

Racial Disparities in Legal Outcomes

The assigned reading focuses on the racial disparities in legal settings because of implicit bias. The bias referred to is not overt prejudice, but how unconscious feelings/attitudes about a certain race can affect decisions unknowingly. The authors take a behavioral science standpoint and address three outcomes that are affected in legal decision making: policing, charging decisions, and criminal trial outcomes.

Race and Policing

- Research study about black faces and dangerous tools- After brief exposure to a Black face, participants were more likely to mistake a harmless tool for a gun and harmless tools as harmless.
- Black faces & vigilance- White participants view photos of Black faces and amygdala is activated, signaling vigilance
- Shooter simulation- Race had a significant effect on the accuracy. Participants chose to shoot more often if the participant was Black, even if unarmed. Used with police officers, they took longer to respond to stereotype inconsistent stimuli (Black unarmed targets, White armed targets).
- Shows cultural associations between race and crime
- Blacks as well as Latinos are treated differently, and this is especially apparent in stop and frisk data.
 - 52% of stops were African American, 31% were Latino, yet only account for 23% and 29% of population

Charging Decisions

- After being arrested, African Americans are already disadvantaged when it comes to how to be charged with a crime. They are more likely to be charged with a death sentence especially when it involves a White victim.
 - Black people were seen as less sympathetic and therefore receive harsher pleas
 - Prosecutor assessment of how sympathetic one is to the jury and which charges to pursue
 - Defense attorneys accept more punitive pleas for Black defendants than Whites
 - White and Black participants saw Black people as feeling less pain than Whites
 - Whites are more empathetic to White victims than Black victims
- “Innocence of children”- White youth are seen as more “child-like” and less culpable than Black youth. Black youth are 18x more likely to be sentenced as adults.
- Black youth’s ages are more likely to be overestimated (Legend Preston- 10-year-old mistaken for 20-year-old Casey Joseph Robinson and chased by armed police)

Race and Trial Outcomes

- During a mock jury simulation, Black defendants receive harsher verdicts and sentencing, and this is the same from actual data.
- Trials ending in a death sentence were more likely to have White victims than Black victims.
- In 2002, 29% were rape prisoners, yet 64% of rape exonerations involved Black defendants.
- Overall, White defendants receive more lax sentences than Black defendants. Even with a weak prosecution and regardless of crime type, Blacks and Latinos are more likely to be convicted.
- With a racially diverse jury, white jurors were more likely to be skeptical of a defendant's guilt.

Policy implication

- Diversifying police forces
- Training to reduce bias by proving there is no actual relationship between race and threat

Discussion Questions

<https://www.youtube.com/watch?v=Q5StYdbHC3o>

Based on the video, what factor or factors potentially explains why this person was stopped or frisked?

Recently, juveniles have been transferred to adult systems at higher rates, despite it being a reduction in crime. In what way or ways has the image of African Americans as criminals affected the belief about a child's innocence within the criminal justice system?" How does this influence the way in which justice is administered?

In an experiment, White and Black participants saw Black people as feeling less pain than Whites. Why do you think Black people thought they felt less pain than whites? Does our history of oppression and bondage shape our perceptions of pain in relationship to the punishments we receive by the criminal justice system? Why or Why not