

Race Equity Issues in the Juvenile Justice System

Kim Ambrose

-) In 2015, only youth of color were auto-declined in King County
-) Bias plays into this and viewing youth of color (particularly black male youth) as older
-) De-biasing
 - o Motivation to not be biased helps
 - o Reduce bias inducing conditions:
 -) Time pressure
 -) Cognitive overload
 -) Anxiety or distraction
 - o Priming
 - o Focus on the individual
 - o Exposure
 -) If you are a white defender and the only black/brown people you know are your clients it is problematic because the only info on black/brown people are those in the criminal justice system
 - o Micro-messaging
 -) Micro-aggressions

**Race, Equity and Representing Youth
Bibliography and Resources on Race and Bias
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DATA

2014 Washington State Juvenile Justice Annual Report

<https://www.dshs.wa.gov/ra/office-juvenile-justice/2014-juvenile-justice-annual-report>

Unbalanced Juvenile Justice Map – Haywood Burns Institute

State data on racial disparity in juvenile justice

<http://data.burnsinstitute.org/#comparison=2&placement=1&racess=2,3,4,5,6&offenses=5,2,8,1,9,11,10&year=2013&view=map>

IMPLICIT BIAS

Implicit Association Test

Project Implicit

<https://implicit.harvard.edu/implicit/>

These articles summarize some of the research on implicit bias.

Implicit Racial Bias in Public Defender Triage

Song Richardson, 122 Yale L.J. 2626 (2013)

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2259079

Implicit Bias in the Courtroom

Jerry Kang, et al. 59 UCLA L.R. 1124 (2012)

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2026540

Making Race Salient: Trayvon Martin and Race in a Not Yet Post-Racial Society

Cynthia Lee, 91 N.C.L.R. 1555 (2013)

This Article uses the Trayvon Martin shooting to examine the operation of implicit racial bias in cases involving self-defense claims.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2282686

THE JUVENILE SYSTEM

The Racialization of Juvenile Justice and the Role of the Defense Attorney

Tamar Birckhead, 58 B.C.L.R. 379 (2017)

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2861257

Discuss structural racism in juvenile justice system, ethical considerations (e.g. zealous advocacy v. systemic advocacy) and discusses some of the efficacy of attempts to eradicate implicit bias.

Culture Clash: The Challenge of Lawyering Across Difference in Juvenile Court

Tamar Birckhead, 62 Rutgers L.R. 959 (2010)

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1687424

Criminalizing Normal Adolescent Behavior in Communities of Color: The Role of Prosecutors in Juvenile Justice Reform

Kristin Henning, 98 Cornell L.R. 383 (2013)

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2128857

Fundamental Unfairness: In re Gault and the Road Not Taken

Robin Walker Sterling, 72 Maryland L.R. 607 (2013)

https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1854051

This article gives a thorough history of black children in the juvenile court system and structural barriers.

Unconscious Bias Video and Jury Instructions

U.S. District Court Western District of Washington

<http://www.wawd.uscourts.gov/jury/unconscious-bias>

ABA Resources

Toolbox on Implicit Bias

Training materials and other resources on implicit bias and de-biasing developed by the Litigation Section of the ABA

<https://www.americanbar.org/groups/litigation/initiatives/task-force-implicit-bias/implicit-bias-toolbox.html>

Fighting Implicit Bias

Resources by ABA Joint Committee on Fighting Implicit Bias

https://www.americanbar.org/groups/judicial/committees/fighting_implicit_bias.html

Media

Public Defenders can be biased, too, and it hurts their non-white clients, Jeff Adachi, Washington Post, June 7, 2017

https://www.washingtonpost.com/posteverything/wp/2016/06/07/public-defenders-can-be-biased-too-and-it-hurts-their-non-white-clients/?utm_term=.f906c18194f4

Other Resources

The **2017 Washington Defender Association Conference** materials include Jeff Adachi's materials on how defenders address race bias in the justice system. WDA members only.