

READING LIST FOR BIAS IN THE CRIMINAL JUSTICE SYSTEM 2023 KSSC WORKSHOP

BOOKS

CASTE: THE ORIGINS OF OUR DISCONTENTS by Isabel Wilkerson (2020)

CHARGED: THE NEW MOVEMENT TO TRANSFORM AMERICAN PROSECUTION AND END MASS INCARCERATION by Emily Bazelon (2019)

BIASED by Dr. Jennifer Eberhart (2019)

ENHANCING JUSTICE REDUCING BIAS, Sara E. Redfield, editor, ABA Publishing (2018) (articles by Chief Judge Karen Arnold-Burger and Judge Steve Leben contained in this book).

UNFAIR: THE NEW SCIENCE OF CRIMINAL JUSTICE by Adam Benforado (2015)

RACIAL PROFILING: THEY STOPPED ME BECAUSE I'M ____, by Prof Michael L. Birzer, Wichita State University (2013)

LEGAL ARTICLES (JUST A SELECT FEW)

(unless otherwise noted, available on Westlaw)

Bias on Trial: Toward an Open Discussion of Racial Stereotypes in the Courtroom, by Mikah K. Thompson, 2018 Mich. St. L. Rev. 1243 (2018).

Implicit Bias in the Courts, by Michael b. Hyman, 102 Ill. B.J. 40 (2014).

Implicit Racial Bias in Public Defender Triage, by L. Song Richardson and Phillip Atiba Goff, 122 YALE L.J. 2626 (June 2013)

The Impact of Implicit Racial Bias on the Exercise of Prosecutorial Discretion, by Robert J. Smith & Justin D. Levinson, 35 SEATTLE U.L. REV. 795 (Spring 2012)

Implicit Bias in the Courtroom, by Jerry Kang, et al., 59 UCLA L. REV. 1124 (June 2012).

Cultural Background as a Mitigating Factor in Sentencing in the Federal Law of the United States by Guy Ben-David, 47 No. 4 Crim. Law Bulletin ART 1 (Summer 2011)

What's Race Got to Do with It? Just About Everything: Challenging Implicit Bias to Reduce Minority Youth Incarceration in America by Ellen Marrus & Nadia N. Seeratan, , 8 J. Marshall L.J. 437 (2015)

Risk Assessments Are the Diagnosis Not the Cure: How Using Algorithms As Diagnostic Tools Can Prevent the Bait-and-Switch of Unconstitutional Pretrial Practices by Yara M. Wahba, , 24 Chap. L. Rev. 575 (2021)

NEWSPAPER/ MAGAZINE ARTICLES

Black and Hispanic drivers disproportionately ticketed by Wichita police, data shows, by Chance Swaim, The Wichita Eagle, February 28, 2023. [Are Wichita police racially profiling drivers? | The Wichita Eagle \(kansas.com\)](https://www.wichita.com/story/news/crime/2023/02/28/wichita-police-racially-profiling-drivers/7000000001)

Black drivers are nearly 3 times more likely than white drivers to get stopped by law enforcement in Douglas County, study confirms, August 8, 2022, by Mackenzie Clark, Lawrence Times. [Black drivers are nearly 3 times more likely than white drivers to get stopped by law enforcement in Douglas County, study confirms – The Lawrence Times \(lawrencekstimes.com\)](https://www.lawrence.com/story/news/crime/2022/08/08/black-drivers-nearly-3-times-more-likely-to-get-stopped-by-law-enforcement-in-douglas-county-study-confirms/7000000001)

Anna Sporre, Missouri report shows Black drivers more likely to be stopped See how your city ranks, K.C. STAR, June 22, 2021. [Missouri report shows Black drivers more likely to be stopped | The Kansas City Star](https://www.ksat.com/story/news/crime/2021/06/22/missouri-report-shows-black-drivers-more-likely-to-be-stopped/7000000001)

Washington Post: Systemic Racism by the numbers in the criminal justice system:

Radley Balko, *There's overwhelming evidence that the criminal justice system is racist. Here's the proof*, THE WASHINGTON POST, June 10, 2020, <https://www.washingtonpost.com/graphics/2020/opinions/systemic-racism-police-evidence-criminal-justice-system/>

Ruth Marcus, *If you don't believe systemic racism is real, explain these statistics*, THE WASHINGTON POST, June 12, 2020, https://www.washingtonpost.com/opinions/if-you-dont-believe-systemic-racism-is-real-explain-these-statistics/2020/06/12/ce0dff6e-acc7-11ea-94d2-d7bc43b26bf9_story.html?utm_campaign=wp_opinions&utm_medium=email&utm_source=newsletter&wpisrc=nl_opinions

Fatal Force, Sep 2, 2020—includes Kansas data

<https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>

YOUTUBE-EXAMPLES OF SYSTEMIC RACISM EXPLAINED

(grossly oversimplified for dramatic effect...so do your own research if one of these topics interests you)

The Origin of Race in the USA [\(925\) The Origin of Race in the USA - YouTube](https://www.youtube.com/watch?v=925)

Adam Ruins Everything - Black People Are Left Out of the Gun Control Debate, [\(925\) Adam Ruins Everything - Black People Are Left Out of the Gun Control Debate | truTV - YouTube](https://www.youtube.com/watch?v=925)

KANSAS DATA ONLINE (with race data)

Limited Justice, An Assessment of Assess to and Quality of Juvenile Defense Counsel in Kansas 2020 [Kansas - United States of Disparities \(burnsinstitute.org\)](https://www.burnsinstitute.org/kansas-united-states-of-disparities)

Kansas Pretrial Justice Task Force Report, November 2020, [PJTFReporttoKansasSupremeCourt.pdf](#) ([kscourts.org](#))

Protecting Girls of Color from the School-to-Prison Pipeline, Appleseed Network: Kansas data highlighted. http://www.appleseednetwork.org/uploads/1/2/4/6/124678621/appleseed_network_-_protecting_girls_of_color_2020.pdf

United States of Disparities, Kansas Map, [Kansas - United States of Disparities](#) ([burnsinstitute.org](#))

Kansas Sentencing Commission Dashboard
<https://www.sentencing.ks.gov/statistical-analysis/dashboards>

Annual Forfeiture Reports
[2022 Annual Report - Kansas Asset Forfeiture Reporting \(ks.gov\)](#) 2022 Annual Report to Kansas Legislature, p. 9.

Incarceration Trends in Kansas
<https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-kansas.pdf>

Pretrial Incarceration Trends in Kansas
<http://trends.vera.org/incarceration-rates?data=pretrial>

“Analysis of Traffic Citation Data for the Wichita Police Department (2016-2018)” (Birzer & Skinner, April 2020). Summary of results:
<https://www.wichita.gov/WPD/Citizen%20Review%20Board/2020-07-23%20WCRB%20Minutes.pdf>

Racial Profiling and Kansas Law Enforcement: Unprepared and Uninformed? ACLU of Kansas
<https://www.aclukansas.org/en/racial-profiling-and-kansas-law-enforcement-unprepared-and-uninformed> and backup data:
https://www.aclukansas.org/sites/default/files/field_documents/2018_kansas_racial_profiling_reports_-_stats_and_summaries.pdf.

Racial Profiling Study and Services: A Multijurisdictional Assessment of Traffic Enforcement and Data Collection in Kansas, by John C. Lamberth, February 2003; <https://www.ojp.gov/pdffiles1/Archive/203655NCJRS.pdf>

KANSAS CASES ON RACIAL PROFILING

Shaw v. Jones, Civil Action No. 19-1343-KHV, Civil Action No. 20-1067-KHV, D.Kan. July 21, 2023. [SHAW v. JONES \(2023\) | FindLaw](#)

State v. Arceo-Rojas, 57 Kan.App.2d 741, 769 (2020) (Arnold-Burger, dissenting)

State v. Gill, 56 Kan. App. 2d 1278 (2019).

State v. Nesbitt, 308 Kan. 45 (2018) (race-switching instruction).

State v. Gray, 306 Kan. 1287 (2017).

Garcia v. Anderson, 46 Kan.App.2d 1094 (2012).

U.S. v. Alcaraz-Arellano, 441 F.3d 1252 (10th Cir. 2006).

U.S. v. Duque-Nava, 315 F. Supp.2d 1144 (D. Kansas 2004).

U.S. v. Mesa-Roche, 288 F. Supp.2d 1172 (D. Kansas 2003).

Marshall v. Columbia Lea Regional Hospital, 345 F.3d 1157 (10th Cir. 2003).