

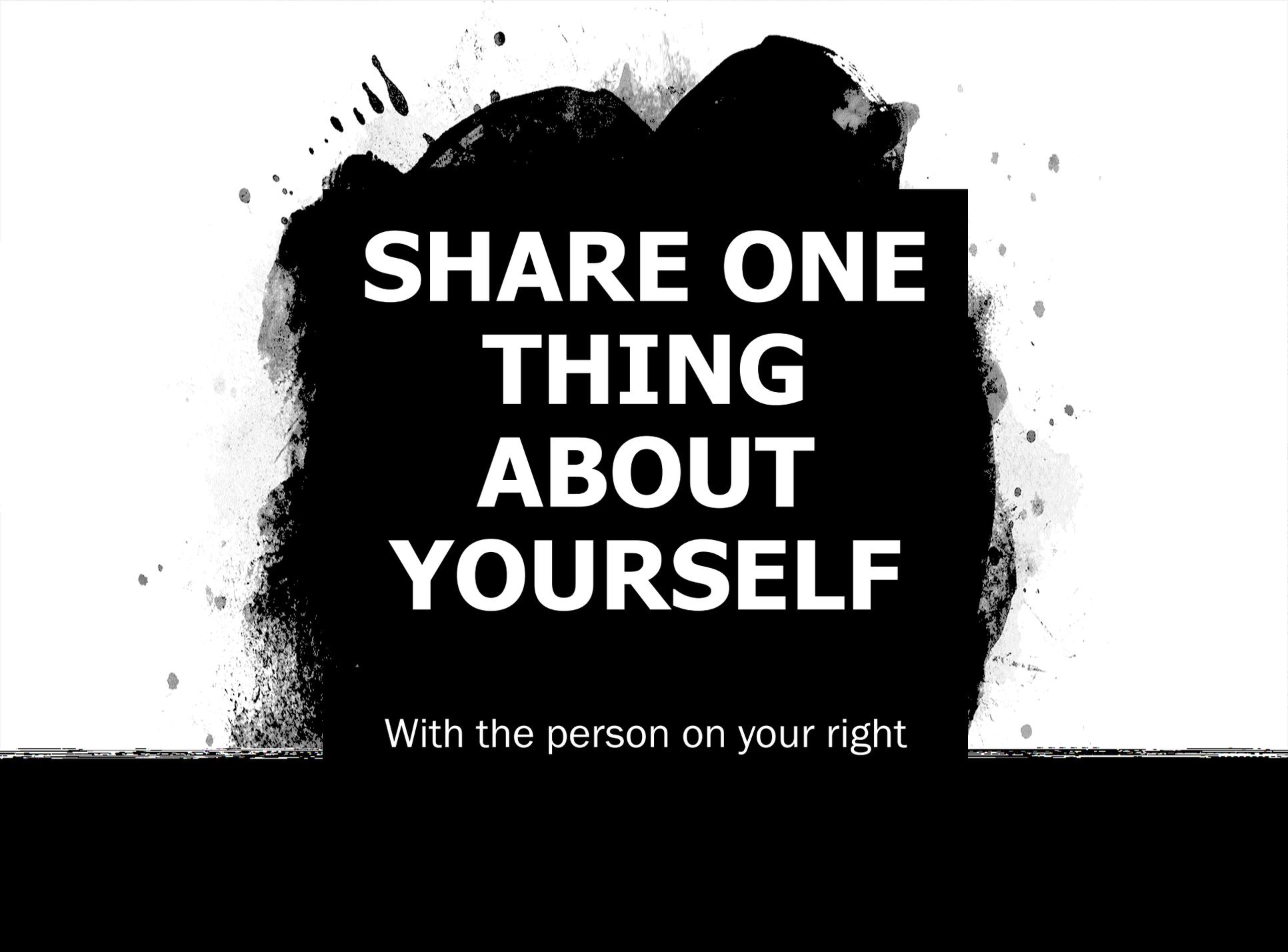
# Oops, Your Implicit Bias is Showing

## How Implicit Bias Impacts Equality

Developed by Brenidy A. Rice, MPA  
Adapted for Drug Court Populations  
by Vanessa Price  
NDCI Division Director

# Disclosure

- This project was supported by Grant No. 2016-DC-BX-K007 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office.
- Points of views or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.



**SHARE ONE  
THING  
ABOUT  
YOURSELF**

With the person on your right

# What You Can Expect

- Define Implicit Bias
- Understand how implicit bias impacts decision making
- Learn what you can do

# Harvard Implicit Association Test

I am aware of the possibility of encountering interpretations of my IAT test performance with which I may not agree.

Knowing this, I wish to proceed.

# How Can Bias Training Be Difficult?



Feelings of blame/shame



Discussing diversity in a mixed group



Denial or minimization of prejudice



Dichotomous thinking

# Unconscious Bias

Preferences – both natural or influenced

```
graph TD; A[Preferences – both natural or influenced] --> B[Biological instinct is to prefer those who are similar to us]; B --> C[Often called “intuition,” social categorization occurs as a way to decipher friend from foe – bypasses logical thinking];
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Biological instinct is to prefer those who are similar to us

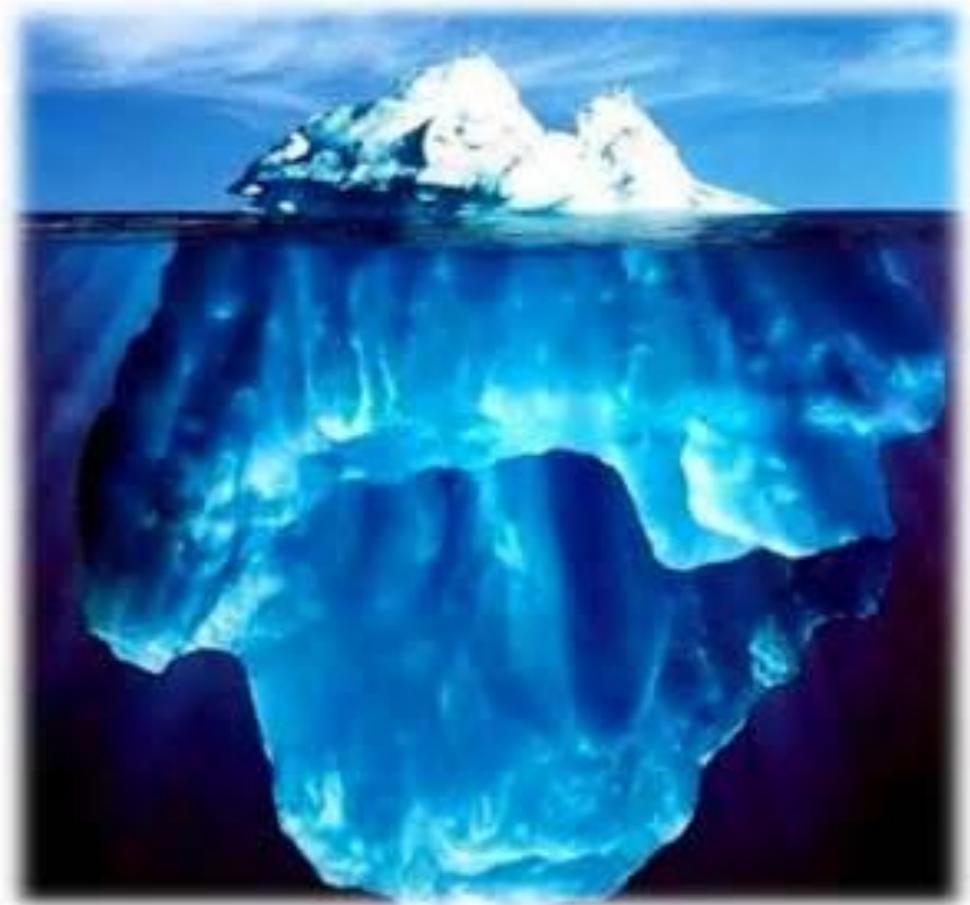
Often called “intuition,” social categorization occurs as a way to decipher friend from foe – bypasses logical thinking

## Defining Implicit Bias

Attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner<sup>1</sup>.

1

[www.kirwaninstitute.osu.edu](http://www.kirwaninstitute.osu.edu)



## Discussion

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What was your earliest memory of your race? Of those different from you?

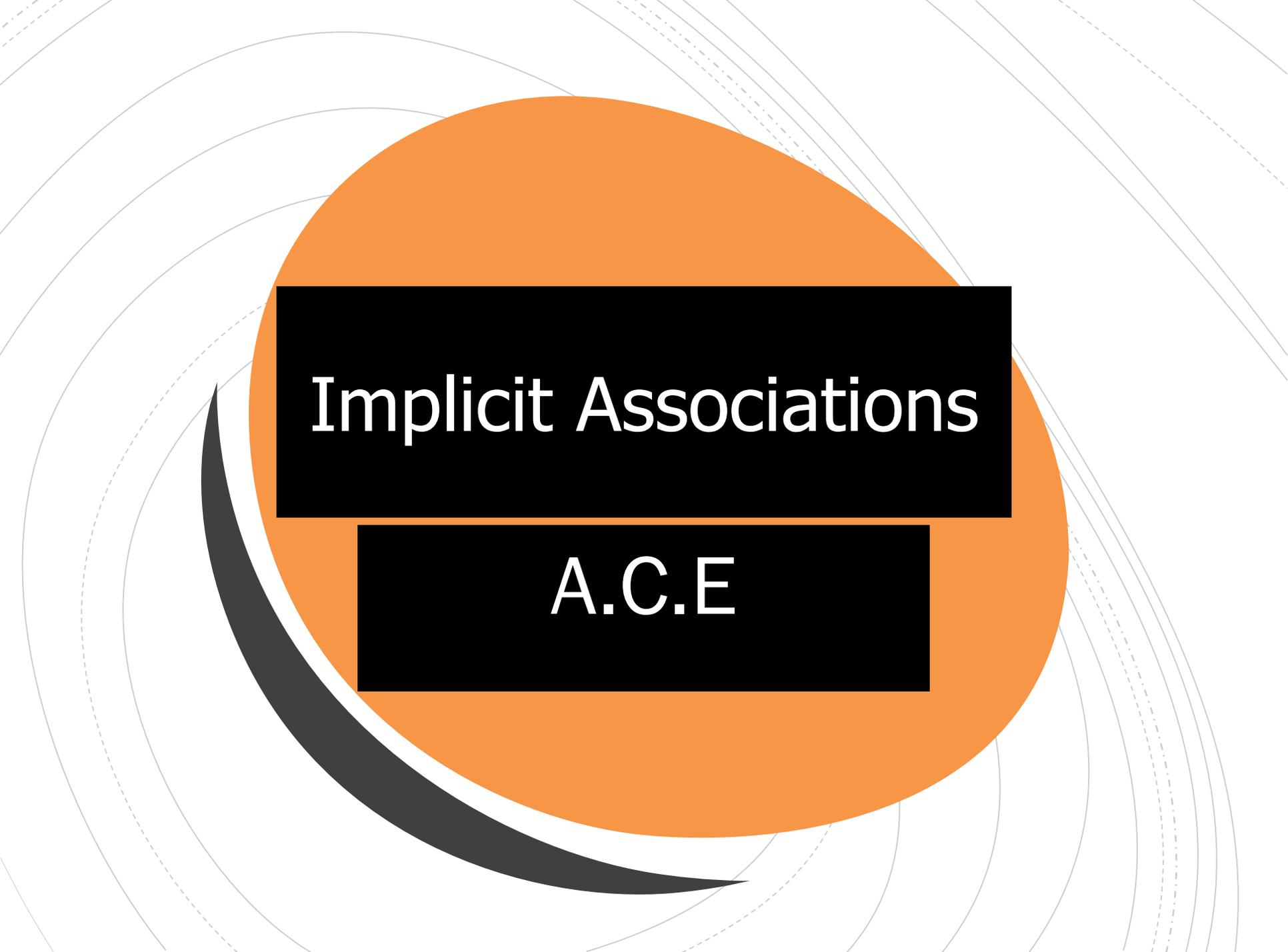
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What is your most recent memory?

# Key Characteristics of Implicit Biases

- Implicit biases are **Pervasive**
  - Everyone possesses them...in every country
- Implicit biases generally favor our own in-group



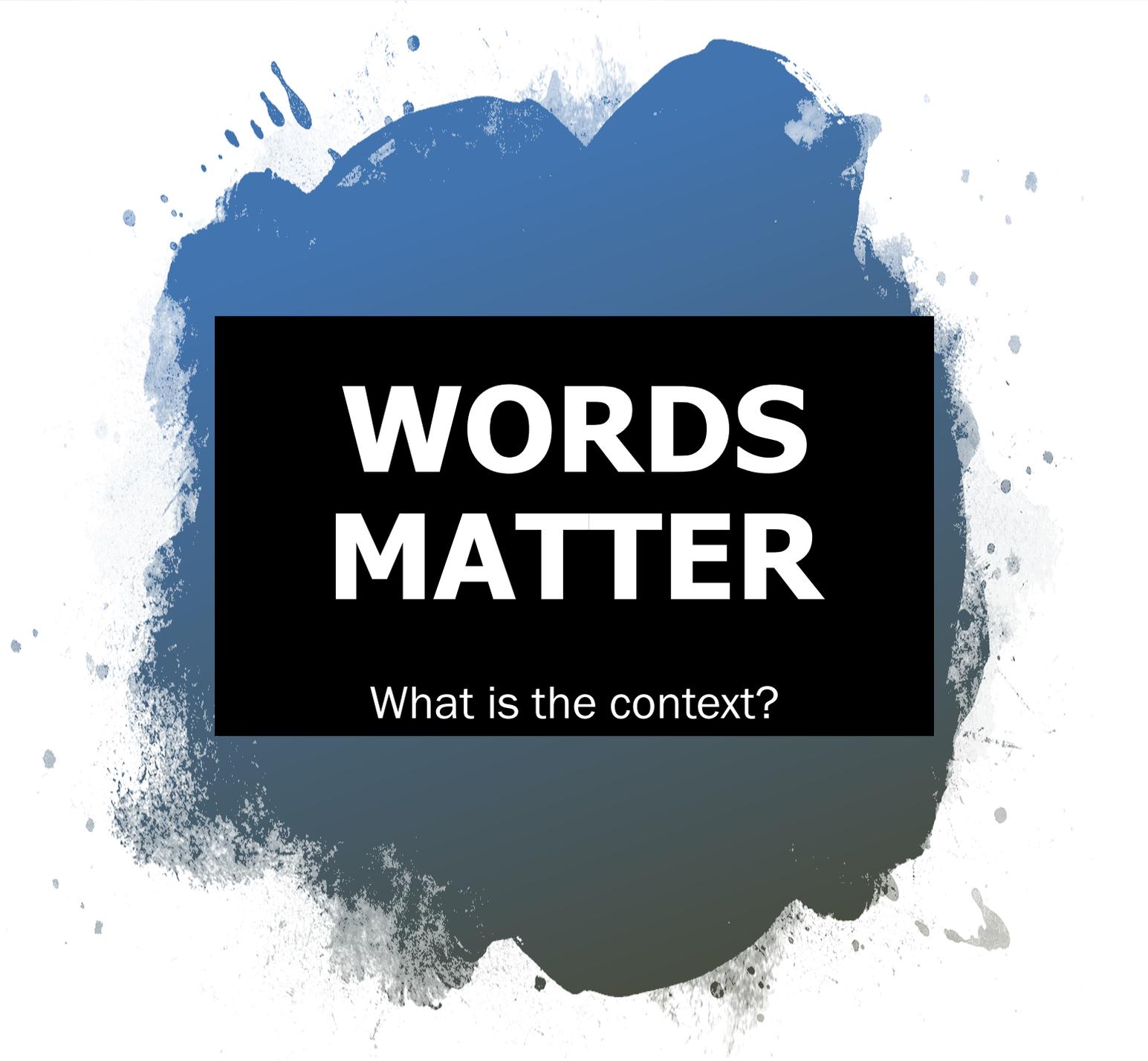
The image features a large orange circle in the center. Overlapping the top of the circle is a black horizontal bar containing the text "Implicit Associations" in white. Below this, overlapping the bottom of the circle, is another black horizontal bar containing the text "A.C.E" in white. The background consists of several thin, light gray concentric circles and a dark gray curved shape on the left side.

**Implicit Associations**

**A.C.E**



# Associations



# **WORDS MATTER**

What is the context?

What is  
the first  
thing that  
comes to  
your  
mind

Keep playing  
Rap  
Fine  
Salty  
Receipts  
Ghost



Culture  
Community  
Colleagues  
All impact how we  
develop a sense of  
who we are and  
how we see others

Keep playing – Don't play with me

Rap – Conversation

Fine – It is not FINE

Salty – Upset

Receipts – Evidence

Ghost – Patrick St. James

# Key Characteristics of Implicit Biases Cont.

Implicit associations



Explicit beliefs

**The Good News! Implicit biases are malleable...  
maybe...<sup>2</sup>**

# Discussion

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How might Implicit Bias Impact Outcomes?

# This Starts Early

“The student became violent,” said Frank Mercurio, the no-nonsense chief of the Avon Park police. “She was yelling, screaming — just being uncontrollable. Defiant.”

New York Times, April 9, 2007 Opinion section



Everyday verbal, non-verbal and environmental slights, snubs, insults whether intentional or unintentional which communicate hostile, derogatory or negative messages. Derald Sue

## Tools of Implicit Bias: Micro-aggressions

# Power of Language

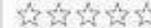


**AP** Associated Press AP - Tue Aug 30, 11:31 AM ET

A young man walks through chest deep flood water after looting a grocery store in New Orleans on Tuesday, Aug. 30, 2005. Flood waters continue to rise in New Orleans after Hurricane Katrina did extensive damage when it

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**RECOMMEND THIS PHOTO** » Recommended Photos  
Recommend It: Average (138 votes)



3:47 AM ET

Two residents wade through chest-deep water after finding bread and soda from a local grocery store after Hurricane Katrina came through the area in New Orleans, Louisiana. (AFP/Getty Images/Chris Graythen)

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**RECOMMEND THIS PHOTO** » Recommended Photos  
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## RELATED

• Katrina's Effects, at a Glance AP - Tue Aug 30, 1:26 PM ET

[Hurricanes & Tropical Storms](#)

# Should We Be Color Blind?



"Our hidden brains will always recognize people's races, and they will do so from a very, very young age," Vedantam says. "The far better approach is to put race on the table, to ask [children] to unpack the associations that they are learning, to help us shape those associations in more effective ways."

# Breaking Down Implicit Bias

- Similarity
- Expediency
- Experience
- Distance
- Safety\*
- \*Neuroleadership Institute SEEDS Model

# Similarity



- Identify similarities
- Have an open mind
- Know what questions you will ask beforehand
- Don't get information about people beforehand

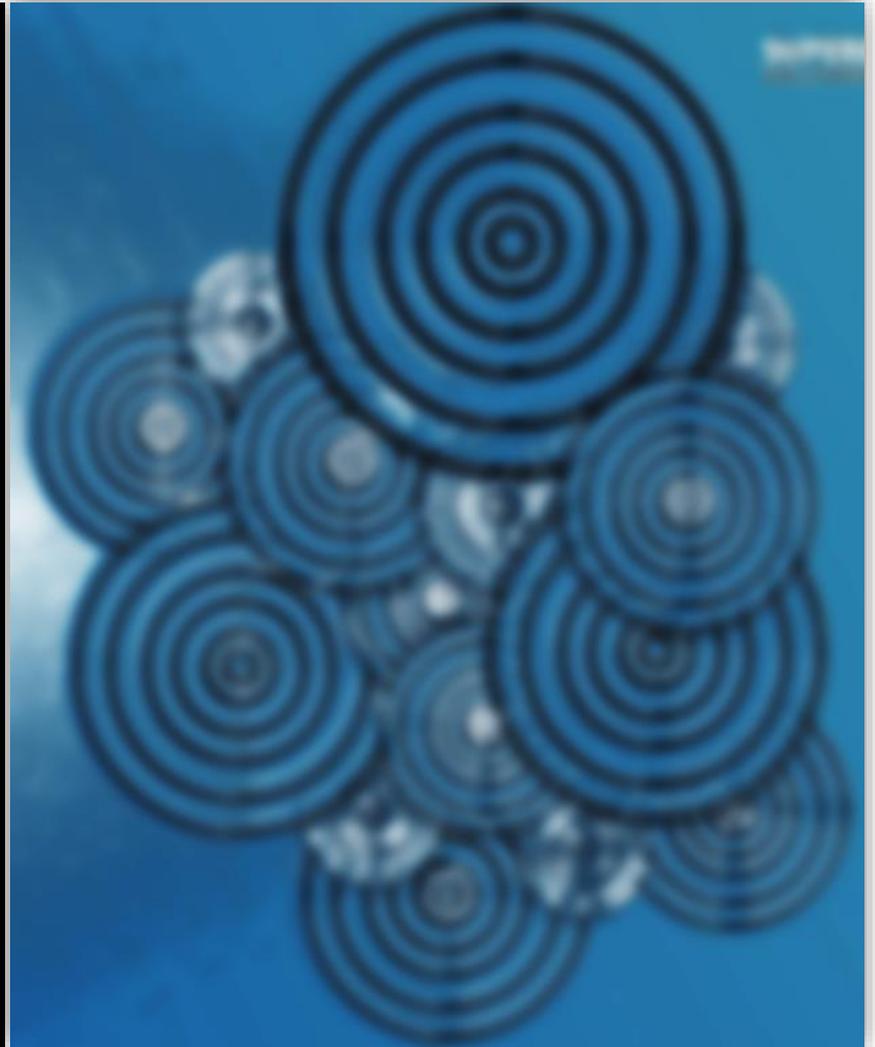
# Expediency

- Time
- Notes
- Halo/horns



# Experience

- Assume you don't have all information
- Get others' input
- Expand social and professional networks



# Safety



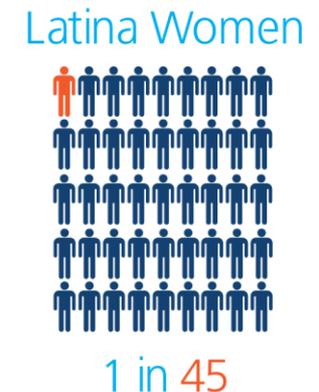
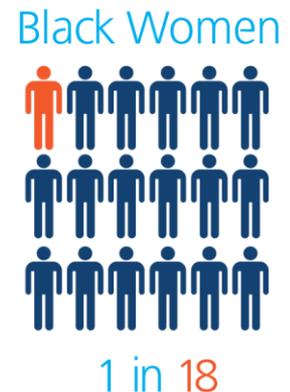
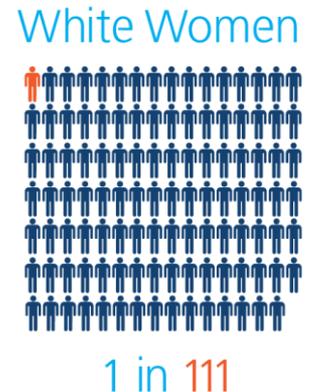
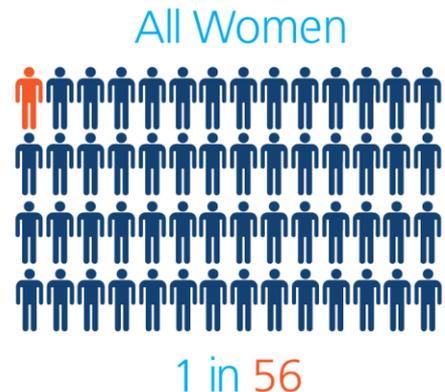
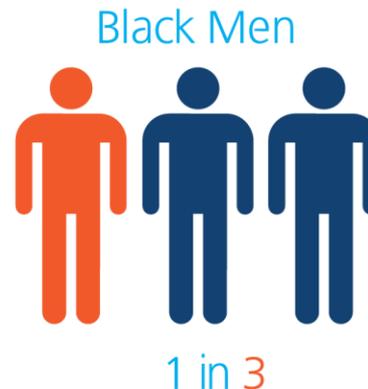
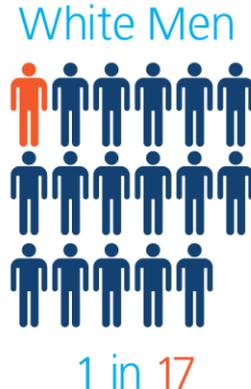
- Critical Self-reflection
- Stay curious
- Training
- Understand power imbalances

# Distance

- Awareness
- Document
- Review



# Lifetime Likelihood of Imprisonment



Source: Bonczar, T. (2003). *Prevalence of Imprisonment in the U.S. Population, 1974–2001*. Washington, D.C.: Bureau of Justice Statistics



What could be causing these differences?

# What's the Problem?



African Americans represent  
12% of the general  
population and 40% of the  
prison population

What does your Treatment Court census  
look like compared to your jail/prison  
population?



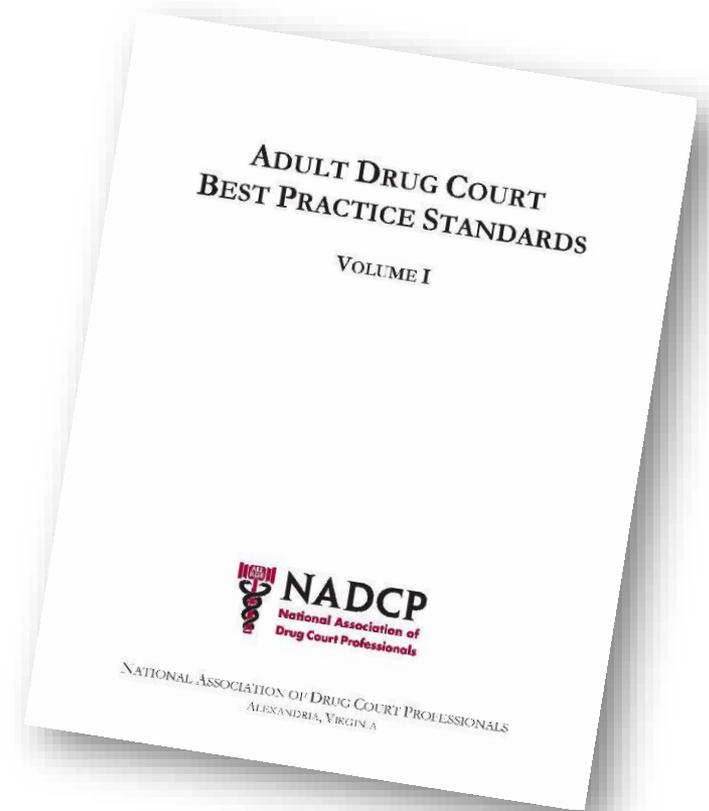
**What to do?**

A black and white photograph of a gravel road with utility poles and trees in the background. The road is the central focus, leading the eye towards the horizon. On the left, a series of utility poles with power lines recede into the distance. On the right, a line of trees and a fence are visible. The sky is filled with clouds, and the overall scene is rural and quiet.

**Going the Extra Mile  
Beyond “Duty Bound”**

# Standard II: Equity and Inclusion

- ✓ Ensure equal opportunity for everyone to participate and succeed regardless of race, ethnicity, or gender.
- ✓ Take affirmative steps to detect and correct disproportionate census, inequitable services, and disparate outcomes involving those who have historically faced discrimination.
- ✓ Teams are responsive to the cultural differences within their population.





**Equal Opportunity**

**Participate and Succeed**

**Regardless of Gender**



**Don't Get Stuck:  
Other Factors**

## Don't Get Stuck: Other Factors



- Socioeconomic status
- Social and geographic isolation
  - Rural communities
  - Segregated neighborhoods
- Lack of public transportation
- Lack of housing
- Lack of employment

- Lack of child care
- Lack of anonymity – everybody knows everybody
- Poverty
- Accessible health care
- Drug use and trends

# JOURNAL OF ADVANCING JUSTICE

- Research out lines practices that work
- Consider adding these to your program to improve outcomes

**JOURNAL**  
for Advancing Justice

**AJ** Advancing  
Justice



# BEST PRACTICE STANDARD I



## ADULT DRUG COURT BEST PRACTICE STANDARDS

VOLUME I



NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS  
ALEXANDRIA, VIRGINIA

- ✓ Eligibility and exclusion criteria are based on empirical evidence
- ✓ Assessment process is evidence based
  - A. Objective eligibility criteria
  - B. High-risk/high-need participants
  - C. Validated eligibility assessments
  - D. Criminal history disqualifications
    - “Barring legal prohibitions . . .”
  - E. Clinical disqualifications
    - “If adequate treatment is available . . .”



# RESEARCH STATES



High risk

High need



# HIGH RISK



*“High risk”* refers to the likelihood that an offender will not succeed adequately on standard supervision, and will continue to engage in the same behavior that got him or her into trouble in the first place.

# WHAT IS RISK?



## Risk:

- ≠ Dangerousness
- ≠ Crime type
- ≠ Failure to appear
- ≠ Sentence or disposition
- ≠ Custody or security classification level

**Risk** = How likely is a person to do what they did again?  
Recidivism (i.e. re-arrest or child abuse/neglect)

Mixing risk levels RISK IS CONTAGIOUS



# WHAT DO WE MEASURE TO DETERMINE CRIMINOGENIC RISK?

Conditions of an individual's behavior that  
are associated with risk of committing a  
crime

## **Static Factors**

Unchanging  
conditions

## **Dynamic Factors**

Conditions that change  
over time and are  
amendable to  
treatment interventions



# WHAT IS RISK?



## Central 8 (+1)

Important, but  
**STATIC**

### 1. Criminal History

2. Antisocial Attitudes
3. Peer Associations
4. Antisocial Personality
5. School/Employment
6. Substance Abuse
7. Living Situation
8. Family/Marital
9. (PTSD)

**DYNAMIC**  
Criminogenic  
Needs

Clients have a variety of  
**Criminogenic** needs:

- Subset of risk factors
- Dynamic, live and changeable

# RISK-NEED-RESPONSIVITY (RNR)



## Model as a guide to Best Practices

### RISK

#### WHO

Match the intensity of the individual's intervention to their risk of reoffending

Deliver more intense intervention to higher-*risk* offenders

### NEED

#### WHAT

Target criminogenic needs: antisocial behaviors and attitudes, SUD, and criminogenic peers

Target criminogenic *needs* to reduce risk of recidivism

### RESPONSIVITY

#### HOW

Tailor the intervention to the learning style, motivation, culture, demographics, and abilities of the

offender

Address the issues that affect *responsivity*

# SELECTING AND USING RISK AND NEED ASSESSMENTS



NDCI  
NATIONAL DRUG  
COURT INSTITUTE

## Drug Court Practitioner Fact Sheet

December 2015

Vol. X, No. 1

### Selecting and Using Risk and Need Assessments

Ralph C. Serin, PhD, © Psych, Carleton University  
Christopher T. Lowenkamp, PhD, University of Missouri-Kansas City

#### Risk Assessment: An Overview for Drug Courts

The purpose of this document is to provide Drug Court staff with a concise and current overview of important issues relating to offender risk assessment and to provide a list of recommended contemporary risk instruments. Numerous risk scales are currently used in the United States (see Desmarais & Singh, 2013) to assess static risk factors and criminogenic needs (dynamic risk factors that are related to the client's propensity for criminal behavior), of which substance abuse is but one. Almost all of these are applied to predict risk post-adjudication.

Consequently, we set out to identify those risk scales best suited for use by Drug Courts. To do so, we used validity criteria widely accepted in the research literature on risk assessment (see Overview of Risk Assessment Instruments). Those that met all the criteria are described under Recommended Risk Instruments, and those that met only some of the criteria are described under Promising Risk Instruments. These sections are preceded by a general discussion of the issues pertaining to risk assessment, as well as best practices for selecting an instrument to suit a particular Drug Court's needs and capacity.

#### Advantages, Limits, and Usage of Risk Assessment Approaches in Contemporary Practice

Through the assignment of cases to risk categories or the calculation of scores, risk assessment approaches are designed to identify expected likelihood of a

particular outcome (e.g., recidivism) over a specified period of time (e.g., within three years) for an individual offender or client. Statistical scales have been demonstrated to be more reliable and more accurate than clinical judgment alone (see, e.g., Andrews et al., 2000; Rosta, Luss, & Larson, 1998; Hilton, Harris, & Rice, 2000; Merrill, 1954/1986).



# As a Community

- Leadership
- Open and honest dialogue
- Cross train
- Diversify team
- Get client feedback!
- Culturally specific services
- Institutional Accountability



# What you can do

- Research
- Data indicators
- Ongoing data analysis
- Program response roundtables
- Life Long Learning

**Most importantly- this is an ongoing practice!**



*“It is incumbent upon You to take a fearless inventory of their actions, admit their shortcomings where applicable, and continue striving to perform their vital work ever more effectively and humanely.”*

**--Douglas B. Marlowe**

# Discussion

- What makes conversations about race so challenging?
- What happens when you try to have these conversations?
- What stops you from having these conversations?

## So now what

---

- Three things you can do personally
- Three things you can do as a team or profession