



Selected Resources Regarding Implicit Bias

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Introductory

AMERICAN VALUES INSTITUTE, *TRANSFORMING PERCEPTION: BLACK MEN AND BOYS*, available at http://www.issuelab.org/resource/transforming_perception_black_men_and_boys (last visited Jun 16, 2015).

This article provides a useful literature review of implicit social cognition, and specific perceptions about black men and boys. The article covers the criminalization of black males, educational issues, healthcare, employment discrimination, and the evolution of bias against black males.

Pamela M. Casey *et al.*, *Helping Courts Address Implicit Bias: Resources for Education NATIONAL CENTER FOR STATE COURTS* (2012), available at www.ncsc.org/~media/Files/PDF/Topics/Gender%20and%20Racial%20Fairness/IB_report_033012.ashx.

This report was written as part of the National Campaign to Ensure the Racial and Ethnic Fairness of America's State Courts. The report looks at programs designed to educate the courts about the potential impact of implicit bias and makes recommendations for other courts considering such programs. The authors find that court systems are generally receptive to information about implicit bias, but that information must be presented in a nuanced and useful way.

Anthony Greenwald & Linda Krieger, *Implicit Bias: Scientific Foundations*, 94 CALIF. L. REV. 945 (2006).

This article unpacks the foundations of implicit bias research. The article defines implicit cognition, implicit attitudes, and implicit stereotypes and describes the scientific foundations of implicit bias.

Jerry Kang, *Implicit Bias: A Primer for Courts*, NATIONAL CENTER FOR STATE COURTS (Williamsburg, VA, 2009), available at www.ncsconline.org/D_Research/ref/implicit.html

This article was written for judges and other court officials as part of the National Campaign to Ensure the Racial and Ethnic Fairness of America's State Courts. The author explains implicit cognition, implicit social cognition, how implicit cognitions may lead to discriminatory behavior, and the malleability of implicit cognitions.

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Juvenile Justice

George S. Bridges & Sara Steen, *Racial Disparities in Official Assessments of Juvenile Offenders: Attributional Stereotypes as Mediating Mechanisms*, 63 AMERICAN SOCIOLOGICAL REV. 554–570 (1998).

Using accounts by probation officers, this article examines how perceptions may influence an officer's classification, assessment, and recommendation for juvenile offenders. The authors conclude that perceptions do influence legal decision making, and links this decision making to sentencing disparities.

Joshua Correll *et al.*, *The Police Officer's Dilemma: Using Ethnicity to Disambiguate Potentially Threatening Individuals*, 83 J. OF PERSONALITY AND SOC. PSYCH. 1314 (2002), available at fairandimpartialpolicing.com/docs/pob2.pdf.

This article helps explain implicit bias and stereotypes that may be present in a police officer's decision to shoot or not shoot when perceiving a dangerous item in an offender's possession. The authors divide this decision into three stages: (1) perceiving the object, (2) interpreting the object, and (3) deciding to shoot or not. This article focuses on how the race of the offender can influence a police officers' interpretation of the object and suggests that different training techniques for law enforcement could prevent the influence of stereotypes at this stage in the decision making process.

Theodore Eisenberg & Sheri Lynn Johnson, *Implicit Racial Attitudes of Death Penalty Lawyers*, 53 DEPAUL L. REV. 1539 (2003), available at scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1364&context=facpub.

This article examines the racial attitudes of defense capital attorneys and finds that defense capital attorneys have similar implicit attitudes about race as law students and the general population. The authors note that this does not explain whether those implicit attitudes have any impact on representation.

Sandra Graham & Brian S. Lowery, *Priming Unconscious Racial Stereotypes About Adolescent Offenders*, 28 L. & HUM. BEHAV. 483 (2004).

The authors analyze racial stereotyping that occurs unconsciously in the juvenile justice process, along with other related issues. The authors used a priming manipulation procedure to examine how unconscious racial stereotypes can affect police officers and juvenile probation officers perception and subsequently treatment of juvenile offenders. The findings suggest that unconscious racial stereotypes can be activated in police officers and juvenile probation officers, even when those officers do not endorse stereotypes or exhibit explicit bias.

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Kristin Henning, *Criminalizing Normal Adolescent Behavior in Communities of Color: The Role of Prosecutors in Juvenile Justice Reform*, 98 CORNELL L. REV. 383 (2012), available at <http://www.lawschool.cornell.edu/research/cornell-law-review/upload/Henning-final.pdf>.

This article focuses on the prosecutor's obligation to reduce racial disparities in charging decisions. The author argues that prosecutors may be led to disproportionately discount mitigating factors for youth of color and urges prosecutors to employ structured decision-making to resist inequitable results.

Katherine M. Knight, *Justice is Not Blind: The Role of Race in Law Enforcement Decisions and Practices* (2009) (Ph.D. dissertation) (available from ProQuest Dissertations and Theses database UMI No. AAI3343118).

The researcher examined several ways that racial bias may affect police officers' decisions, including how implicit racial attitudes may predict police shooting decisions. The researcher concludes that a particular officer need not endorse a particular stereotype to have an implicit bias, but being aware of that stereotype may produce implicit bias, such as a bias found in police cadets favoring Whites.

Michael Leiber, Donna Bishop & Mitchell B. Chamlin, *Juvenile Justice Decision-Making Before and After the Implementation of the Disproportionate Minority Contact (DMC) Mandate*, 28 JUSTICE QUARTERLY 460–492 (2011).

This article assesses whether the Disproportionate Minority Contact (DMC) mandate, implemented in 1988, succeeded in reducing racial disparities in juvenile court processing. The article explains the DMC mandate and how its failure to measure the disparities in offending patterns among races or in handling racial groups. The study found that “race effects are more pronounced at intake than at judicial disposition” due to law enforcement officers, school officials, and intake officials having wide discretion, different views of formal case processing, and making decisions that are not subject to review or appeal.

Andrea D. Lyon, *Race Bias and the Importance of Consciousness for Criminal Defense Attorneys*, 35 SEATTLE U. L. REV. 755 (2012).

This article tackles racial bias and implicit bias in defense attorneys. Little has been written about implicit bias in criminal defense. This article asserts that bias plays a role in public defense and defense attorneys could serve their clients better by becoming aware of their own biases.

Perry L. Moriearty, *Framing Justice: Media, Bias, and Legal Decisionmaking*, 69 MD. L. REV. 849 (2009), available at digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3435&context=mlr.

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This article examines mediated crime discourse, social cognition, and racial disparities in the juvenile justice system. The article claims that the “superpredator” discourse in the media in the 1990s contributed to racial bias within the juvenile justice system in two ways: (1) by fostering a “motivational bias” among decision makers; and (2) by amplifying the impact of decision makers’ implicit racial bias. The researchers suggest that decision makers receive subliminal messages from the media that juveniles of color are inherently more deviant than their white counterparts.

Jeffrey J. Rachlinski *et al.*, *Does Unconscious Racial Bias Affect Trial Judges?*, 84 NOTRE DAME L. REV. 1195 (2009), *available at* ndlawreview.org/wp-content/uploads/2013/07/Rachlinski.pdf.

This article uses a sample of trial judges across the country to study the role that implicit bias may play in racial disparities in the criminal justice system. The study involved asking judges to complete anonymous computer tasks that assessed their level of implicit bias and then asked them to make decisions similar to the ones they make daily as judges. The study found that judges hold similar implicit biases as the general public and that those biases could influence their judgment but that judges could also compensate for these biases with sufficient motivation to do so.

Aneeta Rattan *et al.*, *Race and the Fragility of the Legal Distinction between Juveniles and Adults*, 7 PLoS ONE (2012).

This article "provides the first direct empirical evidence that a racial priming manipulation can affect the degree to which juveniles (in general) are afforded the established protections associated with their age status in the context of severe crime." Participants viewed black juvenile offenders as significantly more similar to adults in their inherent culpability, than their white peers.

L. Song Richardson & Phillip Atiba Goff, *Implicit Racial Bias in Public Defender Triage*, 122 YALE L. J. 2626 (2013), *available at* yalelawjournal.org/pdf/1199_pzeey4t1.pdf.

Given the overwhelming caseloads in public defender offices, the authors urge practitioners to consider how implicit biases may influence defenders’ triage processes and suggests ways to prevent disparate outcomes based on those biases.

Robert J. Smith & Justin D. Levinson, *The Impact of Implicit Racial Bias on the Exercise of Prosecutorial Discretion*, 35 SEATTLE UNIV. L. REV. 795 (2011), *available at* digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=2082&context=sulr.

Reviewing the number of critical decisions that involve prosecutorial discretion, this article concludes that implicit bias may play a role in perpetuating racial

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disparities in the criminal justice system, despite the fact that prosecutors' best intentions. The authors call for additional empirical research on this issue.

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Child Welfare

Marian S. Harris & Mark E. Courtney, *The interaction of race, ethnicity, and family structure with respect to the timing of family reunification*, 25 CHILDREN AND YOUTH SERVICES REV. 409–429 (2003), available at <http://www.sciencedirect.com/science/article/pii/S019074090300029X> (last visited Jun 16, 2015).

This exploratory study examines the impact of the interaction of race/ethnicity and family structure on the timing of family reunification for three categories of children in the California foster care system: African American, White and Latino children.

Mixon Mitchell & Debra Ann, *The Child Protection Juvenile Court Process from a Communication Perspective: A Glimpse Behind the Veil of Objectivity Reveals that Race Matters*, available at <http://oatd.org/oatd/record?record=handle%5C%3A10176%5C%2Fcodu%5C%3A63274> (last visited Jun 15, 2015).

This article explains how unconscious perceptions play out in child welfare court proceedings by demonstrating how racial dynamics emerge during communication events of the juvenile court process. For example, a court system representative may interpret an “angry black person” based on external influences and assume that the child is not safe and needs court intervention. Although this article does not explicitly speak about implicit bias, the communication events that occur during the court process may be based on implicit biases of the parties.

Alicia Summers & Jesse Russell, *Reflective Decision-Making and Foster Care Placements*, 19 PSYCHOL. PUB. POL’Y, & L. 127 (2013).

This articles examines two court interventions that were implemented by the National Council of Juvenile and Family Court Judges: a training on implicit and institutional bias that included a focus on reflection and deliberation in decision-making and a judicial “benchcard” for use during preliminary protective hearings. Using randomized control trial and quasi-experimental designs, this study finds that the training intervention was associated with more parent placements and fewer stranger foster care placements. However, this change appeared to diminish over time when it was not coupled with use of the benchcard.

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Mental Health

J. M. Abreu, *Conscious and nonconscious African American stereotypes: impact on first impression and diagnostic ratings by therapists*, 67 *J. CONSULT. CLIN. PSYCHOL.* 387–393 (1999).

Faced with inconsistent findings regarding therapist racial bias, this article conducts its own study in which therapists were primed with African American stereotypes in order to activate information processing outside of conscious awareness. Results indicate that participants primed with stereotype words viewed hostility-related attributes less favorably than those who were primed with neutral words.

Lauren Brookman-Frazee et al., *Involvement of Youths with Autism Spectrum Disorders or Intellectual Disabilities in Multiple Public Service Systems*, 2 *J MENT HEALTH RES INTELLECT DISABIL* 201–219 (2009), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2757308/> (last visited Jun 15, 2015).

This study examines the involvement of youths with intellectual disabilities (ID) or autism spectrum disorders (ASD) in multiple public service systems using existing data from a large epidemiological study on mental health care across multiple services systems. Research shows that youth with ID or ASD comprise a substantial proportion of those served in public service systems serving youths with mental health needs, particularly in the severe emotional disturbance (SED) of special education, and mental health and child welfare systems. The findings support the need to build capacity in this systems to appropriately serve these youths and their families.

Todd W. Martin & Henry Jefferson Grubb, *Race bias in diagnosis and treatment of juvenile offenders: Findings and suggestions*, 20 *J CONTEMP PSYCHOTHER* 259–272 (1990), available at <http://link.springer.com/article/10.1007/BF00946040> (last visited Jun 15, 2015).

This article integrates information on juvenile delinquency, interracial diagnosis, and cross-cultural understanding. It is hoped the information will aid the forensic psychological professional to better understand culturally different children and youth as well as examine his or her own cache of cultural baggage which may interfere with the appropriate assessment and treatment of Black juvenile offenders.

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Education

Adonis J. Bolden, *An Examination of Teacher Bias in Special Education Referrals Based Upon Student Race and Gender*, 2009, available at https://etd.ohiolink.edu/ap/10?0::NO:10:P10_ETD_SUBID:61122 (last visited Jun 15, 2015).

This study explores the overrepresentation of African American males in special education. In addition to its focus on teacher bias in the referral system, this article uses various cultural theories to explain students' behavior, compares the disciplinary rates with other student groups, discusses the incarceration rates of Black males misidentified with special needs, and acknowledges the influence of self-perception on academic performance of Black males.

Heather Cobb, *Separate and Unequal: The Disparate Impact of School-Based Referrals to Juvenile Court*, 44 HARV. C.R.-C.L. L. REV. 581 (2009).

This article addresses the ways in which punitive school discipline policies feed the school-to-prison pipeline and result in the disparate impact of these policies on African American youth. In offering solutions that balance school safety and more equal treatment, the article suggests reducing the prison-like atmosphere of schools and utilizing the potential for community, judicial, and legislative responses to establish procedural safeguards.

Douglas B. Downey & Shana Pribesh, *When Race Matters: Teachers' Evaluations of Students' Classroom Behavior*, 77 SOCIOLOGY OF EDUCATION 267–282 (2004).

This article examines the role racial dynamics play in the debate over whether black students exhibit poorer classroom behavior than white students. The researchers conducted a study in which teachers' evaluations were conditioned by the match between students' and teachers' race. The study found that matching effects were comparable across kindergarteners and adolescents, a pattern that is more readily understood from the position of white teachers' bias than that of oppositional culture.

Jerry B. Hutton, *What reasons are given by teachers who refer problem behavior students?*, 22 PSYCHOL. SCHS. 79–82 (1985), available at [http://onlinelibrary.wiley.com/doi/10.1002/1520-6807\(198501\)22:1<79::AID-PITS2310220116>3.0.CO;2-F/abstract](http://onlinelibrary.wiley.com/doi/10.1002/1520-6807(198501)22:1<79::AID-PITS2310220116>3.0.CO;2-F/abstract) (last visited Jun 15, 2015).

This article finds that the majority of reasons teachers give for referring students to special education services is behavioral rather than academic. Among the given referral reasons are poor peer relationships, displayed frustration, below academic expectations, shy and withdrawn behavior, disruptive behavior, fighting, refusal to work, and short attention span -- which correspond to the major characteristics of behavior disorders. This article stresses the important bias stated referral reasons may have on those who evaluate students for special education placement.

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James P. Jones, *Implicit and explicit attitudes of educators towards the emotional disturbance label*, CARDINALSCHOLAR 1.0 (2009), available at <http://cardinalscholar.bsu.edu/handle/123456789/193429> (last visited Jun 15, 2015).

This article explores teachers' implicit attitudes toward special education labels, using implicit association tests (IAT) to better understand the stigma of the emotional disturbance (ED) label. Findings showed that teachers viewed disabilities indicating academic deficits more favorably than those that were psychological or behavioral in nature. This article also compares implicit and explicit attitudes to make inferences about how attitudes toward ED have changed over time.

Carla R. Monroe, *Why Are “Bad Boys” Always Black? Causes of Disproportionality in School Discipline and Recommendations for Change*, 79 THE CLEARING HOUSE 45–50 (2005), available at <http://www.jstor.org/stable/30182106> (last visited Jun 15, 2015).

This article discusses why African American students are more often targeted for disciplinary action than youths of other races who engage in the same unsanctioned behaviors and makes recommendations for policymakers and educators to close the discipline gap. The article offers as contributing factors (1) the criminalization of black males, (2) race and class privilege, and (3) zero tolerance policies.

Edward W. Morris, *“Tuck in that Shirt!” Race, Class, Gender, and Discipline in an Urban School*, 48 SOCIOLOGICAL PERSPECTIVES 25–48 (2005), available at <http://www.jstor.org/stable/10.1525/sop.2005.48.1.25> (last visited Jun 15, 2015).

This article explores how schools reproduce race, class, and gender inequality through the regulation of students' bodies. Findings showed that school officials viewed the behaviors of African American girls as not "lady-like" and attempted to discipline them into dress and manners considered more gender appropriate. In addition, school officials tended to view behaviors of Latino boys as especially threatening and often used strict, punitive discipline against them, compared to the less strict punishment given to white and Asian American students who are seen as nonthreatening. The article stresses the importance of viewing race, class, and gender together when assessing disciplinary reform in education.

MONIQUE MORRIS, RACE, GENDER, AND THE SCHOOL TO PRISON PIPELINE: EXPANDING OUR DISCUSSION TO INCLUDE BLACK GIRLS (2012), available at <http://static.squarespace.com/static/53f20d90e4b0b80451158d8c/t/5422efe3e4b040cd1f255c1a/411575779338/Morris-Race-Gender-and-the-School-to-Prison-Pipeline%20FINAL.pdf>.

The school-to-prison pipeline refers to the policies, practices, and conditions that facilitate both the criminalization of educational environments and the processes by which this criminalization results in the incarceration of youth and young adults. This Report discusses the literature on the “school-to- prison pipeline” and

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explores why the “pipeline” analogy may not accurately capture the education-system pathways to confinement for Black girls.

La Vonne I. Neal et al., *The Effects of African American Movement Styles on Teachers' Perceptions and Reactions*, 37 J. OF SPECIAL EDUC. 49–57 (2003), available at <http://sed.sagepub.com/content/37/1/49> (last visited Jun 15, 2015).

This study examined teachers' perceptions of African American males' aggression and achievement and consequent need for special education for special education services based on African American students' cultural movement styles. The results indicated that teachers perceived students with African American culture-related movement styles as lower in achievement, higher in aggression, and more likely to need special education services than students with other movement styles.

Jason A. Okonofua & Jennifer L. Eberhardt, *Two Strikes Race and the Disciplining of Young Students*, PSYCHOL. SCI. 0956797615570365 (2015), available at <http://pss.sagepub.com/content/early/2015/04/08/0956797615570365> (last visited Jun 15, 2015).

In two experiments, the researchers tested the hypothesis that racial disparities in school discipline are, in part, driven by racial stereotypes that can lead teachers to escalate their negative responses to Black students over the course of multiple interpersonal (e.g., teacher-to-student) encounters. More generally, the authors argue that race not only can influence how perceivers interpret a specific behavior, but also can enhance perceivers' detection of behavioral patterns across time. Finally, the authors discuss the theoretical and practical benefits of employing this novel approach to stereotyping across a range of real-world settings.

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Debiasing Interventions

PHILIP J. COOK ET AL., THE (SURPRISING) EFFICACY OF ACADEMIC AND BEHAVIORAL INTERVENTION WITH DISADVANTAGED YOUTH: RESULTS FROM A RANDOMIZED EXPERIMENT IN CHICAGO (2014), *available at* <http://www.nber.org/papers/w19862> (last visited Jun 15, 2015).

Researchers examined the efficacy of a two pronged intervention program that teaches youth social-cognitive skills based on the principles of cognitive behavioral therapy (CBT), and provides intensive individualized academic remediation.

N. Dasgupta & A. G. Greenwald, *On the malleability of automatic attitudes: combating automatic prejudice with images of admired and disliked individuals*, 81 J PERS. SOC. PSYCHOL. 800–814 (2001).

This article is one of many articles that measure the malleability of automatic attitudes when certain interventions are placed upon participants. Overall, the authors found was to reduce automatic race bias, even for a short period of time.

Bertram Gawronski et al., *When “Just Say No” is not enough: Affirmation versus negation training and the reduction of automatic stereotype activation*, 44 JOURNAL OF EXPERIMENTAL SOCIAL PSYCHOLOGY 370–377 (2008), *available at* <http://www.sciencedirect.com/science/article/pii/S0022103106001909> (last visited Jun 16, 2015).

Researchers found that that only affirming counter-stereotypes led to a reduction in activated stereotypes, while the negation of stereotypes enhanced the activation of stereotypes. The research suggests that it may be counterproductive to include strategies that negate stereotypes about minority youth, but instead should focus on affirming counter-stereotypes about minority youth.

Leslie R. M. Hausmann & Carey S. Ryan, *Effects of External and Internal Motivation to Control Prejudice on Implicit Prejudice: The Mediating Role of Efforts to Control Prejudiced Responses*, 26 BASIC AND APPLIED SOCIAL PSYCHOLOGY 215–225 (2004), *available at* <http://dx.doi.org/10.1080/01973533.2004.9646406> (last visited Jun 15, 2015).

Using implicit association testing (IAT), this study examined the effects of internal and external motivation to control implicit prejudice. Findings showed that participants who were more internally motivated showed less implicit prejudice, whereas those who were more externally motivated displayed more implicit prejudice. Consistent with an ironic processes explanation, the effect of external motivation on increased implicit prejudice was mediated by efforts to control prejudiced responses.

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Xiaoqing Hu et al., *Unlearning implicit social biases during sleep*, 348 SCIENCE 1013–1015 (2015), available at <http://www.sciencemag.org/content/348/6238/1013> (last visited Jun 15, 2015).

The researchers investigated training to reduce implicit racial and gender bias. Forty participants processed counter-stereotype information paired with one sound for each type of bias. Biases were reduced immediately after training. During subsequent slow-wave sleep, one sound was unobtrusively presented to each participant, repeatedly, to reactivate one type of training. Corresponding bias reductions were fortified in comparison with the social bias not externally reactivated during sleep. The researchers conclude that memory reactivation during sleep enhances counter-stereotype training and that maintaining a bias reduction is sleep-dependent.

Calvin K. Lai et al., *Reducing implicit racial preferences: I. A comparative investigation of 17 interventions*, 143 J. EXP. PSYCHOL. GEN. 1765–1785 (2014).

This article explored various interventions to reduce implicit racial preferences, half of which were effective. The most potent interventions were ones that invoked self-involvement and fostered internalization, such as exposure to counter-stereotypical exemplars, intentional strategies to overcome biases, and evaluative conditioning. Interventions that had no effect on implicit bias included appeals to egalitarian values and abstract mental simulations. No intervention consistently reduced explicit racial preferences, and intervention effectiveness only weakly extended to implicit preferences for Asians and Hispanics.

Jeffrey J. Rachlinski et al., *Does Unconscious Racial Bias Affect Trial Judges?*, 84 NOTRE DAME L. REV. (2009), available at <http://papers.ssrn.com/abstract=1374497> (last visited Jun 16, 2015).

This article uses a sample of trial judges across the country to study the relationship between implicit bias and racial disparities in the criminal justice system. The authors found that "judges harbor the same kinds of implicit biases as others, that these biases can influence their judgement; but that given sufficient motivation, judges can compensate for the influence of these findings."