color

## Data Practices
- Establish a structure and process for regular use of data in system management

## Cultural and Community Responsiveness
- Improve cultural competence and responsiveness of juvenile justice services

## Policy and Practice
- Structure policies, protocols and tools to facilitate objective and consistent decision-making

## Programs
- Increase capacity and improve access to programs and services that prevent deeper involvement or enhance diversionary pathways out of the juvenile justice system
Exercise: Objective Decision-Making

1. What are your concerns with the DSI from the lens of racial and ethnic disparities and how would you recommend addressing them?

2. What data would you like to collect to help you identify recommendations?

3. How will you persuade the probation chief to re-examine the DSI in light of his belief that implementation of an objective tool put the county on the cutting edge of juvenile justice reform?
“How to Clean the Lens...A Little”

- Education
- Exposure
- Mindfulness
- Cognitive Load
- Objective Decision-Making Criteria
- Accountability

What does this mean for your work?

- Recognize that RED work is more than just a project or program
- Use data to identify disparity
- Examine decision-making processes to identify opportunities for bias
- Share and discuss research on implicit bias
- Innovations and Resources
Bonnie, R., Chemers, B.M., Schuck, J. (Eds.) (2012). Reforming Juvenile Justice: A Developmental Approach, Committee on Assessing Juvenile Justice Reform; Committee on Law and Justice; Division of Behavioral and Social Sciences and Education; National Research Council.


Marsh, S. (Summer 2009). The Lens of Implicit Bias, Juvenile and Family Justice Today, NCJFCJ.
