

2. Bias In The Criminal Justice System

Existing position: NONE

Consensus Question:

Should there be periodic training for individuals working in the criminal justice system to recognize implicit racial and ethnic bias in order to more adequately work toward the goal of equal treatment under the law?

PRO:

The 5th recommendation of the [Illinois State Commission on Criminal Justice and Sentencing Reform](#) states: “Require periodic training on recognizing implicit racial and ethnic bias for individuals working in the criminal justice system, including but not limited to law enforcement officers, prosecutors, public defenders, probation officers, judges, and correctional staff.”

The Commission’s rationale for its recommendation is found on pages 30 and 31. Because our criminal justice system is predicated on the importance of equal treatment under the law, it is imperative that the significant racial disparities that exist in the justice system be addressed.

Also see The Ohio State University’s Kirwin Institute for the Study of Race and Ethnicity report:

[Understanding Implicit Bias](#)

From The Ohio State University report:

Implicit bias refers to the “attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.”

“A Few Key Characteristics of Implicit Biases

- Implicit biases are pervasive. Everyone possesses them, even people with avowed commitments to impartiality such as judges.

- Implicit and explicit biases are related but distinct mental constructs. They are not mutually exclusive and may even reinforce each other.
- The implicit associations we hold do not necessarily align with our declared beliefs or even reflect stances we would explicitly endorse. 5
- We generally tend to hold implicit biases that favor our own ingroup, though research has shown that we can still hold implicit biases against our ingroup.
- Implicit biases are malleable. Our brains are incredibly complex, and the implicit associations that we have formed can be gradually unlearned through a variety of debiasing techniques.”
Because implicit bias can be addressed and changed, this training should be made available as widely as possible to ensure that equal treatment under the law becomes a more achievable goal.

Con:

Broad-based training detracts from the work that employees are hired to do. This training is sometimes ineffective and therefore not worth the expense.

RESOURCES

[Illinois State Commission on Criminal Justice and Sentencing Reform](http://www.icjia.org/cjreform2015/pdf/CJSR_Final_Report_Dec_2016.pdf) http://www.icjia.org/cjreform2015/pdf/CJSR_Final_Report_Dec_2016.pdf

The Ohio State University’s Kirwin Institute for the Study of Race and Ethnicity report:

[Understanding Implicit Bias](http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/) <http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/>