COMBATING IMPLICIT BIAS TO REDUCE DISPARITIES IN THE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS

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GOALS OF TODAY’S PANEL

1/ Introduction to implicit bias and how it can impact decision-making;
2/ Discussion of areas within the child welfare, juvenile justice and education systems where implicit bias may play a role; and
3/ Review of some of the promising techniques to reduce implicit bias.

WHAT CAN CAUSE RACIAL DISPARITIES?

1/ Explicit bias;
2/ Structural racism;
3/ Implicit bias or associations; and/or
4/ The interaction between two or more of these factors.
HOW CAN YOU PROVE RACIAL DISCRIMINATION?

1/ Explicit bias;
2/ Structural racism;
3/ Implicit bias or associations; and/or
4/ [Sometimes] The interaction between two or more of these factors.

The Science of Implicit Bias
LAY VIEW: RACIAL BIAS IS ABSENT

- I always treat members of other racial groups fairly. 94%
- I am very concerned about racial issues. 31%

SOCIAL PSYCHOLOGICAL VIEW: RACIAL BIAS IS PRESENT

- Race can influence people more often than they think.
- Race can be processed implicitly.
- Thinking about race has consequences.
The Black-Crime Association

Weapon Detection
LEVELS OF DEGRADATION

Frame 25

Crime Object
Object Detection

Eberhardt, Goff, Purdie, & Davies (2004)

Use of Force
Decision to Shoot

Reaction Times

Error Rates

Correll, Park, Judd, & Wittenbrink (2002)

How Can Implicit Bias Impact the Education System?
Imagine you are a teacher at this school...

INFRACTIONS

• Jake/Darnell is consistently disrupting the class environment by strolling around the classroom at random intervals, getting tissues from the tissue box multiple times during a 50 minute class, throwing items away constantly; in general, Jake/Darnell circulates around the room and up and down the rows to see what other students are doing, have eyes on him, and disrupt the flow of the lecture or activity the class was participating in.
INFRACTIONS

• 3 days later the student misbehaves again…

INFRACTIONS

• Jake/Darnell is sleeping in class. You tell him to pick his head up and get to work. He only picks his head up. He chooses to rest it on his hand and continue to sleep. So you ask him one more time and again, Jake/Darnell refuses to do work. You ask him to leave class and go to the office to tell them that he won’t do his work and chose to sleep instead. He refuses to do this as well.
FEELING TROUBLED: SECOND INFRACTION

DISCIPLINARY ACTION: SECOND INFRACTION
PERCEIVED PATTERN OF MISBEHAVIOR

Pattern

Race of Student

Discipline

EDUCATION/STPP

- What educational decisions are likely to be affected by Implicit Bias?

- Suspensions

- Referrals to law enforcement

- Arrests at schools
How Can Implicit Bias Impact the Child Welfare System?

SAMPLE CHILD WELFARE SYSTEM
How Can Implicit Bias Impact the Juvenile Justice System?

PERCEIVED AGE STUDY

“Kishawn Thompkins was arrested and charged with cruelty to animals. He attempted to drown a neighborhood cat in his backyard.”
AGE OVER-ESTIMATION

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<th>Age overestimation (in years)</th>
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- misdemeanor suspects
- felony suspects

SUPREME COURT

Sullivan v. Florida,
987 So.2d 83 (Fla. 2008), cert. granted, 129 S.Ct. 2157 (2009)

Graham v. Florida,
982 So.2d 43 (Fla. 2008), cert. granted, 129, 129 S.Ct. 2157 (2009)
SUPREME COURT STUDY

- Joe Sullivan
- 17 prior juvenile convictions
- Convicted of brutally raping an elderly woman

Supreme Court Study

![Bar charts showing support for life in prison and relative culpability](chart.png)

Rattan, Levine, Dweck, & Eberhardt (2012)
SAMPLE JUVENILE JUSTICE SYSTEM FLOWCHART

Criminal Justice System

- Statutory Exclusion
- Procedural Diversion
- Judicial Waiver

Intake

- Non-Law Enf.
- Law Enf.

Detention

Probation

After-Care

Residential Placement

Release

How Can the Pipeline be Obstructed?
INTERVENTIONS/DEBIASING

- What can lawyers and system leaders do to curb the impact of implicit bias on decision-making?
  - Mindfulness,
  - When hiring, specify selection criteria before beginning process,
  - Diversify the decision-making group,
  - Set up racially diverse teams in the work environment,
  - Interact with clients in a less stressful environment,
  - Counter-stereotypical exemplars.

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