

# Racial Bias Training: An Overview of the Wisconsin State Public Defender's Approach



# SPD Board Resolution

## RESOLUTION OF THE STATE PUBLIC DEFENDER BOARD

WHEREAS; The State Public Defender Board of Directors recognizes that people of color receive disparate treatment in the Wisconsin criminal justice system and that African Americans and Hispanics constitute a disproportionate percentage of incarcerated populations in Wisconsin.

WHEREAS; People of color do not commit more crimes, yet, in Wisconsin, people of color have more contact with law enforcement, are arrested more often, are prosecuted more often, are found guilty more often, and are sentenced to longer sentences.

WHEREAS; We believe that there is substantial evidence of racial disparity in Wisconsin's justice system.

WHEREAS; We believe that action is necessary to address this injustice. The SPD is uniquely situated to shed a bright light on the issues that the criminal justice system needs to address. Through litigation, community work and other efforts, the SPD can point to instances of injustice and unfairness and advocate for race neutral treatment.

THEREFORE, BE IT RESOLVED: The State Public Defender Board of Directors supports the staff as they engage in the following activities in an effort to eradicate racial disparity in the Wisconsin criminal justice system that is wholly consistent with the State Public Defender MISSION STATEMENT:

Localize the racial disparity issue in their communities by sharing information about disparity with judges, prosecutors and law enforcement;

Educate the public and stakeholders on the prevalence and effect of racial disparity in their local communities;

Create opportunities for the public to participate in efforts to eradicate racial disparity in our justice system;

Position the issue so that it is a topic of discussion until racial disparity in our justice system is eradicated;

Partner with individuals, associations, groups, etc. to work on this issue and accomplish the above listed goals.

Adopted August 27, 2008 by the State Public Defender Board.



Daniel M. Berkos  
Chairperson, Public Defender Board

# ***SPD Racial Disparity Team***



# ***Racial Bias Discussion Circles***





# Circle Facilitators



**Selection  
&  
Training**





eliminating racism  
empowering women  
**ywca**

**Phase Two:**

***Responding to Racism***

**CONTEXT**

**MATTERS**



# Phase Two:

## *Responding to Racism*

3. You are driving through town with your aunt in the passenger seat. As you are stopped at a red light, you notice there is an African American man walking down the street on the same side as your car. Your aunt asks you to lock the doors.

<b>Notice/Identify</b> What is the problem?	<b>Intervention</b> What would you say/do?
<p>Automatic Responses: based on fear response, which is culturally conditioned by family, community, media influence that perpetuates stereotype of "dangerous" or "criminal"</p> <p>Where does the "gut" reaction come from?</p> <p><u>Consider the Context:</u> family, private one-on-one</p>	<p>Lock the door? (may help decrease fear response, and allow room for discussion)</p> <p>"I'm curious, why did you ask me to lock the door?"</p> <p>"What made you feel that you needed to lock the door?"</p> <p>Maybe don't push the issue. At least you made her think about it.</p>

4. You are walking around on campus with a friend and you notice fliers for an up-coming



Where does FB come from?  
Examples?

**Phase Three:**

***Implicit Bias: You Can't Help It  
But You Can Change It***



# *Silent Beats* Video



# Phase Four:

## *A Bias-Informed Approach to Public Defender Advocacy*

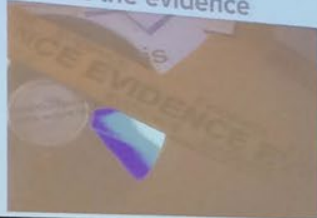




# Biased evaluations of evidence

IB can:

Affect how we look at the evidence



# **Additional Efforts**

- **SPD Annual Conference**
- **Trial Skills Academy**
- **Annual Managers' Meeting**
- **Criminal Justice Coordinating Councils**
- **Data Collection**

# Lessons Learned

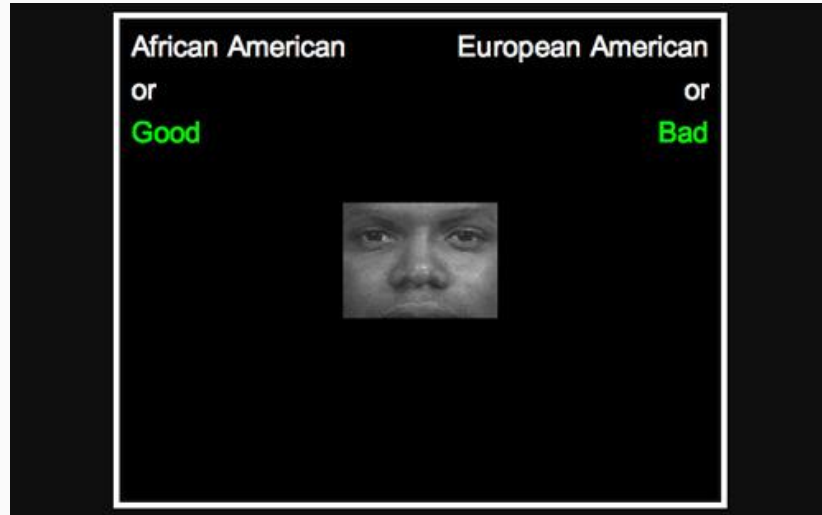
- **Thoughtful selection & training of facilitators**
- **Input from a variety of people & groups**
- **“Staff stories” for inspiration & courage**
- **Incremental process is okay but keep it going**

# Next Steps

- **Private Bar**
- **Other decision points in the CJS process**

# Can do today

## Implicit Association Test





# Can do today

L. Song Richardson & Phillip Atiba Goff,  
*Implicit Racial Bias In Public Defender  
Triage*, 122 YALE L.J. 2626 (2013)

**Can do today**

**Accountability**



# Can do today

# If-Then Plans



# Can do today

## Mindfulness Practices



