



EQUITY AND INCLUSION

IMPLICIT BIAS AND DECISION-MAKING

HELEN HARBERTS, J.D.

HON. ROGELIO FLORES (RET.)

Overview and Background

- ▶ Why an Equity and Inclusion Toolkit?
- ▶ Definition of Terms “equity” and “inclusion”
- ▶ California Prison and Jail Data by Race
- ▶ Who’s in your program?

Why publish an Equity and Inclusion Toolkit?

- ▶ NADCP published the toolkit in 2019 to:
 - ▶ Help collaborative court teams determine who accesses their programs,
 - ▶ Who should be accessing it, and
 - ▶ Identify factors that may be unintentionally excluding certain groups of individuals from your program

But what does equity and Inclusion mean?

EQUITY



focuses on fair treatment, equal opportunity and equal access to resources

INCLUSION



is the active engagement of the contributions and participation of all people

CA Prison Data by Race

Offender Demographics and Census

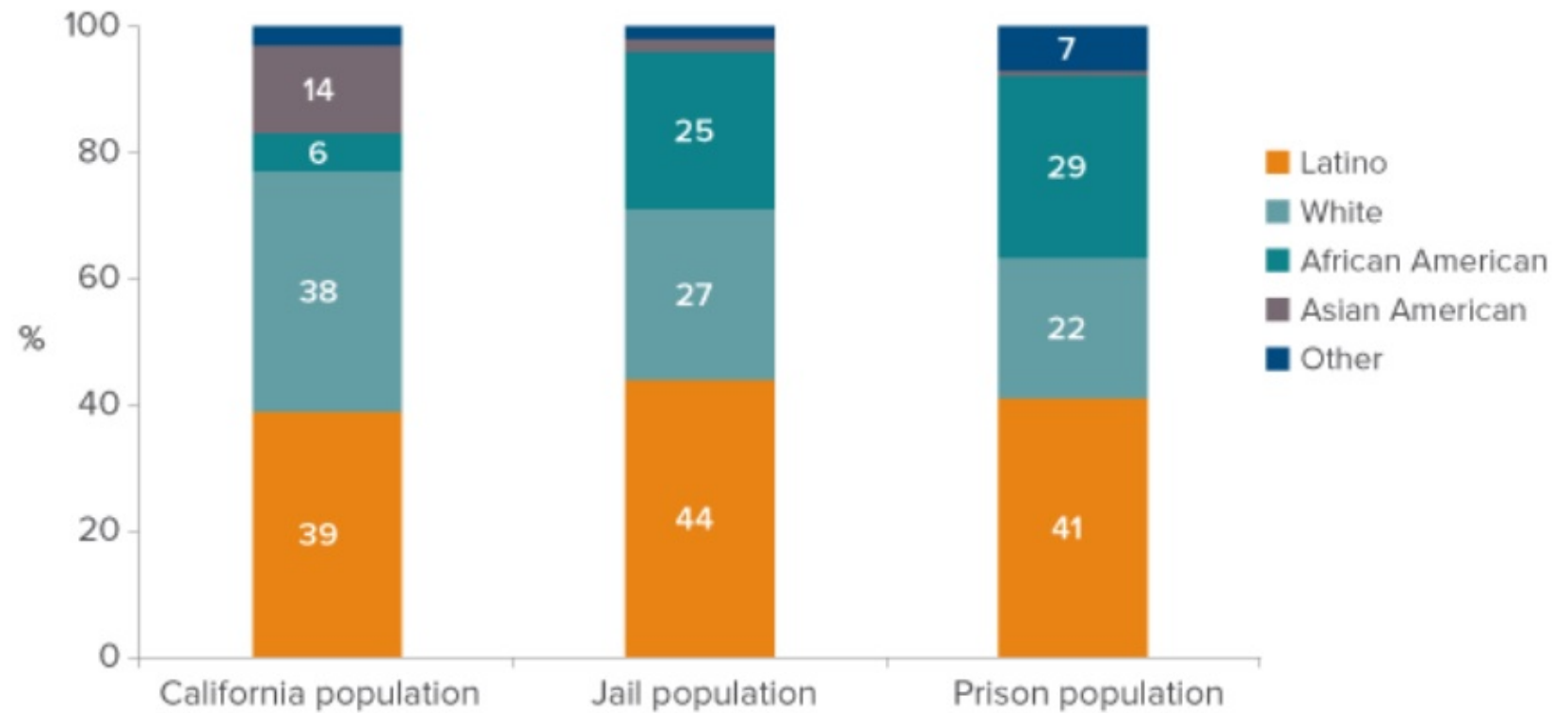
In-Custody Population by Ethnicity

Month-end Total / % of Total Population	DEC 2015		DEC 2016		DEC 2017		12 Month Change
Hispanic	54,465	42.6%	55,756	43.1%	56,714	43.5%	+ 1.7%
Black	36,616	28.6%	36,887	28.5%	37,021	28.4%	+ 0.4%
White	27,597	21.6%	27,866	21.5%	27,712	21.3%	- 0.6%
Others*	9,138	7.1%	8,907	6.9%	8,816	6.8%	- 1.0%
Total Population	127,816	100.0%	129,416	100.0%	130,263	100.0%	+ 0.7%

- ▶ Hispanic and Black in-custody population increases while White in-custody population decreases.

CA Jail Data by Race

Figure 4. African Americans are disproportionately represented in California's jails and prisons

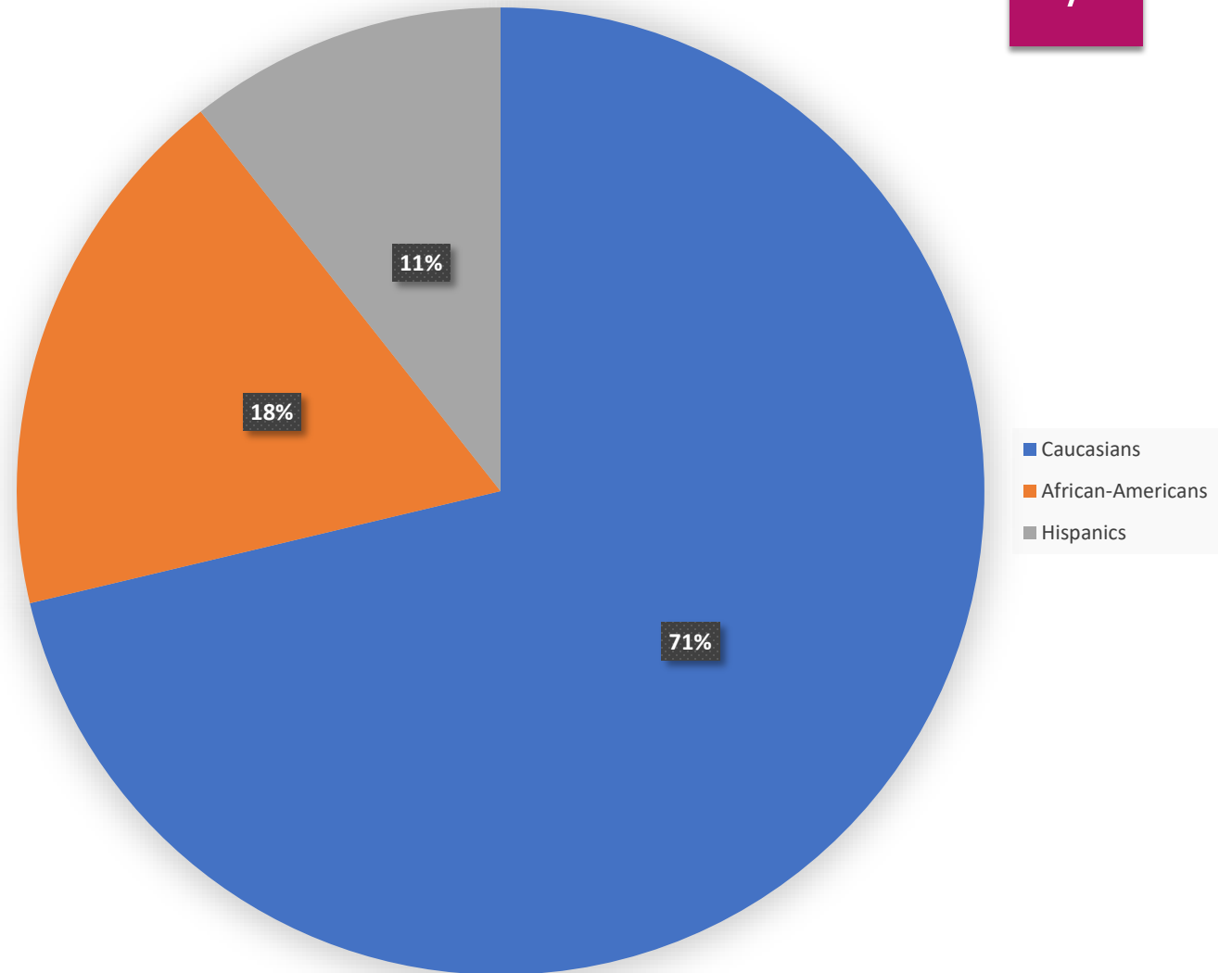


SOURCE: Authors' calculations based on the BSCC-PPIC Multi-County Study data (2011-2015), [California Department of Finance \(2015\)](#), [California Department of Corrections and Rehabilitation \(2014\)](#).

NOTE: This figure includes data from the following counties: Contra Costa, Fresno, Humboldt, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, Shasta, and Stanislaus.

Painting the Current Picture

- ▶ On average, Caucasians represent two-thirds drug court participants (2014).
- ▶ Representation of African-American and Hispanic participants in drug courts was lower than the arrestee, probation, and incarcerated populations (2014).

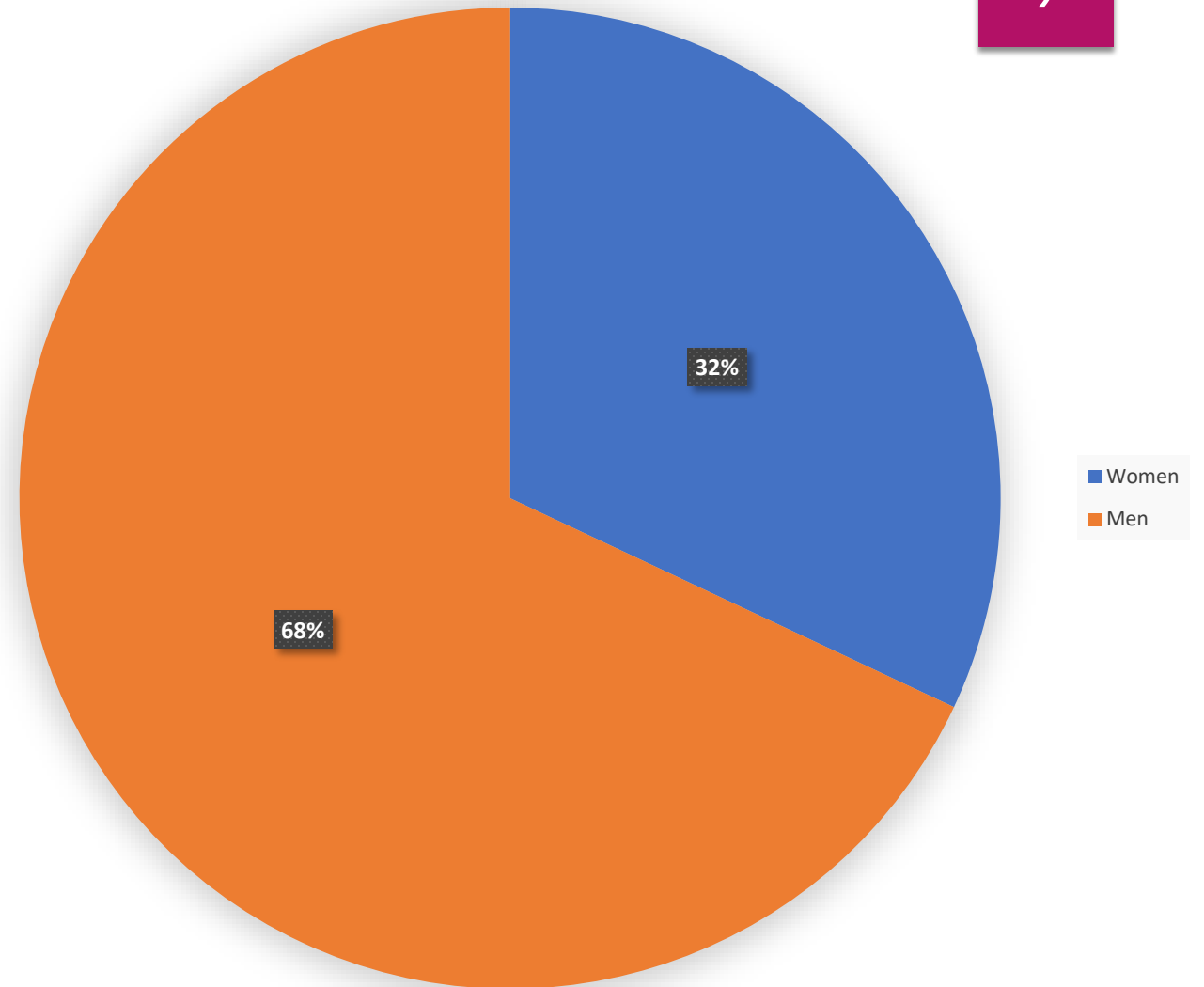


Painting the Current Picture (cont.)

- ▶ Based on available data from roughly one-half of U.S. states and territories, African-American and Hispanic participants graduated from some Drug Courts at rates substantially below those of other Drug Court participants.

Painting the Current Picture (cont.)

- ▶ Women represent approximately one-third (32%) of participants in Drug Courts, and appear to have at least proportionate access to Drug Courts.
- ▶ Female participants graduate from Drug Courts at rates substantially below those of male Drug Court participants.



Does the current picture reflect
the makeup of your in-custody
community?

Schemas

During the process of categorization, our brains encode information about groups of people into our memories, along with favorable or unfavorable impressions or values.

Akin to Computers

These mental processes can be likened to computer hardware.

In v. Out Groups

This research shows that we are, by nature, prone to prefer most strongly persons in the social categories to which we ourselves belong (“in-groups” as opposed to “out-groups”).

Particularity/Sameness

We also tend to perceive persons in our own groups as unique individuals.

BUT, we view "out-group" members as ALL THE SAME.

Cognitive Scientists Believe That:

These preferences become automatic...

Not only does this automatic process tend to screen out or filter information ...

Our brains process more readily information that confirms our expectations (stereotypes).

For Example

When we are faced with information inconsistent with our beliefs, we are more likely to create a subgroup category (an “exception”), leaving our belief intact.

Thus Stereotypes are much like:

*Heat-seeking missiles in search
of confirming information.*

Implicit Biases

Cognitive scientists also believe that these early stereotypes or beliefs (“implicit biases”) about groups of people continue to exist at an unconscious level, despite our brain’s increasing ability to reason.

Identity Traps

- ▶ Fast Traps
- ▶ Slow Traps

The image features a large iceberg graphic. The tip of the iceberg is above a light pink horizontal band, while the vast majority of the iceberg is submerged in a blue gradient background. The submerged part is divided into three horizontal sections. The top section is light pink and contains the text for the 'Conscious Level'. The middle section is a medium blue and contains the text for the 'Preconscious/Subconscious level'. The bottom section is a darker blue and contains the text for the 'Unconscious Level'. The background of the entire slide is white, with a dark red vertical bar on the right side. The iceberg itself is composed of various shades of blue and pink, with some abstract network-like patterns of dots and lines overlaid on it.

What we think of as our conscious identity
is really just the **tip** of the iceberg...

Conscious Level

Thoughts & perceptions
Conscious awareness

Preconscious/Subconscious level

Memories & shared knowledge

Unconscious Level

Where we store our fears; phobias; and unacceptable
or unpleasant feelings, thoughts, urges, memories,
such as feelings of pain, anxiety, or conflict

Non-verbal Behavior

Even our nonverbal behavior, things we do more or less unconsciously (interactive distance, forward lean, etc.) are affected by implicit bias, which are, in turn, decoded and reciprocated unconsciously (like self-fulfilling prophecies!).