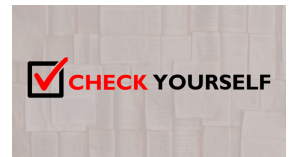


CHECK MY BIAS: IMPLICIT RACIAL BIAS SELF AUDIT

DEFENDER

*Ways implicit bias impacts my own work and how to combat it: **Stereotype Replacement; Counter-Stereotypic Imaging; Perspective Taking; Individuation; Increase Opportunities for Contact; Whoa, Stop, Think (Slow-Down)***



DEFENDER ROLES	WHAT BIAS MIGHT LOOK LIKE	REALITY CHECK
INITIAL CONTACT OR INTITIAL INTERVIEW	When I conduct my initial interview, I sometimes omit information about the justice system because I assume my African American and Hispanic/Latino clients know about the system from family/friends/their own experience.	<p>→ INSTEAD: <i>Individuation</i> I will assume all clients enter the justice system with the same need to have the criminal justice process explained to them.</p>
ON-GOING ATTORNEY-CLIENT COMMUNICATION	I prefer to speak to my African American and Hispanic/Latino clients over the phone instead of in person because I am worried about going to their neighborhood.	<p>→ INSTEAD: <i>Stereotype Replacement</i> <i>Individuation</i> I will examine why I assume it would be unsafe to visit my African American and Hispanic/Latino client's neighborhood.</p> <p><i>Increase Opportunity for Contact</i> I will take an investigator or colleague with me.</p> <p>→ INSTEAD: <i>Individuation</i> <i>Increase Opportunity for Contact</i> I will ask my client if they are comfortable meeting me at their home or a neighborhood community center or library to ensure I can build a relationship and develop a rapport beyond a telephone conversation.</p>
ENGAGING CLIENTS' FAMILIES	I tend to return calls from my white client's (or their families) faster than from African American clients or families. I expect white clients to be more worried about their case and more likely to call more frequently.	<p>→ INSTEAD: <i>Perspective Taking</i> I will consider how frightening it must be for an African American client (or their family) to be involved in the legal system.</p>

	<p>If I see my young African American male client sitting in the hallway with an older man, I am likely to ask if the man is a mentor, instead of my client's father.</p>	<p>→ INSTEAD: <i>Stereotype Replacement</i> I will introduce myself to all of my client's companions as I would in any case and not make assumptions about the person with them.</p>
<p>TRIAGE DECISIONS (HOW I PRIORITIZE INVESTIGATION, SOCIAL WORK, TRIAL PREP, RETURNING PHONE CALLS, DUTY DAY)</p>	<p>I spent extra hours preparing for a case involving my white client who advised me he wanted to go to the military. (I do not routinely ask my African American and Hispanic/Latino clients if they want to go to the military or about their career aspirations.)</p> <p>Sometimes I prioritize cases involving white or wealthy clients.</p> <p>Drug dealers in my jurisdiction seem to fit a certain profile, including race, clothing, car, etc. When I meet an African American client charged with a drug offense who fits that physical profile, I assume the drug allegations are true. When I meet a Hispanic/Latino client with tattoos, I assume that allegations about gang involvement are true.</p>	<p>→ INSTEAD: <i>Individuation</i> I will develop a standard set of questions that I will ask all clients. I will be careful to make case triage decisions assuming that all of my clients want to succeed in some way.</p> <p>→ INSTEAD: <i>Individuation</i> I will not triage my cases based on race or perceived innocence, but instead upon objectively measurable criteria, such as my client's release status or speedy trial date.</p> <p>→ INSTEAD: <i>Counter-Stereotypic Imaging</i> <i>Individuation</i> I will visualize my client in vivid detail in ways that defy the stereotypical images of drug dealers and gang members in my jurisdiction.</p> <p><i>Counter-Stereotypic Imaging</i> I will be intentional about exposing myself to media images that portray clients of color (particularly men and their families) in positive and dynamic ways.</p>
<p>INVESTIGATION (INTO FACTS OF THE CASE OR CLIENT'S SOCIAL HISTORY)</p>	<p>I do not always follow investigative leads suggested by my African American or Hispanic/Latino clients when they do not seem credible to me.</p>	<p>→ INSTEAD: <i>Stereotype Replacement</i> I will presume that my clients are trustworthy. I will collaborate with my client in the investigation strategy for their case. If I am presented with factual information to the contrary, I will engage my client in a conversation about this. I understand that I must</p>

	I do not always feel comfortable investigating alleged crimes in my client's neighborhood.	<p>earn my client's trust and that my client may feel he has legitimate reasons for distrusting me.</p> <p>→ INSTEAD: <i>Increase Opportunity for Contact</i> I will go visit with an investigator, if necessary.</p>
COUNSELING OR ADVISING THE CLIENT AT VARIOUS STAGES OF CASE	<p>I am more willing to accept and recommend plea offers that include more severe sentences for my clients of color than for my white clients.</p> <p>I sometimes impose my own goals and values to pressure a client to make a certain decision.</p>	<p>→ INSTEAD: <i>Whoa, Stop, Think (Slow-Down)</i> <i>Individuation</i> Every time I negotiate a plea for a client of color, I will ask myself if my strategy would differ if my client were white. I will make a conscious decision to negotiate with the same zeal for all clients. I will provide my client with knowledge of all available resources, so they are aware of their options and can make an informed decision.</p> <p>→ INSTEAD: <i>Individuation</i> <i>Perspective Taking</i> I will affirm my client's expressed wishes and learn more about my client's life context to understand and appreciate why they are making the choices they are making.</p>
COUNTERING LANGUAGE BARRIERS	I do not communicate as frequently with my Spanish-speaking clients as I do with others because I believe we will have difficulty connecting, especially if English is not their first language.	<p>→ INSTEAD: <i>Increase Opportunity for Contact</i> I will ask my office (and legislators) to hire more Spanish-speaking investigators and interpreters.</p> <p>→ INSTEAD: <i>Individuation</i> I will be creative about finding ways to communicate with my clients regularly, including online language translation services.</p>
EVALUATING EVIDENCE	I know that African American men and women in my jurisdiction are so frustrated with police officers that I tend to believe police reports that	<p>→ INSTEAD: <i>Individuation</i> I will remain open-minded and inquire thoroughly about the police-client interaction in my client interviews. I will</p>

	<p>indicate that my clients “used profanity” and were uncooperative with police.</p> <p>I am afraid African American witnesses will not be credited and therefore often persuade my clients against calling those witnesses.</p>	<p>remain open to the possibility that my client was polite and the officer’s report is not accurate.</p> <p>→ INSTEAD: <i>Stereotype Replacement</i> I will evaluate credibility through an objective lens, such as whether the testimony of the witness was consistent or inconsistent with other evidence in the case.</p>
ASSESSING CREDIBILITY OF WITNESSES AND OTHER INTERESTED PARTIES	<p>I am reluctant to use a self-defense claim when I think my African American client will need to testify. I am afraid that they will not be believed.</p>	<p>→ INSTEAD: <i>Stereotype Replacement</i> <i>Spend Time Prepping Witness</i> I will spend extra time prepping my client to testify and to understand the conventions of the courtroom, including dress and eye contact.</p>
CONDUCTING PROBABLE CAUSE/PRELIMINARY HEARING	<p>I prejudge cases involving clients of color very early, leading me often to make half-hearted and disingenuous arguments against the finding of probable cause.</p>	<p>→ INSTEAD: <i>Whoa, Stop, Think (Slow-Down).</i> In preparation for a probable cause hearing, I will ensure that I have explored all potential weaknesses of the government’s arguments and zealously argue on behalf of my client.</p>
CONDUCTING BAIL/RELEASE HEARING	<p>I assume my Hispanic/Latino clients are not employed, so I sometimes forget to ask them about their employment status in consideration of release arguments.</p>	<p>→ INSTEAD: <i>Individuation</i> I will develop a standard set of questions to ask my clients in preparation for a bail/release hearing. I will be careful to not make assumptions about them.</p>
SENTENCING ADVOCACY	<p>I sometimes assume that my African American clients will not succeed in probation or a diversion program.</p> <p>I expect my African American clients to get a tougher sentence than my white clients, so I spend less time searching for creative</p>	<p>→ INSTEAD: <i>Stereotype Replacement</i> I will envision that all of my clients are amenable to rehabilitation. If my client wants to accept a diversion offer, I will collaborate with them to overcome any potential barriers to their success.</p> <p>→ INSTEAD: <i>Counter-Stereotypic Imaging</i> I will presume my client is innocent and work hard to aggressively negotiate for</p>

	alternatives for my client’s release or sentencing.	a lower sentence or alternate disposition.
SEALING CLIENTS’ RECORDS	<p>I am unlikely to seal records (or make it a low priority) if I do not believe my client will pursue college or military options. I make those assumptions without asking my clients directly.</p> <p>I do not always advise my clients about the potential collateral consequences of not sealing a record.</p>	<p>→ INSTEAD: <i>Individuation</i> I will ask my client about college, vocational school, military, and career goals to assist in providing them with any necessary resources to succeed.</p> <p>I will inform all of my clients about the potential impact of a criminal record and the law regarding sealing a criminal record.</p>