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A Call to Dismantle Systemic Racism in Criminal Legal Systems

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Abstract

Objectives: In October 2021, APA passed a resolution addressing ways psychologists could work to dismantle systemic racism in criminal legal systems. The present report, developed to inform APA's policy resolution, details the scope of the problem and offers recommendations for policy and psychologists to address the issue by advancing related science and practice.

Specifically, it acknowledges the roots of modern-day racial and ethnic disparities in rates of criminalization and punishment for people of color as compared to White people. Next, the report reviews existing theory and research that helps explain the underlying psychological mechanisms driving racial and ethnic disparities in criminal legal systems (e.g., endorsement of negative stereotypes, explicit and implicit bias). It also elucidates how racially disparate treatment generates downstream negative mental health consequences for people of color.

Conclusions: Evidence-based recommendations to work toward eliminating systemic racism in the criminal legal systems include (a) rigorous measurement and analysis of disparities; (b) targeted changes in policy, practice, and law; (c) increased access to culturally aware and competent services and interventions; (d) the proliferation of education and training programs regarding racial bias; (e) increased attention to issues of intersectionality; and (f) promotion of diversity and fair-mindedness among criminal legal actors.

Keywords: race, criminal justice, policing, sentencing, incarceration

Public significance statement: Many of the policies and practices in early U.S. criminal legal systems were inherently racist, and that racism echoes in present-day structures, manifests in the biased decision-making of legal actors, and results in the disproportionate and unfair criminalization and punishment of people of color. Psychologists can work to dismantle systemic racism in criminal legal systems by using culturally informed science to eliminate

opportunities for biased and discriminatory outcomes and foster healing and wellbeing among people of color. These efforts are incumbent upon us all as we continue striving to make the American ideal of equal justice for all a reality.

PREPRINT

A Call to Dismantle Systemic Racism in Criminal Legal Systems

On October 29, 2021, the American Psychological Association (APA) Council of Representatives approved a resolution regarding APA's role in dismantling systemic racism in criminal legal systems as well as other critical areas (education, science, health care, work and economic opportunities, early childhood development, and government and public policy; "Role of Psychology and APA in Dismantling Systemic Racism," 2021). APA adopted this resolution along with two others ("Apology to People of Color," 2021, and "Advancing Health Equity in Psychology," 2021) to acknowledge and apologize for its role in racism in the discipline and to commit to efforts to apply psychological theory and scientific methods toward remedying systemic racism within various areas of concern. These efforts are to be realized via the development of a long-term plan that includes prioritizing, defining, and assessing progress toward meeting the goals specified in the resolutions. This long-term plan will be developed by APA's CEO alongside the APA Task Force on Strategies to Eradicate Racism, Discrimination, and Hate (throughout this article, we will be referring to this Task Force as the "APA Task Force") and knowledgeable experts.

To inform the APA Task Force in its efforts, we developed the present report, which first describes psychological and social scientific evidence of racism within criminal legal systems, then considers that evidence in the context of research examining the underlying psychological mechanisms that explain such racial disparities, and next reviews the myriad consequences of experiencing racism within the criminal legal systems. The picture of racial and ethnic disparities in criminalization, incarceration, and collateral consequences that emerges in this report is quite bleak and disheartening. However, we also present in this report a series of evidence-based recommendations for APA policy to address the problem by advancing related science and

practice, thereby offering a path forward for psychologists, criminal legal professionals, and policy makers to eliminate racism in criminal legal systems and realize a brighter, more equitable future. The “Criminal and Juvenile Justice Section” of the recent APA resolution reflects a succinct review of the science and recommendations for APA policy that were extracted from this report.

Our work on this report and the resulting resolution began a little over two years before the trio of resolutions was passed, when the then-President of the American Psychology-Law Society (APA’s Division 41) invited us to draft the section of the resolution that deals with criminal legal systems. As we worked, we did so with the goal of positively impacting the scientific community and affecting meaningful real-world change on the urgent social problem of racism within these arenas. Importantly, we developed the relevant section of the resolution and the current report in consultation with numerous experts in the field, including but not limited to Iris Blandón-Gitlin, Jason Cantone, Preeti Chauhan, Beryl Ann Cowan, Cynthia Esqueda, Tarika Daftary-Kapur, Iva Greywolf, Jennifer Hunt, Martin Iguchi, Antoinette Kavanaugh, Margaret Bull Kovera, Karen Salekin, and Gina Vincent. In a virtual meeting on October 22, 2020, we met with many of these experts to collectively develop a plan for the development of the APA resolution on dismantling racism within the criminal legal systems. This plan included soliciting feedback from meeting attendees regarding critical psychological research to include in the resolution as well as clear evidence-based directions for guiding future action. We also recruited additional scholars to participate to ensure that diverse perspectives were well represented in the work, being purposefully inclusive of individuals whose expertise lies in various subdisciplines of psychology and the law (e.g., clinical, cognitive, social) as well as individuals who identify as racial and ethnic minority group members. We shared drafts and

requested feedback from all of these experts multiple times as we developed the report and resolution. We also submitted drafts to APA and incorporated feedback from various APA key stakeholders into the report and resolution as we developed them. As such, the following report reflects a summary of cutting-edge psychological science showing how racism manifests and affects people of color within the criminal and juvenile legal systems, and elucidating evidence-based recommendations for practice to eradicate racism in these contexts—all reviewed and vetted by leading experts within the field and APA.

At the outset of this report, it is important to define racism and note the intent behind certain choices we made related to language and terminology. First, to develop a uniform understanding for those working to eradicate racism, APA adopted this definition of the problem: “Racism is a system of structuring opportunity and assigning value based on phenotypic properties (e.g., skin color and hair texture associated with ‘race’ in the U.S.). This ‘system’—which ranges from daily interpersonal interactions shaped by race to racialized opportunities for good education, housing, employment, etc.—unfairly disadvantages people belonging to marginalized racial groups and damages their health and mental health, unfairly advantages individuals belonging to socially and politically dominant racial groups, and ‘ultimately undermines the full potential of the whole society’ (C.P. Jones, 2003)” (“APA Resolution on Harnessing Psychology to Combat Racism,” 2021). We focus on racism specifically within criminal legal systems as well as its effects. Second, we adhered to APA’s guidelines for using bias-free, inclusive language in writing about racial and ethnic identity (APA, 2020). Therefore, we use terms such as “people of color” or “members of racial or ethnic minority groups” to discuss experiences of people whose racial or ethnic identities have been minoritized. We also refer to specific racial and ethnic groups, and used proper nouns and capitalization when doing

so. Third, we use the label Latinx rather than Hispanic, as the former reflects a broadly applied panethnic identity stemming from shared experiences under colonialism, whereas the latter is derived from government and policy in the U.S. (Esqueda, 2020). Even so, we caution that any categorization of people into racial and ethnic groups is done based on contrived sociohistorical, sociopolitical, and sociocultural constructions that perpetuate systemic racism by obscuring diversity and failing to acknowledge additional problems and privileges associated with certain intragroup variables and intersectional identities. Lastly, we elected to use the label criminal legal systems to refer to institutions that historically have been described as administering “criminal justice” and “juvenile justice.” This language choice was based on the acknowledgment that these systems often are sources of *injustice* for people of color, disproportionately ensnaring and unfairly disadvantaging people of color while simultaneously offering less protection or service to people than afforded to White people, as discussed next.

Evidence of Racism Within Criminal Legal Systems

Understanding current racism within the U.S. criminal legal systems requires an acknowledgement of its historical roots (see Trawalter et al., 2022). The European settlers who came to dominate this land adopted laws, policies, and practices that enabled their regulation and subordination of Indigenous and African people, thus criminalizing and punishing them when they refused to comply with or actively resisted against colonization and enslavement (Cunneen, & Tauri, 2019; Hinton & Cook, 2021). For centuries, state and federal governments perpetrated legally sanctioned terror over enslaved people, who were not afforded protection under its laws (Wilkerson, 2020). As an example, updates to the criminal code in the state of Virginia in 1849 stipulated that as many as 71 offenses carried a penalty of death for people of color who had been enslaved, whereas White people who committed the same crimes risked only incarceration

as a possible punishment (Jay, 1853; Stroud, 1856). As increasing numbers of people began immigrating to the U.S., xenophobic attitudes translated into laws, policies, and practices that also oppressed and excluded from protection non-English-speaking immigrants of color (Chavez-Dueñas et al., 2019; Gover et al., 2020). The double standards that have been embedded in U.S. legal systems since their inception perpetuate cascading and cumulative negative direct and indirect outcomes for people of color that place in context the racial and ethnic disparities in criminalization, incarceration, and associated negative consequences that we still observe today. Overall, research reveals no racial or ethnic differences in actual offense rates for all types of crime with the exception of serious violent crime (Braga et al., 2019; Compton et al., 2004; Piquero & Brame, 2008; Wallace et al., 2003). Moreover, the appearance of differences in violent crime rates between people of color and White people can largely be explained by the fact that historic segregation and ongoing discrimination lead people of color to be disproportionately likely to live in spaces marked by concentrated socioeconomic disadvantage and social risk factors (see Sampson et al., 2018). Crucially, interrelated structural racial and ethnic disadvantages stem from concentrated poverty, diminished educational opportunities, elevated exposure to environmental hazards, limited access to quality healthcare, and more (Reskin, 2012).

In general, psychologists—due to their training in a discipline that has historically focused on individual-level variables—have largely neglected to adopt the systems-level perspective needed to appreciate how institutional policies and practices and structural racism generate glaring differences in the ways in which Black, Latinx, and Native American youth and adults become entangled in criminal legal systems relative to their White counterparts (see Cunneen & Tauri, 2019; Kovera, 2019; Muhammad, 2019; Stevenson et al., 2020). Even so,

scholars and clinicians in the fields of psychology and law and forensic psychology have done a great deal to illuminate some of the processes that contribute to the racial and ethnic disparities that have been documented, and this work is increasingly recognizing that racism in criminal legal systems is often rooted in extralegal experiences. For example, there are well-documented racial and ethnic disparities in the association between school discipline and later criminal legal system involvement—the “school-to-prison pipeline” (Christle et al., 2007; Zinsser & Wanless, 2020). Despite engaging in similar types and rates of misbehavior (Petras et al., 2011; Skiba et al., 2011), beginning in preschool and persisting throughout high school, Black children are disproportionately expelled, suspended, and even referred to the justice system for school misbehavior (Malik, 2017; U.S. Department of Education Office for Civil Rights, 2014). In contrast, White children are disproportionately likely to be diverted from the justice system and instead provided with alternative education settings and mental health services (Lee et al., 2017). Indeed, experimental research shows that teachers are differentially more likely to support punishment (Okonofua & Eberhardt, 2015) and even criminal arrest (Watson & Stevenson, 2020) based solely on whether a child involved in a school fight is depicted as Black rather than White. This is a critically important problem because exclusionary school discipline triggers subsequent socio-emotional, cognitive development, and behavioral problems, and is also associated with delinquency and incarceration (Arcia, 2006; Christle et al., 2007; Greenwood et al., 2002; Lee et al., 2011; Shollenberger, 2015). Although exclusionary school discipline accounts for millions of lost hours of instruction for youth of all ages and is a significant risk factor for dropout, it is but one of many extralegal factors that play a critical role in perpetuating racial disadvantage in criminal legal systems.

Racial and ethnic disparities that arise from outside of criminal legal systems are

exacerbated by forces within the system, such as the over-policing of people of color. The U.S. has a long history of racially repressive policing that can be traced back to the slave patrols established decades before the founding of the nation, through the Jim Crow era, and, more recently, manifesting in the war on crime, the war on drugs, and proactive policing (e.g., broken windows, zero tolerance, hot spot, or quality of life policing). As a consequence of racist policy directives and policing practices, youth and adults of color live in and perceive that their neighborhoods are occupied territories (Balto, 2019; Fagan et al., 2010; Henning, 2021; Rios, 2011; Solis et al., 2009; Wallace, 2018). Racial profiling also subjects people of color to increased suspicion and scrutiny across contexts (Seguino & Brooks, 2021). In fact, Black and Latinx people are more likely than White people to be handcuffed, searched, detained, and arrested, even after statistically controlling for relevant confounding factors (e.g., offense seriousness, local crime rates, socioeconomic demographics; American Civil Liberties Union Foundation of Massachusetts, 2014; Ayres & Borowsky, 2008; Dunn, 2013; Goel et al., 2016; Goff et al., 2016; Hetey et al., 2016; Kochel et al., 2011; Wordes et al., 1994; for reviews, see Aguirre, 2004; Kovera, 2019). Police officers are also more likely to use force, including excessive and fatal force, when suspected perpetrators are Black and Latinx than White (Davis et al., 2018; Goff et al., 2016; Kramer & Remster, 2018; Ross et al., 2021). These disparities exist even though they cannot be explained by a supposed greater incidence of crime commission by Black people, including violent crime (Compton et al., 2004; Pierson et al., 2020; Piquero & Brame, 2008; Schanzenbach et al., 2016; Sellin, 1928; Scott et al., 2017; Substance Abuse and Mental Health Services Administration, 2020; Wallace et al., 2003). Consider, for example, that White people are more likely than people of color to be carrying weapons or attacking officers in the moments preceding fatal shootings (Nix et al., 2017; Thomas et al., 2021).

The racial and ethnic disparities experienced at the street level are then perpetuated in courts, jails, and prisons. Once people of color are arrested, they are disproportionately more likely than White people to be charged with crimes, charged with more serious crimes, and fully prosecuted (Berdejó, 2018; Bishop et al., 2020; Wu, 2016). People of color are also disproportionately more likely to be subjected to pretrial detention (Schlesinger, 2005, 2007; Sutton, 2013), and incarceration (Bishop et al., 2020), and community supervision (i.e., probation and parole; Phelps, 2020). For instance, despite not having been found guilty yet, people of color are more likely than their White counterparts to be jailed simply because they are less likely to be able to afford bail, less able to secure a bail bond, required to post higher cash bail and bail bonds, and less likely to be able to afford a private attorney (Arnold et al., 2018; Schlesinger, 2005, 2007). Pretrial detention in and of itself increases rates of guilty pleas and convictions (Stevenson, 2018), which in turn translate into lower rates of employment and government-related benefits (Dobbie et al., 2018). Mock trial studies also indicate that White jurors—who predominate the system (Equal Justice Initiative, 2021)—are more likely to convict and allocate more punitive sentences for Black and Latinx defendants than White defendants (Devine & Caughlin, 2014; Espinoza et al., 2015). In addition, prosecutors seek more severe penalties and judges render more punitive sentences for Black and Latinx defendants (Mitchell, 2005; Schmitt et al., 2017; Sommers & Marotta, 2014). Bias and discrimination that occurs at early stages of criminal legal systems pass on to not only later stages but also subsequent interactions. For example, risk assessments that determine an individual's future dangerousness or likelihood for re-offending often rely on that individual's past criminal history, and people of color may appear disproportionately risky and deserving of more correctional oversight as a result of having been previously targeted for system intervention at disproportionately high rates

(Harcourt, 2015; Hart, 2016). Similarly, cultural insensitivity in risk assessments and forensic psychological evaluations that fail to account for well-documented effects of racial trauma on mental health (Comas-Dias et al., 2019) stand to disadvantage people of color (Barber-Rioja & Garcia-Mansilla, 2019).

Moreover, as alluded to previously, people of color are not only more likely than White people to be regulated and controlled by criminal legal systems but they are also less likely to find recourse in those systems when crimes have been perpetrated against them. In other words, victims who identify as racial or ethnic minority group members also experience discriminatory treatment within criminal legal systems. Protective orders against perpetrators of intimate partner violence, stalking, or sexual offenses are less likely to be granted in cases involving victims of color as compared to White victims, especially when perpetrators are White (Winstead & Stevenson, 2021). When crime victims are Black or Latinx (versus White), police are less likely to make arrests (Hunt, 2015) and prosecutors are less inclined to seek the death penalty (Bohm, 1994). In addition, White mock jurors render more punitive sentences and attribute less victim blame when rape victims are portrayed as White as opposed to Black or Latinx (Lewis et al., 2019).

Child abuse cases provide a window into seeing how people of color are disadvantaged both as suspected offenders and as victims. For instance, even though most child sexual abuse involves perpetrators and victims of the same race or ethnicity, actual allegations of child sexual abuse are more likely to be substantiated when predominantly non-parental perpetrators are racial and ethnic minority group members (versus White) and when victims are White (versus racial and ethnic minority group members; Stevenson & Rivers, 2022). Similarly, disclosures of child sexual abuse made during a child forensic interview are less likely to result in

substantiation outcomes when the victims are children of color as compared to White (Stevenson & Rivers, 2022), an effect that might stem from their disclosures of abuse being perceived as less credible (Alley et al., 2019; Bottoms et al., 2004). Moreover, whereas abuse victims of color might not be taken as seriously, other research suggests that Black parents might face heightened scrutiny as suspects due to negative stereotypes associating people of color with child abuse perpetration (Najdowski et al., 2020; Najdowski & Bernstein, 2018). Indeed, children of color are overrepresented within dependency court, the reasons for which are complex (Pelton, 2010), but stem from a historical legacy of initial exclusion of Black and indigenous children from the child welfare system, followed by present-day policies, procedures, and practices that contribute to their over-inclusion (see Cleveland & Quas, 2020).

Also of importance, although the overpolicing of people of color translates into disproportionate attention to their actual crimes relative to their White counterparts' crimes, it also results in unwarranted suspicion of people of color who are actually innocent, and thus, victims of the criminal legal system itself (see Najdowski, 2014). For example, as a result of discriminatory practices enacted by the New York Police Department (NYPD) (*Floyd v. City of New York*, 2013), thousands of Black and Latinx people were unconstitutionally stopped, questioned, or frisked, and in 2012 alone, 90% of Black people stopped by the NYPD were innocent (New York Civil Liberties Union, 2013). Unwarranted investigation of people of color as criminal suspects has the potential to increase erroneous accusations of crime, and in turn, wrongful convictions. Indeed, the National Registry of Exonerations (2022) reported that 53% percent of people who were wrongfully convicted and later exonerated were Black, even though in any given year Black people represent only approximately 13% of people in the U.S. population (Rastogi et al., 2011) and 27% of those arrested (Federal Bureau of Investigation,

2019).

What We Know from Psychological Research About Causes of Disparities

Although psychologists and the APA have played a disturbing role in the support and maintenance of systemic racism since the U.S. Civil War era (see APA's "Historical Chronology," 2021, documenting the harms done to people of color), in the more recent past psychologists and other social scientists have played a critical role in advancing knowledge regarding the causes of the racial and ethnic disparities that exist in criminal legal experiences and outcomes. For instance, explanations for the misconduct of criminal legal actors commonly rest on the "bad apple" argument: The one racist actor is not representative of the rest of the group. In fact, certain traits that are linked to negative treatment of racial and ethnic minority groups are more common among police officers than others (e.g., right-wing authoritarianism, social dominance orientation; Gatto et al., 2010; Sidanius et al., 1994; Hall et al., 2016).

Moreover, evidence from cohort comparisons and longitudinal studies indicates that socialization into the policing subculture encourages and amplifies dispositional tendencies toward bias and discrimination (Gatto et al., 2010; Hall et al., 2016; Teahan, 1975). These findings are more in line with a "bad barrel" theory of racism in policing. They are also particularly concerning in light of Swencionis et al.'s (2021) research, which showed that the higher White officers (but not officers of color) are in their social dominance orientation—and thus the more supportive they are of hierarchical inequalities between social groups—the more frequently they used force over a five-year period.

Other research has focused more broadly on understanding the basic social psychological effects of the well-documented stereotype associating Black youth and adults with criminality (Eberhardt et al., 2004; Newcomb et al., 2002; Todd et al., 2016; Wentzel, 2002). Whether

stereotypes are explicitly endorsed or operate outside of one's conscious awareness, they are often used to simplify cognitive tasks and facilitate rapid judgments and decision-making (Kahneman, 2011). Criminal legal actors are not immune to such heuristic-based thinking. In one study, police and probation officers read vignettes describing juvenile offenders accused of crimes (Graham & Lowery, 2004). The race of the juvenile was never stated, but officers who were primed to think of stereotypes about Black people perceived the juvenile offenders as more mature, violent, culpable, and deserving of punishment compared to officers who did not receive the prime, regardless of officers' explicit racial prejudice. In addition, people implicitly dehumanize Black people. Goff et al. (2014) showed that both university students and police officers automatically associate Black boys with apes and perceive them as older than they really are, by an average of 3 years. These racist perceptions have the effect of denying Black youth attributions of child-like innocence for their misbehavior, instead criminalizing it. Indeed, Goff et al. found that such perceptions related to officers' likelihood of having used force against Black boys in the past. Notably, however, officers neither dehumanized nor misperceived the age of White boys, nor did their judgments on these variables relate to their use of force against White boys. Importantly, explicit racism was unrelated to either university students' or police officers' judgments or behavior, which is further evidence that common attributions of racially and ethnically disparate policing to exceptional racist officers who are "bad apples" do not bear out.

These social psychological biases affect adults of color as well. James et al. (2016) found that 78% of patrol officers exhibited a moderate or strong anti-Black unconscious bias on an implicit association test by more quickly associating weapons with Black people than White people. In line with this, Eberhardt et al. (2004) demonstrated that police officers were quicker to

detect degraded crime-related images when those images were preceded by Black faces than White faces. Likewise, priming research participants with crime concepts caused them to direct their attention toward Black male faces. Other research using actual criminal cases involving Black men has even demonstrated that the more racially phenotypical Black defendants' facial features are (i.e., darker skin, fuller lips, broader noses, etc.), the more likely they are to be described in news articles in dehumanizing (ape-like) ways and, in turn, the more likely they are to be sentenced to death (Goff et al., 2008; see also Eberhardt et al., 2006). In contrast, appearing physically "Whiter" is associated with experiencing less police force (Kahn et al., 2016). Because stereotypic associations generally shape the way that ambiguous information and situations are interpreted (Kunda & Sherman-Williams, 1993), police officers are likely to be biased toward perceiving and reacting to Black people as though they are dangerous criminals (Correll et al., 2002, 2007, 2015; Singh et al., 2020).

The types of biases presented here are especially likely to manifest in the exact kinds of contexts within which police officers most commonly operate (e.g., officers have discretion, are hyper focused toward crime, experience high cognitive load, etc.; Swencionis, & Goff, 2017). Moreover, if police officers are concerned about being racist during their interactions with community members, it may ironically make matters worse. Two studies revealed that the more police officers worried about being viewed as racist, the less confident they felt about the legitimacy of their authority. Crucially, in both studies, one in the United States (Trinkner et al., 2019) and the other in Australia (McCarthy et al., 2021), these feelings translated into less endorsement for procedurally just policing and greater support for coercive policing (e.g., using excessive force). Burke (2022) theorized that activation of the "racist police officer" stereotype triggers officers to feel anxiety and engage in self-regulation efforts in encounters with Black

civilians, in turn, diminishing their capacity for empathy and enhancing the likelihood of discriminatory behavior.

The biases that disadvantage people of color in police interactions are exacerbated as they move through the legal system and into the courtroom. Jurors (who, as noted previously, are disproportionately White) exhibit an “outgroup severity” bias as well as a “similarity leniency” bias; in other words, White jurors tend to be more likely to convict defendants of color (Devine & Caughlin, 2014) and less likely to convict defendants of their same race (Hunt, 2015). Together, this body of empirical work indicates that racial and intergroup biases perpetuate disparate outcomes for people of color from the moment they come into contact with police officers throughout the time they are sentenced.

Consequences of Racially and Ethnically Disparate Treatment in Criminal Legal Systems

Psychologists also have played an important role in shaping understanding of how the disparities outlined herein deleteriously impact the way people of color relate to criminal legal systems as well the mental and physical health of people of color. To begin, negative interactions lead people of color to have less trust in the police as compared to White people (Weitzer & Tuch, 2006). One issue is that police stops are perceived as less legitimate by Black people (Cochran & Warren, 2012). This has implications for understanding why members of racial and ethnic minority groups might be less likely than their White counterparts to cooperate with police or even to be less likely to call the police when in need of assistance (Mazerolle et al., 2013; Solis et al., 2009; Sunshine & Tyler, 2003; Tyler, 2017; Tyler & Huo, 2002).

There is also preliminary evidence that concern among people of color regarding being stereotyped by law enforcement officers as criminals is a source of anxiety (Najdowski et al., 2015). Actually experiencing police contact is also associated with anxiety, with more stops and

more intrusive stops predicting higher anxiety (Geller et al., 2014). Of critical concern, the less procedurally just young men perceive their encounters with the police to be, the more negative mental health symptoms they report following those encounters (Geller et al., 2014). And people of color who experience police brutality or witness incidents involving other racial or ethnic minority group members, either personally or vicariously, suffer from a variety of mental health consequences, ranging from anger and fear to post-traumatic stress disorder (Aymer, 2016; Bor et al., 2018; for review, see Bryant-Davis et al., 2017). This is especially alarming considering that 49% of a nationally representative sample of more than 100,000 Black Americans were found to have been exposed to at least one instance in which police had killed an unarmed Black American in their state in the prior three months (Bor et al., 2018). Notably, exposure to police killings of unarmed Black people has not been shown to similarly negatively impact the mental health of White people (Bor et al., 2018).

Within jails, prisons, and other carceral settings, mental health and substance abuse treatment services are scarce, and those that do exist are not usually attuned to the cultural needs of people of color (Fader, 2013; Primm et al., 2005). And on the other side of incarceration, people of color are likely to be socially stigmatized for their criminal history, a burden they now carry in addition to the stigma they experience due to their racial or ethnic identity (Shepherd & Esqueda, 2018; West et al., 2014). Further, a criminal record stemming from the social control policies at the root of mass incarceration may disproportionately limit people of color from access to jobs and related health benefits, public housing, food assistance, financial support for higher education, the right to vote and to serve on a jury, and even U.S. residency or citizenship (see Finzen, 2005). These barriers to successful reentry and reintegration into society ironically negatively affect the wellbeing and health of ex-offenders, their families, and their communities.

Also of concern, they may translate into increased risk of substance use and abuse, recidivism, and reincarceration (Iguchi et al., 2005; Iguchi et al., 2002; Kalt, 2003; Pager, 2003). Even people who were wrongfully convicted and later exonerated are at risk of experiencing clinical anxiety, depression, PTSD, adjustment difficulties, and relationship problems (Brooks & Greenberg, 2020; Wildeman et al., 2011).

The unprecedented growth in U.S. criminal legal system populations has disproportionately affected not only people of color (Gotsch, 2018; Harrison & Beck, 2006; Lofstrom & Raphael, 2016; Uggen & McElrath, 2014; Western & Wildeman, 2009); it also impacts families of color (see Miller & Crain, 2020). Relative to their White counterparts, Black, Latinx, Indigenous, and multiracial children are disproportionately likely to have parents in state and federal prisons (Federal Interagency Forum on Child and Family Statistics, 2017; Glaze & Maruschak, 2008). For children and families, incarceration of a parent results in changes in family structure, uprooted relationships with family, peers, and communities, and economic hardships (Christian, 2009; Phillips et al., 2006). Children of incarcerated parents are also at heightened risk of domestic and community violence, living in dangerous neighborhoods, and parental mental health and substance abuse problems (DeHart & Altshuler, 2009; Miller, 2014; Miller & Bank, 2013; Phillips & Erkanli, 2007). Familial separation due to parental incarceration is also correlated with poor child cognitive and mental health outcomes, including developmental delays, learning disabilities, poor academic performance, anxiety, depression, aggression, and delinquency, even when holding constant factors that otherwise covary with parental incarceration (e.g., family poverty, parental mental health problems, parental substance abuse; Adalist-Estrin, 2018; Kampfner, 1995; Miller & Bank, 2013; Miller et al., 2013; Najdowski & Noel, 2020; Poehlmann, 2005; Turney, 2014; for a meta-analytic review, see Murray et al.,

2012). Of importance, families of incarcerated individuals are at heightened risk of not only mental health problems but also stress-related physical health problems (DeHart et al., 2017). Thus, the racial and ethnic disparities in rates of incarceration translate into disparities in these outcomes for the children and families left behind as well.

Evidence-Based Recommendations

There is virtually no aspect of criminal legal systems that are not affected by systemic racism. Although psychologists have done a great deal to draw attention to the many problems at issue, more work is needed. In its recent resolution (“Role of Psychology and APA in Dismantling Systemic Racism,” 2021), the APA in particular recommended psychologists and partners engage in efforts to (a) develop rigorous methods to measure and identify disparities; (b) advocate for data-driven changes to policies, laws, and practices to dismantle institutional racism and reduce structural racism; (c) ensure access to programs that support the mental health and wellbeing of people of color and their communities; (d) develop effective educational interventions to raise awareness and eradicate racism; (e) recognize that the effects of racism are exacerbated and complicated for people of color who hold multiple marginalized social identities; and (f) enhance diversity at every level of criminal legal systems. We review each of these goals next.

Rigorous Measurement and Analysis of Disparities

Although there is broad agreement that criminal legal systems have substantial work to do to achieve equitable outcomes and impacts for people of color, a looming problem is a lack of consensus among researchers and criminal legal agencies regarding best practices for assessing injustice. Consider debates among researchers regarding the appropriate benchmarks against which treatment of people of color should be compared. Some researchers suggest rates of

policing outcomes among racial and ethnic minority groups should be evaluated in relation to their representation in the population, while others support comparisons to frequencies of stops (Tregle et al., 2019) or official crime statistics (Cesario et al., 2019). However, because even initial contacts with police occur at disparate rates, controlling for bias at earlier stages of the process can water down the appearance of disproportionality at later stages. Moreover, these benchmarks neglect to account for systemic racism in other sectors that contribute to racially and ethnically disproportionate involvement in criminal legal systems (e.g., segregation into areas of concentrated disadvantaged that are targeted by hot spots policing; Braga et al., 2019).

In light of these considerations, it is imperative that individual criminal legal agencies collect internal data auditing their actors' behavior and then test for bias-based disparities using multiple predictors—race, ethnicity, and other demographic characteristics as well as patterns of behavior and offending, all measured at local levels—and multiple expected and actual outcomes—from stops to fatal shootings to sentencing to successful reentry after incarceration, and everything in between. This approach to measurement and analysis can reveal whether any particular racial or ethnic group is targeted for criminal legal intervention more often than expected, and allows agencies to drill down to identify how their policies and actors' behaviors contribute to the problem (see Knox & Mummolo, 2020; Ridgeway et al., 2020; Ross et al., 2020). As evidence of what this approach can accomplish, the results of the Oakland Police Department's investigation of disparities in treatment of people of color led to a report that included 50 evidence-backed recommended strategies for change related to (a) collecting, analyzing, and making accessible data on police behavior; (b) auditing and analyzing footage from body-worn camera; and (c) facilitating feedback to officers regarding the results (Eberhardt, 2016). One additional recommendation was for the agency to collaborate with

outside researchers to collect and understand data. This is a clear way that psychologists can participate in advancing equitable treatment not only in the domain of policing, but also in all other areas of criminal legal systems including the courts, probation offices, child protective services, etc.

As psychologists engage in this work, they must ensure that the type of methods they use appropriately fit the research questions. Further, the implications of method choice should be taken into account when interpreting results. As an example, researchers should control for bias at earlier stages only when the goal is to identify the role that a particular later component of the system plays in generating disparate outcomes, and findings should be discussed with regard to whether the later stage does or does not contribute to cumulative disadvantage. Relatedly, psychological research has traditionally emphasized relative racial and ethnic disparities in criminal legal outcomes, ignoring absolute group-level impacts of policies. In future research, psychologists must carefully tailor their methods to address particular problems and evaluate the efficacy of interventions in their specific contexts, attending to both relative and absolute impacts, the latter of which is likely to be more important for understanding effects on communities of color in full context (Girvan et al., 2019). By being active participants in rigorous research that shows the need for change and highlights effective directions, psychologists can be advocates for the kinds of updates to policy, law, and practice that are discussed next.

Policy, Law, and Practice Changes

Applied psychologists have argued that the field's exaggerated emphasis on dispositional (versus situational) factors in understanding and addressing social problems is generally minimally effective at best, and (too often) a reflection of racist and inequitable policy (i.e.,

blaming the target of racism) at worst (Caplan & Nelson, 1973). Accordingly, psychologists should advocate for data-driven policy changes that attenuate institutionalized and structural racism by disrupting the psychological processes that result in disproportionate involvement of people of color in criminal legal systems (Hetey & Eberhardt, 2018). For instance, due to racial disparities in police searches that require subjects' voluntary consent, policies have been enacted to require law enforcement officers to explicitly tell an individual that they may refuse a search request and even to obtain written consent prior to a search (LaFraniere, 2015). This policy change drastically reduced consent searches while having no effect on the rate of crime detection generally. It is likely to reduce disparities in search rates as well, considering that Black people feel less free than White people to walk away from an encounter with a police officer or say no to the officer's request to various kinds of searches (see Burke et al., in press). As another example, an adjustment to Oakland police's foot pursuit policy requiring them to end pursuit after a suspect disappears in an alley significantly reduced civilian and police casualties (see Eberhardt, 2020). Policy changes that prompt police officers to de-escalate and even disengage when there is not an imminent threat to public safety have been shown to reduce racially discriminatory policing while also keeping communities safer. Enacting reform legislation with similar goals (e.g., banning no-knock warrants) is likely to have similar outcomes. Also, laws requiring body-worn cameras may produce significant reductions in civilian complaints against the police (Lum et al., 2019). Even so, body-worn cameras, by themselves, are not a sufficient tool for eliminating racial and ethnic disparate treatment by police (Huff et al., 2021), one reason being that implicit bias and deliberate profiling can affect officers' decisions concerning when to activate cameras (Murphy, 2019). Instead, police must prioritize understanding which policies can maximize the utility of body-worn cameras, as well as how the resulting footage can be

harnessed to facilitate police training and internal investigations in ways that diminish disparities and promote accountability (Lum et al., 2019).

Another area where psychologists can support progress relates to smart decarceration—proactively changing the policies, laws, and practices that contribute to mass incarceration, which disproportionately affects racial and ethnic minority group members (Alexander, 2010), to reduce the number of people in jails and prisons while advancing public safety and ensuring equal and just treatment for people of color (Epperson & Pettus-Davis, 2017). Research is already showing reductions in disproportionality associated with one California policy that recategorized some drug and property offenses so they are considered less serious misdemeanors (Lofstrom et al., 2020; MacDonald & Raphael, 2020). More serious attention should be given to evaluating how people of color are criminalized in other ways. For example, 51% of youth arrested for prostitution and commercialized vice are Black (Federal Bureau of Investigation, 2019). Instead of criminalizing these youth, policy and practice should reflect awareness that systemic racism results in social and economic marginalization of families from racial and ethnic minority groups and increases children's risk for becoming victims of human trafficking (Bryant-Davis & Tummala-Narra, 2020; Bureau of Justice Statistics, 2011). Psychologists can advocate for reform by working with policy makers to adopt a culturally appropriate and trauma-informed approach to juvenile justice (Crosby, 2016).

Psychologists also can support such law and policy shifts by testifying in front of state legislatures and the U.S. Congress about their effectiveness at relieving the disproportionate criminal legal burden borne by people of color. By doing so, they can promote laws that reduce the negative effects of incarceration that have generational consequences for communities of color (e.g., voting rights, educational loans, social service eligibility, wealth accumulation and

transfer, etc.). This is important for both demonstrating the ill effects of racist policies and making the case regarding how new evidence-based legislation should be developed.

Once people of color enter criminal legal systems, attention should be paid to ensuring decision-making is fair and absent bias. Psychologists can inform judicial decision-making by developing relevant APA *Amicus Curiae* Briefs (Gilfoyle & Dvoskin, 2017; APA Amicus Curiae Brief Expert Panel, 2022). Psychologists also should explore when masking procedures may be used to ensure that race and ethnicity do not influence legal actors' decision-making (Robertson & Kesselheim, 2016), as masking race eliminates the basic and automatic social-psychological process of group categorization—a necessary precursor to stereotype activation and application (Rees et al., 2020). Although more research is needed to understand the contexts in which masking is likely to be beneficial as well as potential unintended effects, there is already evidence that psychologists can use when advocating for policy change in some areas. For example, when Nassau County, New York implemented a race-masked decision-making strategy for removing children from their parents' custody, it decreased unequal treatment by cutting the rate at which Black children were removed from their homes from 57% to 21% (Cosgrove, 2021). There are various other contexts in which legal actors render decisions that do not require the race or ethnicity of the subject to be revealed (e.g., judicial review of domestic violence victim petitions for protective orders; Winstead & Stevenson, 2021). When it is not possible to mask the subject's race, reminding the decision-maker of the potential for racially or ethnically disparate treatment may be effective at reducing their risk of rendering biased judgments, as discussed later. However, race-masking will be appropriate only under certain conditions.

With regard to criminal risk assessment specifically, it is likely more beneficial for legal decision-makers to make racially sensitive and culturally informed decisions that correct for

systemic biases that have already occurred prior to the point of a court decision. Psychologists have drawn attention to the need for careful consideration of inherent bias in some risk assessment tools, particularly those that are based almost entirely on one's prior criminal record (e.g., Vincent & Viljoen, 2020). In one response to the issue, Berk and Elzarka (2020) recommended using algorithmic recidivism risk assessment tools based on predictors in samples of White offenders only. However, this approach frames the racial injustice inherent to existing risk assessment methods as a problem of not fundamental fairness but rather political acceptability, ironically doubles down on the assumption of White normativeness, and ignores the unique risk and resilience factors affecting outcomes for offenders from racial and ethnic minority backgrounds. Moreover, recent studies reveal that risk assessment instruments can reduce racial and ethnic disparities (Onifade et al., 2019) and several studies reveal greater racial and ethnic disparities when risk assessment tools are *not* used than when they are (Lehmann et al., 2020; Marlowe et al., 2020; Milgram et al., 2015; Viljoen et al., 2019), suggesting that legal decision-maker discretion exacerbates racial biases whereas proper use of valid structured decision-making instruments stands to mitigate it. Rather than giving up on the goal of fairness because algorithms cannot produce it (Berk et al., 2021), criminal legal systems should base decision-making regarding risk in a way that recognizes the role colonization, slavery, and racism play in producing intergenerational disadvantages, trauma, and distrust of criminal legal systems among people of color. Forensic psychologists can contribute by developing culturally sensitive risk instruments, validating them with racial and ethnic minority group samples, and, most importantly, conducting holistic evaluations that factor cultural considerations into assessments of future dangerousness and recidivism likelihood as well as various legal competencies and legal sanity (Hart, 2016; Monahan & Skeem, 2016; Perlin & McClain, 2009;

Riggs et al., 2019; Shepherd & Lewis-Fernandez, 2016; Shepherd & Esqueda, 2018; Vincent & Viljoen, 2020). Further, instruments and assessments should be administered in a language in which the evaluatee is proficient or with the support of professional interpreters, which research suggests is not always practiced (Canales et al., 2017). Enacting these recommendations would enable legal decision-makers to appreciate the perspective and full humanity of offenders of color and more accurately evaluate their cases.

Access to Appropriate Culturally Aware and Competent Services

Psychologists should advocate for policies that appropriately address mental health, substance abuse, housing insecurity, and other acute and chronic needs that often drive contacts with police officers. For example, deploying teams of trained mental health professionals paired with medics in place of law enforcement officers has been shown to substantially decrease the likelihood that people experiencing nonviolent crises will enter criminal legal systems (Dholakia & Gilbert, 2021). Community interventions involving “violence interrupters” and outreach workers also appear to offer an effective means of reducing violent crime through conflict mediation without reliance on police or criminal legal intervention (Cerda et al., 2018; Milam et al., 2016; Webster et al., 2013).

Across criminal legal and community settings, it is imperative that people of color have access to culturally appropriate treatment that acknowledges the complex nature of the trauma that people of color experience generally and in relation to their interactions with criminal legal systems in particular (see Bryant-Davis et al., 2017). One concern relates to fostering resilience in children and families who are coping with the incarceration of a parent or other family member. Work must be done to ensure that programs designed to promote positive contacts with incarcerated family members, identify assets and strengths of children and families, or provide

material support are equally effective for all racial and ethnic groups (Arditti & Johnson, 2022). Psychologists also can advocate for diverting state and federal funding traditionally allocated to the over-policing of communities of color toward community support and resources that youth and adults of color need (e.g., counselors and social workers in schools, racial and ethnic minority youth programs; Curtis, 2020). Funding is needed also to ensure people of color have access to mental health and substance abuse treatment initiatives to reduce the likelihood that they enter criminal legal systems in the first place and to support their successful reintegration when they return home (see Abreu et al., 2017; Bonfine et al., 2020; Peters et al., 2017; Primm et al., 2005; Thompson et al., 2016).

In particular, within carceral settings, educational programs that allow inmates to work toward high school and college-level diplomas are worth investment, as they are linked to significant increases in post-release employment and decreases in recidivism (Chappell, 2004; Ellison et al., 2017). Because post-release employment is a strong predictor of reduced recidivism across racial groups (Lockwood et al., 2016), job and career skills training programs are also needed to ensure that people of color are able to pursue meaningful work when they re-enter society. It is also important to recognize that a criminal record diminishes the ability for people of color to secure employment even more than it does for White people (Pager, 2003). Although recent efforts have been made to prevent employers from including questions about criminal history on applications (i.e., the “ban the box” movement), there is concern that employers may discriminate on the basis of racist assumptions about which applicants are likely to have a criminal record. In fact, the implementation of ban-the-box policies has been shown to be associated with a lower likelihood of employment among young, non-college-educated Black and Latino men, irrespective of their criminal history (Doleac & Hansen, 2020). Thus, providing

educational opportunities and enhancing job skills may help formerly justice-involved people of color signal their job readiness but, on its own, is likely insufficient to eliminate discrimination based on race, ethnicity, or criminal history. These efforts must be paired with additional policies and practices that increase inclusion of people of color in work environments and extend economic opportunities equitably (“Role of Psychology and APA in Dismantling Systemic Racism,” 2021). To reduce the racial and ethnic disparities related to criminal legal system involvement, psychologists must ensure they play a role in developing and advocating for evidence-based interventions, policies, and programs across multiple contexts.

Education and Training Programs for Legal Decision-Makers

To reduce racial inequity within criminal legal systems, it should be a priority for psychologists to evaluate and improve education and training programs designed to enhance awareness of racism and ways to ameliorate it and its impacts throughout society, considering the roles that teachers, laypeople, police, prosecutors, defense attorneys, judges, jurors, and correctional officers play in entrenching people of color in criminal legal systems. In fact, the vast majority of police departments now offer or even require that their officers attend implicit bias training (CBS News, 2019), despite the dearth of research examining the effectiveness of such training. One new study evaluated effects in NYPD officers who were mandated to complete the training (Worden et al., 2020). The training was found to improve officers’ comprehension of the concept of implicit bias. Further, 58% of officers reported that they subsequently engaged in strategies to try to manage it. Even so, the training had no discernible impact on racial and ethnic disparities in enforcement actions over an approximately one-year observation period (see also Miller et al., 2020).

More research has evaluated the efficacy of procedural justice training. Procedural justice

relates to the fairness of the processes through which criminal legal actors interact with people (Tyler, 2003). Theoretically, procedurally just interactions enhance public trust in legal institutions and the perceived legitimacy of those institutions. As noted previously, however, people of color perceive their interactions with police as less just than do White people (Nadal et al., 2017). Training programs have been shown to be effective at improving officers' attitudes toward procedurally just policing (Dai et al., 2020; Nagin & Telep, 2020). To date, there is limited evidence that training impacts officers' actual behavior but one study has suggested it corresponds to a small reduction in their use of force (Wood et al., 2020). Research also has yet to investigate whether procedural justice training improves experiences and perceptions of police similarly for people of color and White people. In fact, some research has shown that Black (but not Latinx or White) people's attitudes toward the police are less impacted by whether they construe any given encounter as positive or negative than by their knowledge of how others in the Black community have been treated (Rosenbaum et al., 2005). Thus, it is important to recognize that police training should constitute only one part of a systematic package of reforms aimed at improving equity and fairness in criminal legal systems.

Research using first-person shooter tasks suggest, however, that other types of training and experience may prevent implicit bias from translating into police officers' decision-making related to use of force. In these studies, participants engage in a video simulation in which they are prompted to assess the threat posed by men who are either Black or White and holding either a firearm or an innocuous object, and then quickly decide whether to shoot or not. Police officers have been found to respond faster and more accurately to stereotype-consistent men (armed Black men and unarmed White men) than to stereotype-inconsistent men (unarmed Black men and armed White men) (Correll et al., 2007). However, trained police officers are less likely than

untrained civilians to mistakenly shoot an unarmed Black man than an unarmed White man. Moreover, practice on a shooter task in which race is nondiagnostic for correct decision-making (i.e., Black and White suspects are equally likely to be displayed with a gun or an innocuous object) inhibits activation of racial concepts and reduces the frequency with which police officer participants make racially biased errors in computer tasks (Plant & Peruche, 2005). Training may improve officers' ability to exert cognitive control to focus on information that is actually relevant to the shooting decision, such as the object in a suspect's hand, rather on the suspect's race (Correll et al., 2014).

In the trial context, evidence suggests that using voir dire to ask prospective jurors about their ability to render case judgments free from racial prejudice or otherwise making racial issues salient can reduce White jurors' tendency to disproportionately convict Black (versus White) defendants (Cohn et al., 2009; Sommers & Ellsworth, 2000; Sommers & Ellsworth, 2009). Findings such as this suggest that educational efforts designed to heighten awareness of the risk of prejudiced decision-making might put legal actors on guard against racial or ethnic bias (i.e., the "watchdog for prejudice" hypothesis; Sommers, 2006). Some have argued for courts to educate jurors about implicit bias via instructional videos during jury orientation (Roberts, 2012), or by providing jurors with information about implicit bias during jury selection, within jury instructions, or via expert testimony (Roberts, 2018). For example, one type of judicial instruction designed to address racial bias in interracial cases involves instructing jurors to imagine the same crime under consideration but with the race of the defendant and victim switched (i.e., "race-switching"; Lee, 2013). That is, if the defendant is Black and the victim is White, jurors are instructed to consider whether they would decide the case similarly if a White defendant had committed the exact same crime against a Black victim. Although such

interventions require empirical validation, existing theory and research suggest that they may be useful for mitigating racial bias in legal decision-making.

It is also important to note that training that merely offers statistics highlighting racial inequity within criminal legal systems has the potential to backfire. That is, such statistics may exacerbate negative stereotypes about race and criminality unless they are couched in context and the institutional policies and practices that drive racial inequity are fully explained and challenged (Hetey & Eberhardt, 2018). Race-related training will have a limited effect unless it is high quality and also accompanied by holistic support and sufficient resources (Eberhardt, 2020). Consider the results of the NYPD implicit bias training evaluation, which showed impacts on officers' cognitive learning but not their behavior (Worden et al., 2020). Survey data from supervising sergeants showed that only 45% agreed that the implicit bias training had taught them new skills and strategies that might assist them in their work. Even fewer reported that they had applied what they learned to their work or that the training impacted the way they do their job (32% and 21%, respectively). Qualitative analysis of interview responses indicated that sergeants who had not applied the implicit bias training believed they had not had the opportunity to do so or that it was unnecessary (e.g., because they believed biased policing is not a problem at the NYPD). If officers are expected to implement newly acquired knowledge and skills, the organizational context should reinforce the training.

Moreover, in most regards, it remains unclear whether the positive effects of training can withstand situational factors that exacerbate racism (e.g., fatigue increases bias in decisions to shoot; Ma et al., 2013). Some of these situational factors may be amenable to structural changes (e.g., police officers can be scheduled to work shifts in ways that reduce fatigue; Goff & Rau, 2020), whereas many others are not (e.g., actors often have wide discretion, circumstances or

case details may be ambiguous).

Recognize Intragroup Differences and Intersectionality

Dismantling systemic racism in criminal legal systems also requires recognition of within-group diversity as well as the unique experiences of people with biracial and multicultural identities (“Role of Psychology and APA in Dismantling Systemic Racism,” 2021). Moreover, psychologists, criminal justice practitioners, and policy makers must better understand how race intersects and interacts with other marginalized social identities, including but not limited to socioeconomic status, gender, and sexual orientation, to affect criminal legal experiences and outcomes (Hunt, 2015). For instance, Black transgender women are disproportionately more likely to be suspected by police of prostitution but they are also less likely to be taken seriously by police as victims of domestic violence or protected from abuse when they are incarcerated (Carpenter & Marshall, 2017). As another example, research suggests that jurors’ tendency to be biased against Latino versus White defendants is likely to be exacerbated when defendants are also from a low versus high socioeconomic status (Espinoza & Esqueda, 2015). Any work aimed at addressing racism must acknowledge that individuals with intersectional identities are subjected to distinct and complicated forms of bias which may require distinctly tailored interventions.

Ensure Diversity and Fair-mindedness among Criminal Legal Actors

One of the clearest ways to demonstrate support for equity is to have racial and ethnic diversity among the people in positions of authority within criminal legal systems themselves, including in the police, legal, and correctional professions. Diversity matters for multiple reasons. For one, racial and ethnic bias and discriminatory behavior are more prevalent among White people than people of color. For instance, Nosek and colleagues (2007) analyzed data

from tens of thousands of completed implicit measures assessing stereotypes linking Black race with weapons, preferences for lighter versus darker skin tone, bias against Black people compared to White people, perceptions of Asian and Native American people as less American than White people, and preferences for other people over Arab Muslim people. Negative racial and ethnic stereotypes and bias were consistently strongest among White people as compared to people of color. This is an important consideration in light of the previously reviewed research showing that social dominance orientation is related to use of force rates among White officers but not officers of color (Swencionis et al., 2021). Indeed, rigorous research indicates that White officers make more stops and arrests and use force more often than Black or Latinx officers, particularly against Black people and in majority-Black neighborhoods (Ba et al., 2021). In light of these findings, it should be unsurprising that Black people perceive police stops as more illegitimate than other people when officers are White but not when they are from racial or ethnic minority backgrounds (Cochran & Warren, 2012).

Diversifying the criminal legal workforce in terms of racial and ethnic representation is important, too, because people of color are best positioned to understand the lives and perspectives of people of color who are targeted for intervention. For instance, parole officers of color are more sensitive than White parole officers to the role that race plays in parolees' trust in their relationships with parole officers and mental health and substance abuse treatment providers as well as in affecting obstacles to treatment (Thompson et al., 2016). Findings like these suggest that enhancing diversity among criminal legal actors can improve the experiences of people of color within criminal legal systems beginning with more just interactions with police officers and continuing through to better access to services that facilitate successful reintegration post-incarceration.

Diversification of most criminal legal actors will need to occur through the hiring process but the jury system is an exception that allows prosecutors and judges to control racial and ethnic representation. Despite the U.S. Supreme Court decision in *Batson v. Kentucky* (1986) that made it unconstitutional to discriminate against jurors based on race or ethnicity during jury selection, it is well-documented that people of color continue to be underrepresented on juries (Equal Justice Initiative, 2021), making defendants of color far less likely than their White counterparts to benefit from the similarity-leniency bias. Reducing the number of peremptory strikes that attorneys are permitted and emboldening attorneys and judges to raise *Batson* challenges are examples of practical legal changes that can tackle this problem and diversify the body of legal decision-makers (O'Brien & Grosso, 2018).

Ironically, the aspiration of increasing the racial and ethnic representation of criminal legal actors is made more difficult by the racist policies that lead people of color to be disproportionately likely to be convicted felons, which blocks their ability to be police officers, have access to legal education, and even to serve on a jury (Binnall, 2021; Kalt, 2003). Further, people of color who seek to take on these roles are at risk of experiencing stress due to discrimination and other identity threats (see Bolton & Feagan, 2004). Thus, there is a vicious cycle through which racism is perpetuated, but working to break that cycle in the future will be instrumental to enhancing fair outcomes at every stage of the system. Psychologists have an important role to play in communicating the importance of diversity and working alongside criminal legal agencies to enhance representation of people of color in decision-making roles ("Role of Psychology and APA in Dismantling Systemic Racism," 2021). Notably, this burden should not be on the shoulders of psychologists of color only. White psychologists should share in the responsibility of confronting racism in criminal legal systems through their research and

practice and as advocates committed to equity and justice for all.

Conclusion

The task of dismantling systemic racism in criminal legal systems is immense and fraught with challenges, but we are encouraged by APA's recent pledge to address this urgent social issue via research, policy, and advocacy. In support of APA's recent resolution ("Role of Psychology and APA in Dismantling Systemic Racism," 2021), this report outlines an actionable, evidence-based path forward for psychologists, criminal legal actors, and policy makers. Much more multidisciplinary theorizing and research is needed to understand the nature and degree of systemic racism that generates racial and ethnic disparities within criminal legal systems and its interconnection to psychological mechanisms that underlie the problem. Yet we know enough now to make immediate, meaningful changes within policy, law, and practice that stand to reduce the harm people of color experience as a result of U.S. criminal legal systems. The field has already generated a great deal of knowledge that can inform solutions for keeping communities safe and achieving justice equitably and with dignity. We call on psychologists and policy makers to harness the theory and empirical research findings reviewed herein to build upon and strengthen this vital movement toward repair and healing.

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