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
  - Motivation to not be biased helps
  - Reduce bias inducing conditions:
    - Time pressure
    - Cognitive overload
    - Anxiety or distraction
  - Priming
  - Focus on the individual
  - 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
  - Micro-messaging
    - Micro-aggressions
Race, Equity and Representing Youth
Bibliography and Resources on Race and Bias
Prof. Kim Ambrose
UW Law and State OPD Juvenile Training Academy July 21, 2017

DATA


Unbalanced Juvenile Justice Map – Haywood Burns Institute
State data on racial disparity in juvenile justice
http://data.burnsinstitute.org/#comparison=2&placement=1&races=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)

Implicit Bias in the Courtroom

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.

THE JUVENILE SYSTEM

The Racialization of Juvenile Justice and the Role of the Defense Attorney
Tamar Birckhead, 58 B.C.L.R. 379 (2017)
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)

_Criminalizing Normal Adolescent Behavior in Communities of Color: The Role of Prosecutors in Juvenile justice Reform_

_Fundamental Unfairness: In re Gault and the Road Not Taken_
Robin Walker Sterling, 72 Maryland L.R. 607 (2013)
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

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

Fighting Implicit Bias
Resources by ABA Joint Committee on Fighting Implicit Bias
[https://www.americanbar.org/groups/judicial/committees/fighting_implicit_bias.html](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
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.