

Addressing Systemic Bias in Community Corrections: Some Key Questions

TOOL PURPOSE

Within the criminal justice systems, there are many efforts underway to address racial disparities and biases affecting marginalized groups. In these efforts, it is important for systems to address both implicit bias in individuals and systemic bias. This tool provides some key questions for agencies to consider when beginning their efforts.

TOOL COMPLETION

This tool should be completed by the community corrections administrators in collaboration with managerial staff and key community partners.

TOOL DIRECTIONS

Review the background information and then answer the key questions.

BACKGROUND

Systemic bias is defined as the institutional patterns and practices that lead to disparate treatment of individuals based on identity, confer advantages to some and disadvantages to others. That is, bias is structured into every aspect of a system. In terms of criminal justice, this affects how crimes are defined, how suspects are identified, how charging decisions are made, and how and which punishments are imposed.

Because systemic bias is more than the sum of individual prejudices and bias, resolving it requires more than training the workforce. One way to reduce systemic bias is by using the principles and concepts of procedural justice. This approach allows criminal justice systems to examine policies and practices that perpetuate bias, and how the effects interact and accumulate over time, leading to or deepening structural bias.

Procedural justice, as first discussed by Rawls (1971), speaks to the idea of fair processes and how one's perceptions of whether something is fair are affected by the nature, tone and quality of their experiences of the process, not just the outcome. There are five principles of procedural justice within criminal justice settings:



1. Be neutral in decision making and application of laws: Decisions are unbiased and guided by sound reasoning.



4. Treat people with dignity and respect: All people are be treated with respect, always. This does not change with context. However, what constitutes respectful and disrespectful behavior may differ among and between groups.



2. Be transparent: Decisions are made in a manner that is visible and clear to those inside and outside the organization; communication is clear, honest, open, and frequent.



5. Be trustworthy: Decision-makers demonstrate that they can be relied on to be honest and truthful, and are concerned with the well-being of those impacted by their decisions.



3. Give individuals a voice during encounters: Individuals are given a chance to express their concerns and participate in decision-making processes by explaining their thoughts and actions.

Another approach to reducing systemic bias is to review service data to look for inequitable patterns, processes and structures – and then take intentional action to change them. The review should:

- Highlight and ask questions about the ways current policies and practices create inequitable outcomes that reinforce implicit biases.
- Discuss the fact that bias has been normalized and routinized in policies and practices that ensure access to opportunity for some and exclude others.
- Identify changes to policy and procedures interrupt implicit biases and refocus structures on procedural justice and equity.

KEY QUESTIONS

	<i>Your Responses</i>
<p>1. What specific disparities/inequities are we seeking to address?</p> <ul style="list-style-type: none"> • 1a. What are the outcomes of these disparities? Why are they problematic? 	
<p>2. Who are the people affected by the inequity being discussed? Are they at the table?</p>	
<p>3. How do we understand the forces behind the inequity we see?</p> <ul style="list-style-type: none"> • 3a. What forces are perpetuating the disparities/inequities we seek to address? 	
<p>4. What are the barriers to achieving an equitable outcome?</p>	
<p>5. What are the population and geographic targets for our effort?</p> <ul style="list-style-type: none"> • 5a. Specifically, for whom and where are we trying to make a difference? 	

	Your Responses
<p>6. What will equity or racial equity look like for our system?</p> <ul style="list-style-type: none"> • 6a. How will we know we have made progress? • 6b. When do we expect to see results? 	
<p>7. What are potential unintended consequences of our proposed solutions/actions?</p> <ul style="list-style-type: none"> • 7a. Do the proposed solutions ignore or worsen existing disparities for the group on which we are focused? 	
<p>8. Who has the power to affect change?</p>	
<p>9. How can we build the alliances necessary to move forward?</p>	

REFERENCES

- National Equity Project. (n.d.). *Lens of systemic oppression*. <https://www.nationalequityproject.org/frameworks/lens-of-systemic-oppression>
- Osta, K. & Vasquez, H. (n.d.). *Implicit bias and structural racialization*. National Equity Project. <https://www.nationalequityproject.org/frameworks/implicit-bias-structural-racialization>
- Rawls, J. (1971). *A theory of justice*. Harvard University Press.
- The Sentencing Project. (2000). *Reducing racial disparity in the criminal justice system: A manual for practitioners and policymakers*. <https://www.brennancenter.org/sites/default/files/legacy/Justice/07%20Reducing%20Racial%20Disparity%20Manual%20for%20Practitioners%20and%20Policy%20Makers.pdf>