The Good News

The field has an increased awareness of racial and ethnic disparities (RED)

Collaboration and use of data have led to measurable improvements for youth of color

Reforms have made decisionmaking more objective

- Diversion protocols
- Detention screening instruments
- Risk and needs assessments
So what’s the concern?

Many reforms have focused on the behavioral aspect of bias (discrimination)

What is implicit bias?

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

What Would You Do?

https://www.youtube.com/watch?v=8ABRIWybBqM
What can we learn from the research?

An example:

- Two 17-year-old boys
- No prior criminal history
- Charged with 1st degree robbery with a firearm
- No injuries in either incident
- One boy is white, one is African American

“This robbery was very dangerous as Ed confronted the victim with a loaded shotgun. This appears to be a premeditated and willful act by Ed . . . . There was an adult quality to this referral . . . . 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.”
“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.”
Findings

Reports on **African American** 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.

**African American** youth were judged to have a **higher risk of reoffending** than white youth.

Other Research

**Law Enforcement**

**Judges**

**The General Public**
New in 2014: Does the perceived age of a youth vary by race?

- The general public:
  - Perceived African American felony suspects as **4.53 years older** than they actually were
  - Perceived white youth as **less culpable** when suspected of a felony than when suspected of a misdemeanor

- Among law enforcement:
  - Also rated African American felony suspects as **4.59 years older** than they actually were
  - Also perceived white youth as **less culpable** when suspected of a felony than when suspected of a misdemeanor

What should this mean for your work?

- Awareness and education (tied to application to real-life scenarios and data)
- Examine objective decisionmaking criteria and tools from the lens of implicit bias
Common Aggravating / Mitigating Factors
(known at the time of Intake)

**Aggravating**
- History of 2+ violent/assaultive offenses
- Parent unwilling to provide appropriate supervision
- Parent unable to provide appropriate supervision
- Juvenile has significant mental health problem/mental retardation
- Juvenile has significant substance abuse problem
- Juvenile does not regularly attend school/work
- Juvenile has violated conditions of a detention alternative
- Juvenile is charged with a new (detainable) offense while in a detention alternative
- Juvenile is an explicit threat to flee if released
- Juvenile is currently an absconder from a non-secure placement
- Other Aggravating factor
- Detention alternative not available

**Mitigating**
- Juvenile marginally involved in the offense
- Parent able/willing to provide appropriate supervision
- Juvenile has significant mental health problem/mental retardation
- Juvenile has significant substance abuse problem
- Juvenile regularly attends school/work
- Offense less serious than indicated by charge
- Juvenile has no/minor prior record
What should this mean for your work?

- Awareness and education (tied to application to real-life scenarios and data)
- Examine objective decisionmaking criteria and tools from the lens of implicit bias
- Accountability
- Consider cognitive load