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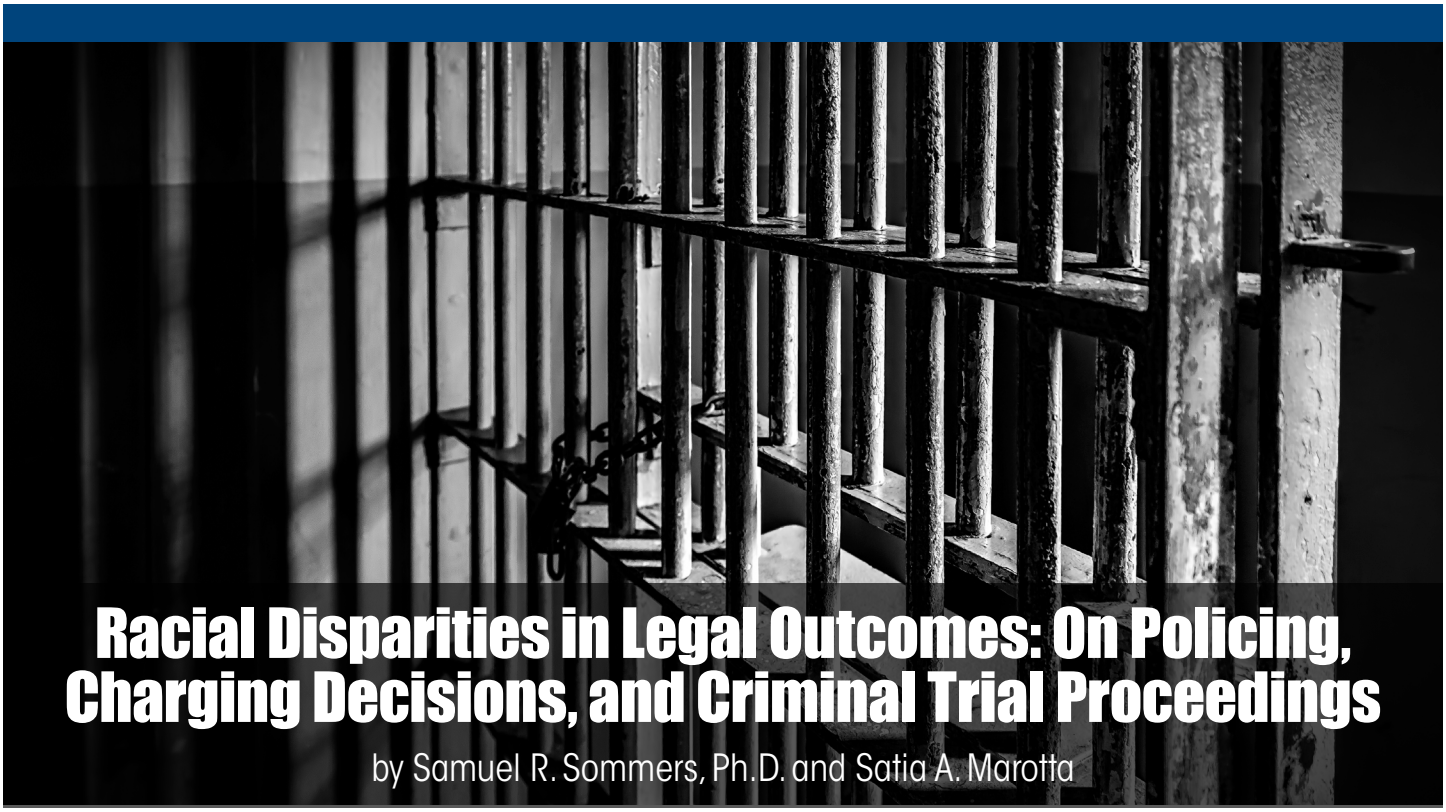

Racial Disparities in Legal Outcomes: On Policing, Charging Decisions, and Criminal Trial Proceedings

by Samuel R. Sommers, Ph.D. and Satia A. Marotta

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Introduction

Early in the evening of February 26, 2012, Trayvon Martin, an African American 17-year-old, was shot and killed in a gated community in Florida. The shooter, 28-year-old George Zimmerman, a neighborhood watch coordinator, was taken into custody but soon released upon persuading police that he killed the teenager in self-defense. The details of the criminal investigation and trial that followed are well known; Martin's death and Zimmerman's ultimate acquittal dominated cable news television, print media, and the blogosphere throughout 2012 and the first half of 2013.

The present article does not offer a detailed analysis of this case. Its objective is not to assess whether Martin's race influenced Zimmerman's behavior; whether race played a role in the initial decision to release Zimmerman from custody; or whether race (in terms of victim, defendant, or jury composition) contributed to Zimmerman's acquittal. Indeed, the empirical conclusions offered by behavioral science rarely permit definitive conclusions concerning the extent to which any one factor has contributed to the outcome of a particular case. Behavioral scientists draw conclusions in terms of probability and data aggregated across samples and scenarios: the presence of X renders Y significantly more likely. We usually do not seek (and are not able) to offer definitive conclusions such as in this instance, X led to Y.

Instead, this article focuses on what behavioral science research can tell us about the general relationship between race1 and legal outcomes, and its potential policy implications. Specifically, we will consider three domains, reviewing the influence of race on (a) policing, (b) charging decisions, and (c) criminal trial outcomes. We open with the shooting of Trayvon Martin because the facts surrounding Martin's violent death and its legal aftermath illustrate important questions for all three domains.

First, the original controversy revolved around whether Zim-

merman's actions that fatal night were biased by Martin's being a young, African American male. Was it Martin's race that, at least in part, attracted Zimmerman's attention, marking Martin as a suspicious character warranting surveillance? Did Zimmerman perceive Martin's subsequent actions as more threatening or furtive because Martin was Black? Recent research sheds light on perception, cognition, and behavior related to these questions. And although Zimmerman was not a police officer, we will examine research that focuses more directly on the influence of race on policing and consider potential strategies for curtailing such biases.

Second, in the wake of what became oversaturated coverage of the case, it is easy to forget that for weeks, Martin's death received no particular notice. Certainly not from popular media or the general public, but, some would argue, not from local law enforcement either. Zimmerman was taken into custody immediately but released without charges, the police satisfied with his explanation of self-defense. It was not until social media initiated efforts to draw attention to the case that, in mid-March, the Department of Justice announced an investigation, and the Seminole County State Attorney's Office revealed plans for a grand jury. And, thus, other questions emerged: Would police have been as quick to release Zimmerman had he killed a White teen? To what extent did Martin's race shape perceptions of the self-defense claims and discourse surrounding Florida's "Stand Your Ground" law? Although there is a dearth of data directly examining how demographics affect charging decisions, we will review research on related processes.

Third, new questions related to race emerged in 2013 as Zimmerman's case proceeded to trial. For instance, in what ways did the racial background of witnesses who took the stand or the demographic composition of the jury—six women, five of whom self-identified as White—shape its deliberations and verdict? Behavioral science research indicates the influence of defendant race, victim race, and jury racial composition on criminal trial outcomes, and suggests policy considerations to address such disparities.

Race and Policing

A (potential) suspect's racial group membership can influence how people view this individual. Generally, research links exposure to Black faces and perceptions of danger or threat. In one study (Payne, 2001), participants had to quickly identify objects as either dangerous (e.g., a weapon) or harmless (e.g., a tool). Before some objects appeared, a photograph of a White male's face briefly flashed on the screen; before other images, a photograph of a Black male flashed. Although respondents could not articulate what exactly they saw before the object appeared, the initial photos were influential: After exposure to a Black face, participants were quicker to identify objects as dangerous and more likely to mistake a harmless tool for a gun.

This mental link between thinking about African Americans and seeing threat is often drawn automatically and need not reflect conscious racial attitudes. It also appears on many measures, including neurological research using functional magnetic resonance imaging (fMRI) technology: When White participants view photos of Black and White faces, the Black faces trigger activation in the amygdala, a brain region implicated in vigilance (e.g., Cunningham & Browning, 2004). Behavior is also interpreted differently depending on the race of the actor: White observers view, for example, the same ambiguous shove as more violent when performed by a Black man than by a White man (Duncan, 1976).

This tendency to implicitly associate certain groups (particularly African Americans and Latinos; Judd, Sadler, Correll, & Park, 2012) with criminality goes in both directions. That is, prompting people to think about these racial groups makes thoughts about crime more accessible, and prompting thoughts about crime makes thinking about these racial groups more likely. For example, not only do subliminal photos of Black males make participants quicker to identify an ambiguous object as a weapon, but priming crime-related imagery also makes participants more likely to look at Black versus White faces (Eberhardt, Goff, Purdie, & Davies, 2004). Police officers as well as lay people demonstrate this tendency, suggesting that the cognitive association between race and crime is not limited to civilians.

A suspect's race shapes—sometimes unconsciously—the thoughts, attention, and inferences of others, including police. However, what about behavior? Do cognitive associations also translate into different actions? Investigations using a first-person shooter simulation have suggested that they do, demonstrating a "shooter bias." In these studies, civilians viewed a series of photos of a White or Black individual holding an object. Sometimes the object was a gun and sometimes it was something else of similar size and color (e.g., black wallet, silver camera). Participants had to decide as quickly as possible whether the target male was a threat. They recorded a response by pressing the appropriate button in front of them: One labeled shoot for when the target held a gun; one labeled don't shoot for when he was unarmed. Race had a significant effect on task speed and accuracy. When the person was unarmed, participants mistakenly decided to shoot more often if he was Black than White. Personal stereotypes or prejudices did not predict performance on the task, but awareness of societal stereotypes about Blacks and violence did. In short, shooter bias need not derive from racial hatred, but rather can reflect cultural associations between race and crime.

Using this shooter paradigm with police participants has produced more mixed results. Police also take longer to respond to stereotype-inconsistent stimuli, such as unarmed Black targets and armed White targets (Correll et al., 2007). However, when it comes to the actual decision to "shoot" or "not shoot," police do not perform differently by target race, indicating that perhaps experience can attenuate shooter bias. Indeed, although police at first exhibit shooter bias during the course of their experimental sessions, this effect disappears over time, as they

gain more simulation experience (Plant & Peruche, 2005).

Of course, simulations and other controlled laboratory studies, realistic though they strive to be, do not involve the same challenges inherent in actual policing. However, realworld data converge with these conclusions. For instance, in its 2013 ruling on the New York Police Department's (NYPD) "Stop and Frisk" policy, a U.S. District Court cited data indicating that—much as research participants pay disproportionate attention to members of particular groups when thinking about crime—police also apply enforcement efforts in an inequitable manner (Floyd v. City of New York, 2013). Of the more than four million stops the NYPD conducted between 2004 and 2012, 52% were of African Americans and 31% of Latinos, despite respective general population rates in the city of 23% and 29%—and although stops of African Americans and Latinos were actually less likely to yield weapons or contraband than were stops of Whites (see also Gelman, Fagan, & Kiss, 2007). Beyond New York, 27 independent data sets from different jurisdictions also revealed consistent evidence that minority suspects were more likely to be arrested than White suspects (Kochel, Wilson, & Mastrofski, 2011).

Data on the use of force tell a similar story. Once again looking at NYPD "Stop and Frisk" encounters, use of force occurred in 23% of stops of African Americans and 24% of stops of Latinos, but in only 17% of stops of Whites (Floyd v. City of New York, 2013). Although these numbers tell us little regarding the specifics of each encounter, they fit behavioral science conclusions that the suspects' race influences how threatening they seem. Again, note that African American and Latino New Yorkers were actually less likely to possess contraband than their White counterparts, ruling out actual guilt as an alternative explanation. Similar disparities have been observed in other police data, with analyses indicating that African Americans are up to 4 times as likely as White civilians to experience use of force (see Goff & Kahn, 2012).

In short, behavioral science research and actual policing data identify a statistically significant relationship showing that Blacks and Latinos are perceived and treated differently than Whites, by ordinary citizens and by police. What policy interventions are feasible? One strategy would identify when such racial disparities are most likely, and then modify police procedures accordingly. For instance, "shooter bias" is exacerbated when respondents are tired (Ma et al., 2013), rushed (Payne, 2006), or cannot see well (Payne, Shimizu, & Jacoby, 2005). Some of these circumstances are unavoidable during actual policing. However, any staffing and scheduling steps that minimize officer fatigue also could curb some of these racial disparities.

Another category of policy implications involves police demographics: Perhaps more diverse police forces would reduce bias. Indeed, in general terms, an organization's diversity often grants it greater legitimacy (Ely & Thomas, 2001). However, in race and policing, personal endorsement of stereotypes often does not predict performance (e.g., Correll, Park, Judd, & Wittenbrink, 2002). Few studies examine directly whether policing tendencies vary by officer race, although some data hint that African Americans might demonstrate less racial bias on a first-person shooter task (e.g., Correll et al., 2007). Still, research to date gives little direct basis for confidence in force diversity as a cure-all for racial disparities.

Researchers have more often addressed training as an intervention. For example, officers' classroom and firearm training do not predict shooter task performance (Correll et al., 2007). However, experience with simulated building searches—in which officers interact with actors, some of whom "attack" using weapons with non-lethal ammunition— does predict reduced bias. Shooter bias also attenuates with increased experience on the task (Plant, Peruche, & Butz, 2005), especially among police who have had positive contact with African Americans in their personal lives (Peruche & Plant, 2006). To effectively reduce bias, however, the training must allow officers to discover that there is no actual relationship between target race and threat. Not surprisingly, training that reinforces such an association exacerbates bias (Sim, Correll, & Sadler, 2013).

How best to address racial disparities in policing remains an open debate, much like more general societal efforts to reduce implicit bias (Lai, Hoffman, & Nosek, 2013). One certainty, however, is that more data are needed; not just from behavioral scientists but also about actual police stops and contacts with civilians. These data can provide a more complete picture of what predicts disparities in the field and how to assess bias-reduction interventions (Goff & Kahn, 2012). In a noteworthy step in this direction, in 2013, the National Science Foundation awarded funding to the Center for Policing Equity, an interdisciplinary research and action consortium, to create a national "Justice Database" that will standardize data collection concerning stops and use of force among a majority of "major city" police departments across North America. That this initiative was established not just in cooperation with police but actually at their request inspires optimism for future efforts to assess and address racial disparities in policing outcomes.

Race and Charging Decisions

After an arrest, prosecutors must decide whether and how to charge a suspect. Compared with policing research, far fewer studies have examined the influence of race on this process, despite the potential for racial bias to contribute to systemwide disparities (Free, 2002). In our opening example, this potential disparity initially inspired grassroots efforts to call attention to Trayvon Martin's death, raising questions such as why was George Zimmerman released from custody without charges, and what role did Martin's race play in this decision?

Consider, for example, the finding that homicides involving White victims—particularly those with a Black defendant accused of murdering a White victim—are significantly more likely to end in a death sentence than are homicides of Black

victims (e.g., Baldus, Woodworth, & Pulaski, 1990). Although many discuss this disparity in terms of jury bias, prosecutorial discretion plays a major role, with prosecutors more likely to charge capital murder and seek the death penalty in cases with Black defendants and/or White victims (Paternoster & Brame, 2008; for findings for Latinos, see Lee, 2007). This, combined with the fact that more than 90% of all guilty verdicts result from plea bargains and not juries (Hollander-Blumoff, 2007), demonstrates a clear need for further study of how race shapes attorney perceptions and decision making.

Whereas few experiments have directly addressed these issues, studies have examined relevant influences of race. For example, consider race and juvenile assessment. Traditionally, juvenile offenders have been considered less culpable than adults, their cases handled in juvenile court, and their sentences less punitive. Recently, however, the system has begun transferring more juveniles to the adult system for serious offenses (see Feld, 1999), despite a steady decrease in crime. Much discretion enters such determinations that a juvenile should be "charged as an adult." Are these decisions, therefore, subject to similar racial disparities as other charging outcomes?

One experiment had a community sample read about an actual (at the time, ongoing) U.S. Supreme Court case regarding the constitutionality of life sentences for juvenile offenders of serious crimes (Rattan, Levine, Dweck, & Eberhardt, 2012). Embedded in this information was an example of a 14-year-old male with more than a dozen previous juvenile convictions who was now facing rape charges. For some respondents, this juvenile was identified as White; for some respondents, he was Black. This variation shaped participants' general attitudes: After having read about a Black versus White juvenile offender, they reported perceiving juveniles as more similar to adults and expressed greater support for charging juveniles as adults. Similarly, perceptions of the "innocence of children" are stronger for White than Black youth. Both college and police participants view Black juveniles accused of felonies as more culpable than White juveniles; participants also overestimate the age of Black offenders (Goff, Jackson, Di Leone, Culotta, & DiTomasso, 2014). These findings echo analyses of actual case data: Black children are up to 18 times more likely than White children to be sentenced as adults (Poe-Yamagata & Jones, 2007).

Other discretion related to charging has not been explored substantively. For example, few studies examine perceptions of self-defense, a pivotal issue in charging decisions after George Zimmerman's arrest. One exception was an archival study of FBI data, which indicated that law enforcement is more likely to find White-on-Black homicides justified as self-defense, compared with other homicide demographics, particularly in states with "Stand Your Ground" laws (Roman, 2013). Because determinations related to selfdefense often hinge on subjective assessment of whether actors reasonably perceived themselves to be in danger, empirical findings regarding race/threat associations also provide a basis for predicting that race can color perceptions related to self-defense (Richardson & Goff, 2012).

What accounts for disparities in charging? As with policing, racial animus is a plausible, but not necessary, contributor. Unconscious associations between race and criminality—even if not personally endorsed by decision makers—may play a role. Moreover, some disparities in charging may result from strategic considerations of other people's unconscious associations. Race can influence a prosecutor's assessment of how sympathetic a particular defendant or victim will be to the jury, and, therefore, whether and which charges are worth pursuing (Frohmann, 1997). Race can also affect the zeal with which attorneys defend a client and their beliefs regarding what is the "best deal on the table": In a scenario involving a Black defendant, defense attorneys are likely to accept a more punitive plea than they would for the same scenario with a White defendant (Edkins, 2011).

Empathy for crime victims is also implicated in charging decisions, and race may also predict empathy with victims. Asked to rate how painful various circumstances would be for a fictitious individual (Trawalter, Hoffman, & Waytz, 2012), both White and Black participants saw Black people as feeling less pain than Whites. Similarly, Black and Latino emergency room patients are less likely than Whites to receive pain medication (e.g., Todd, Deaton, D'Adamo, & Goe, 2000). Moreover, brain regions associated with experiencing (and empathizing with) pain are more active when Whites think about the painful experiences of White individuals as opposed to those of other groups (Xu, Zuo, Wang, & Han, 2009).

It seems premature to address specific policy recommendations for disparities in charging decisions when the disparities themselves (and their underlying causes) remain relatively under-researched. As yet one more example, consider the mixed findings regarding another process related to the treatment of defendants of different backgrounds: bail and pre-trial release decisions. Some research indicates that race influences bail amounts and the likelihood that a defendant remains in custody before trial (e.g., Turner & Johnson, 2005). However, other studies have reported no evidence of disparities in bail, pre-trial release, or prosecutorial decisions to dismiss charges (e.g., Romain & Freiburger, 2013).

This lack of research on charging and related decisions calls for additional research. Given that prosecutors play a key role in outcomes, the dearth of data on prosecutorial discretion is a noteworthy gap. Consider a proposal from Paternoster and Brame (2008):

> It is not inconceivable to conduct an actual experiment in which prosecutors would be asked to decide whether they would seek a death sentence after reading a hypothetical case record of the homicide with the perceived race of the defendant and victim experimentally manip-

ulated. (p. 28)

Such studies are more than "not inconceivable." They are absolutely necessary and precisely what is required to better identify, explain, and address potential disparities in charging decisions.

Race and Trial Outcomes

Race can influence what happens in court as well. For example, a defendant's race has a biasing influence on jurors. Some researchers have examined this issue via mock jury simulation, in which the same trial summary is presented to different mock jurors, some of whom might read about, say, a Black defendant whereas others read about a White defendant. Compared with White defendants, Black defendants receive harsher mock verdicts and sentencing2 (e.g., Sommers, 2007; Sweeney & Haney, 1992). A quantitative analysis of previous research findings from 34 studies involving more than 7,000 participants determined that "research on this issue indicates a small, but significant, effect for racial bias in both verdict and sentencing decisions" (T. L. Mitchell, Haw, Pfeifer, & Meissner, 2005, p. 629).

Actual cases show the same patterns in how judges sentence. Archival data from more than 70 studies, in federal and non-federal courts, document Black defendants receiving more severe sentences than White defendants (O. Mitchell, 2005). These findings control for both severity of offense and previous criminal history, indicating that the racial disparity persists even when these other factors were accounted for. Latino defendants in actual cases also receive more severe sentences (Demuth & Steffensmeier, 2004).

Of course, these generalized patterns do not permit conclusions about whether any particular defendant would have received a different verdict/sentence had he been of a different race. Like mock jury data, analyses of actual cases have identified a significant, but small, relationship between race and trial outcomes, one that varies across a range of case factors and studies. Moreover, as societal norms regarding race evolve, so may responses to particular case facts. In one recent report, case materials that had elicited racial bias a decade and a half ago did not produce the same pattern among contemporary mock jurors (Elek & Hannaford-Agor, 2014; cf., Sommers & Ellsworth, 2001).

Defendant race works in conjunction with victim race and jury racial composition. As noted, archival analyses of capital cases have indicated that trials involving a White victim are more likely to end in a death sentence than those involving a Black victim, a disparity even stronger in Black defendant/ White victim cases; this pattern occurs across studies, time periods, and states (Baldus, Broffitt, Weiner, Woodworth, & Zuckerman, 1998; Baldus et al., 1990). DNA exonerations— when later forensic analysis reveals that a defendant was wrongfully convicted—also mirror this disparity. Specifically, whereas only 29% of rape prisoners in 2002 were Black, 64% of rape exonerations involved Black defendants, the vast majority convicted of crimes against White victims (Gross, Jacoby, Matheson, Montgomery, & Patil, 2005).

In terms of jury racial composition, actual trial outcomes and mock jury simulations indicate that the greater the proportion of White men on a capital jury, the greater the likelihood that a Black defendant is sentenced to death (Bowers, Steiner, & Sandys, 2001; Lynch & Haney, 2009). This is not limited to capital sentencing. In almost 200 actual juries in felony cases with Black defendants in Arizona, California, New York, and Washington, D.C., the greater the percentage of Whites on a jury, the more likely it was to convict a Black defendant (Williams & Burek, 2008). This association persisted regardless of crime type or strength of prosecution case (see also Bradbury & Williams, 2013). Such patterns also extend beyond the White/ Black dichotomy: In more than 300 non-felony juries in Texas, majority-White juries were harsher toward Latino defendants than were majority- Latino juries (Daudistel, Hosch, Holmes, & Graves, 1999).

In short, the potential for race to influence trial proceedings has been well documented. But how and why does it happen? Identifying mechanisms is critical for potential policy interventions aimed at reducing such disparities. Certainly, some jurors express overtly hostile attitudes toward certain racial groups, and this animus can produce bias. Potential remedies for explicit bias include anything that increases litigants' and judges' ability to identify such jurors during jury selection (i.e., voir dire). For example, minimal voir dire, in which the judge conducts brief questioning with little participation from attorneys, might yield to more extended questioning (Kovera, Dickinson, & Cutler, 2003). Yet, identifying overtly biased jurors remains challenging when such individuals are motivated to hide it.

These race effects also draw on implicit bias. Defendant race can subtly influence jurors' expectations about culpability, dangerousness, and credibility; victim race can unconsciously guide juror empathy. Clear judicial instruction regarding the importance of impartiality may compel jurors to try to control such biases (Pfeifer & Ogloff, 1991). Efforts are also underway to tailor instructions specifically to curtail unconscious bias (Elek & Hannaford-Agor, 2014). Indeed, judges themselves can effectively compensate for implicit bias when reminded and motivated (Rachlinski, Johnson, Wistrich, & Guthrie, 2009). Further studies should determine the optimal scope and timing of such instructions for attenuating bias among jurors, although some research has questioned the comprehensibility and effectiveness of judicial instructions in general (e.g., Lieberman & Sales, 1997).

Clearly, racial composition is associated with different jury decision making and outcomes. For one, more diverse juries inspire greater lay confidence in the fairness of the legal system (Ellis & Diamond, 2003). Consider the public reaction to a predominantly White jury's acquittal of George Zimmerman.

However, beyond perceived legitimacy, racial composition can also affect a jury's actual performance, as illustrated. Once more, the pressing question is why.

A straightforward explanation is that jurors of different racial backgrounds often have different life experiences, perspectives about crime and policing, and other viewpoints that shape deliberations and a jury's final verdict. Epitomizing this idea is Justice Thurgood Marshall's opinion in a 1972 U.S. Supreme Court case:

> When any large and identifiable segment of the community is excluded from jury service, the effect is to remove from the jury room qualities of human nature and varieties of human experience, the range of which is unknown and perhaps unknowable. (Peters v. Kiff, 1972, p. 503)

Here, Justice Marshall suggests that unrepresentative juries not only cast doubt on system legitimacy but also influence deliberations and verdicts.

Obstacles to representative juries (Sommers, 2008) include creating jury pools via public records that underrepresent certain racial groups (e.g., driver's licenses, voter rolls); failure to update jury pool lists frequently, resulting in higher rates of undeliverable summonses to mobile citizens (e.g., renters); and attorneys' use of race-based peremptory challenges in seeking to empanel sympathetic juries (see Sommers & Norton, 2008). Policy changes to address unrepresentative juries therefore range from steps taken to recruit a more diverse group of citizens for jury duty, to changes in the jury selection procedure itself (e.g., reducing or even eliminating peremptory challenges). Of course, any reduction in litigants' discretion to remove prospective jurors from a jury also complicates efforts to prevent explicitly prejudiced individuals from being empaneled.

Effects of a jury's composition can be more complicated than Justice Marshall's quotation suggests. Jury diversity affects White jurors too (Sommers, 2006): Awareness that they were on a racially heterogeneous jury led White mock jurors to be more skeptical of a Black defendant's guilt, to make fewer factually inaccurate statements when discussing the case, and to be less resistant to talking about controversial issues during deliberations (compared with Whites on all-White mock juries). These results highlight important differences concerning the influence of diversity across legal domains. Policing differences by officer race are scarce, perhaps indicating that many police decisions are of a split-second nature, where personal prejudice is less important than cultural biases. Juries rely on knee-jerk impressions as well, but their ultimate decisions are more deliberative. Perhaps steps to promote institutional diversity may be more fruitful for reducing racially disparate outcomes among juries.

In sum, influences of race on trial outcomes are many and complex. Potential policy interventions vary by specific target—defendant race, victim race, jury racial composition—and by whether the underlying cause is an empathy gap, overt animus, or implicit bias. Yet, biases in trial outcomes are just one of many potential sources of racial disparity in the legal system, especially because few cases ever proceed to trial. Yes, many questioned the role that the jury's composition played in George Zimmerman's acquittal, but this was only the final chapter in a longer saga involving police investigation and prosecutorial discretion. Researchers and policy makers would be remiss to focus future attention exclusively on the jury, when disparity also emerges earlier in the legal pipeline, from police enforcement priorities to on-the-ground policing, from charging decisions to jury-duty summonses.

Concluding Thoughts

One of the strongest tools for combating implicit bias is consciousness raising—making our unconscious associations conscious, and simply recognizing that bias can occur even among those of good intent. For racial disparities in legal outcomes, such acknowledgment of potential problems need not be cast as a "political issue." Individuals with different ideologies and political affiliations may well debate police enforcement priorities or factors that contribute to crime. However, people on both sides of the political aisle (and proverbial thin blue line) can agree that differential rates of police stops by suspect race—when unaccompanied by actual racial differences in illegal activity or seizure of contraband— are problematic, not to mention inefficient resource deployment. Similarly, most could agree that racial disparities in charging decisions, jury verdicts, and sentencing violate core American principles related to justice.

No one-size-fits-all policy insight will remedy such disparities. For that matter, behavioral science research will never be able to determine with absolute confidence that the death of Trayvon Martin (or any other particular case) would have been handled differently had it involved individuals of different racial backgrounds. However, research identifies how and when bias is most likely. Initial policy interventions include bias training, efforts to promote institutional diversity, and increased documentation of the precise nature of these disparities, as epitomized by the current policing initiative of a national justice database. Also essential will be continued analysis outside the system, by behavioral scientists and others, to expand the scope of relevant data and to keep up with ever-evolving norms regarding race, diversity, and difference.

***Dr. Sommers** is associate professor of psychology at Tufts University in Medford, MA. An experimental social psychologist, he is interested in issues related to stereotyping, prejudice, and group diversity. His research focuses on two general (and often overlapping) topics: 1) race and social perception, judgment, and interaction; 2) the intersection of psychology and law.*

***Satia Marotta** is a third year PhD candidate and Teaching Assistant in the Psychology Department with a focus on social psychology and the law. She graduated from Worcester Polytechnic Institute with a B.S. in Psychological Sciences and a B.S. in Society, Technology, and Policy.*

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Note

1. Using common terms, we refer throughout to race and racial disparity, although we will also review findings regarding Latino suspects, defendants, and jurors, and "Hispanic" is typically considered an ethnicity. Similarly, we use "African American" and "Black" interchangeably, but mostly rely on "Black," given its use in behavioral science.
2. Note that except for capital cases, sentencing is almost always the responsibility of judges, not juries.

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