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# Racial Bias in the Legal System

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**Lecture:** Tuesdays & Thursdays 1:30-2:50pm, Room: Worrell Hall 205

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How does the social psychological study of bias apply to the legal system?

What are the cumulative consequences of bias in the legal system?

How can psychological research and theory be applied to mitigate bias in the legal system?

## COURSE OVERVIEW & GOALS

Welcome to Special Topics in Psychology and Law! This course examines the psychological study of racial bias in the legal system. The course draws heavily upon social psychological research (as well as related subfields of psychology, and the fields of criminology and legal studies) to investigate the ways in which stereotypes, prejudice, and discrimination influence decision making at various points of the legal system. We will learn about key theories and major research findings from the psychological study of bias and how these translate to legal decision making. You will gain knowledge about how psychological research is applied to identify and understand the ways in which bias operates in law and public policy, and how it informs solutions to reduce bias. We'll work together in a collaborative and inclusive environment to learn about topics such as policing, jury decision making, eyewitnesses, forensic assessment, and corrections.

This course is a seminar class that will require you to read, integrate, and apply empirical and theoretical research to the legal system. You are expected to contribute to and facilitate class discussions on the weekly topic areas and to apply what you have learned to a topic area of interest to you.

### Student learning goals:

- Gain a fundamental understanding of the social psychological study of stereotypes, prejudice, and discrimination.
- Understand and describe how bias plays a role in the development and implementation of legal statutes, public policy, and legal decision making across various domains (e.g., eyewitness memory, jury decision making).
- Understand the cumulative consequences of racial bias in the legal system.
- Discover how research and theory are applied to reduce biases and inform public policy.
- Facilitate class discussions about key issues and research pertaining to bias in the legal system.
- Present on a topic area of interest to you that is related to the course material.
- Apply what you have learned to develop a grant proposal.

### Instructor goals:

- Establish a collaborative, close, inclusive classroom environment.
- Facilitate and encourage your learning.

**Course materials:**

All course materials will be posted to Blackboard.

**CONTENT WARNING**

We'll learn about sensitive topics that may be emotionally challenging. Some content may make you feel uncomfortable or challenge your current way of thinking, which can be difficult.

**If you feel any topics may cause you undue distress, please let me know in advance so I can work with you and provide an alternate assignment.**

**ABOUT YOUR INSTRUCTORS**

**Professor:** Dr. Kelly Burke (she/her)

**Email:** [kcburke@utep.edu](mailto:kcburke@utep.edu)

**Student Hours:** Thursday 3:00-4:00pm or by appointment

**Location:** Vowell\* 301

\*Note, Vowell is not handicap accessible. If you need an accessible meeting, please email me to schedule one in the Psychology Building.

I refer to these as “student” hours because they’re meant for you! This means I *want* you to come anytime you have questions, concerns, or just want to chat about the course. It’s important you know I’m here to support you and your learning. If something isn’t working or you have constructive feedback to improve class, please let me know! I’m happy to adapt things in response to feedback.

It’s extremely important that you stay on top of the material each week.

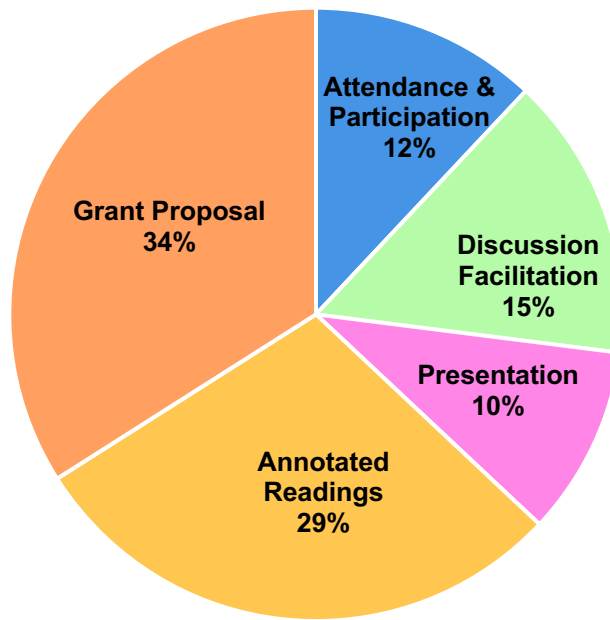
**If you fall behind, feel stuck, have questions, or have trouble remembering earlier content, come talk to me right away! I’m here to facilitate your learning, not create undue stress and anxiety during an already stressful time.**

**COURSE FORMAT**

The course will meet in-person two times a week (Tuesdays & Thursdays). Course materials will be posted on Blackboard. Schedule updates and announcements will also be posted on Blackboard. Therefore, it is extremely important that you check Blackboard and your email regularly for updates. If you are not receiving emails from Blackboard, reach out to UTEP tech support.

**HOW YOUR LEARNING WILL BE ASSESSED**

We have five different methods for assessing your learning:



### **Attendance & Active Participation (120 points)**

You will receive points each week for *active* participation and engagement in class discussions. Thoughtful class discussions are the crux of seminar courses. Therefore, you will not receive points merely for showing up, you must actively participate and contribute meaningfully. Much of what you learn in this course will stem from our discussion of the materials—sharing your perspectives, asking questions, and listening to what your classmates have to say. This means that you must prepare ahead of time—do the readings and come to class prepared with questions, critical evaluations or critiques, connections between the readings or prior week’s topics, etc. I know it can be intimidating or difficult to actively participate (trust me, I really get it). To encourage this, I’ll be committed to providing the spaces and opportunities for you to actively participate.

There will be 28 classes (14 weeks) where you can earn points. Each class is worth ~4.29 points. You will receive 2 points for attending, and 2.29 points for active and effortful participation.

### **Annotated Readings (290 points)**

Readings will be assigned for each week. You will be required to provide thoughtful annotations on a shared PDF in Google Drive. You will contribute a minimum of two annotations per required (not optional) reading. You are not restricted to the number of required annotations; feel free to make more if you wish. Annotations are required, even if you miss class.

These annotations should be thoughtful, but informal. Examples of what they might include are:

- Clarification questions on the content presented.
- Drawing connections between the current week’s material and material from previous weeks, other research or literature you are familiar with, or relevant issues.
- Critiques of the methods or other aspects of the research, and ideas for how to improve it.
- Identifying something interesting to you and explaining why it is interesting.
- Commenting on some of the most important things you learned from the reading, and why you feel it is important.
- Discussion questions related to the readings (e.g., what gaps remain in the research, how might those gaps be addressed?).

- Recommendations for future research stemming from the readings (e.g., what is a follow up test that could be conducted, what are your hypotheses?).

Our class is held twice/week; however, all readings should all be completed *before class on Tuesdays* (with the exception of Week 1). **All annotations are due by Mondays at 5pm to allow the discussion leader time to review and consolidate annotations.**

These annotations will be graded using a  $\checkmark+$ ,  $\checkmark$ , or  $\checkmark-$  system. You must provide 2 annotations per required reading, 5 points per annotation, which will result in 10 points per reading. Checks and check pluses will receive 5 points per annotation, a check minus will receive 3 points, and not completing an annotation receives 0 points.

### **Discussion Facilitation (150 points)**

One discussion facilitator will be assigned to one reading each week to lead the discussion for that reading. Each student will serve as discussion leader twice throughout the semester. They will be responsible for:

- Providing a brief summary of the readings
  - E.g., what is the purpose of the paper? What are the major claims? What are the novel contributions? If the paper is theoretical, how is it contributing to a gap in theoretical knowledge? If empirical, what methods are used, and what are the major findings?
- Posing questions or comments to spark discussion. This can be achieved by:
  - Introducing related research or topics that expand our understanding of the topic area or specific reading.
  - Focusing on an in-depth review of a major section of the reading.
  - Integrating and incorporating comments/questions from the annotated readings. Note, class discussions should develop and expand upon the comments raised from the annotated readings. They should *not* rely exclusively on the annotations (i.e., do not just read through the annotations in class. Instead, incorporate additional insight).

We will go through the readings in the order listed in the weekly schedule. You can organize the discussion however you would like (e.g., PowerPoint, handouts, a fun class activity related to the topic). The primary thing is to be organized and prepared to lead discussion (e.g., read through your classmates' annotations ahead of time).

You will be graded based on preparedness, engagement, and added value brought to the conversation. You will receive 75 points for each of the two discussions you lead. You will earn 65-75 points for active participation and facilitation, 55-65 points for participating, and 0 points for not participating or leading discussion.

### **Presentation (100 points)**

You will sign up to give one 10-minute oral presentation that focuses on applying your research interests (broadly defined) to some aspect of the legal system (e.g., if you study health disparities, how might this relate to legal or public policy issues? How might research related to bilingualism intersect with and inform juror selection or jury decision making?). The purpose of these presentations is to expand our discussions to other topic areas that are interesting to you! So, there are no formal requirements for the presentations other than they be relevant to the course. What do

you find interesting? What does existing research have to say about it? Where are there gaps in knowledge?

I recommend basing your presentation around the topic you choose for your grant proposal (described below). This is not required; however, doing so will give you a head start in terms of digging into the literature on your topic, posing ideas for how you might conduct a study, and it will offer the opportunity to receive feedback on your grant proposal idea.

Each presentation will be 10 minutes, with two minutes for questions. Presentations will take place throughout the semester. You will be graded based on content and delivery. You will receive 90-100 points for excellent work, 80-90 points for good work, and 70-80 points for fair work.

### **Grant Proposal (340 points)**

Your final paper will be a grant proposal using the actual format and structure used by an organization of your choosing (e.g., National Science Foundation, National Institute of Health, National Institute of Justice). The grant proposal should focus on a research area of interest to you and how it relates to bias in the legal system. Note, although our class emphasizes racial bias in the legal system, you are free to translate what you have learned to examine other forms of bias in the legal system.

Through this project, you will learn how to develop a research idea that bridges your research interests with a topic in the legal system/public policy and gain valuable experience in grant writing. Don't be intimidated – your proposal does not need to be as long as or detailed as a “real” grant application, and your idea does not have to be earth-shattering. It should be interesting, well-written, and should demonstrate your ability to take what you have learned in this class and apply it to bias in the legal system. I will provide you with an example to guide you, and I will be more than happy to work with you outside of class if you need extra help.

To facilitate your learning, we will breakdown aspects of the grant proposal so that you can receive feedback:

- Identify a research question/idea you will focus on. Identify which granting agency and solicitation you will be targeting.
  - DUE: Tues., Oct. 1. (20 points)
- Outline of Grant Proposal.
  - a. DUE: Tues., Nov. 5. (100 points)
- Final Grant Proposal.
  - a. DUE: Wed., Dec. 11 (220 points)

### **Grading**

Your overall grade in the course will be determined by the number of points you receive divided by the total number of points in the course (1,000), and will follow this breakdown:

A: 90-100%	C: 70-79.9%	F: 59.9% or lower
B: 80-89.9%	D: 60-69.9%	

For any grading disputes you would like to bring up, you have one (1) week from when you receive your grade to review it and contact me. After the week has passed, I will not review it again.

## COURSE POLICIES

### Our Inclusive Learning Environment

I'm dedicated to establishing and maintaining an inclusive, welcoming, and open learning environment. Regardless of age, disability, ethnicity, race, gender, gender identity, sexual orientation, socioeconomic status, geographic background, religion, political ideology, language, or culture, I expect everyone to contribute to a respectful and welcoming environment for every other member of our class. If there is anything that results in barriers to your engagement or accurate assessment or achievement, please notify me as soon as possible.

### COVID-19

Please stay home if you have been diagnosed with COVID-19 or are experiencing COVID-19 symptoms. If you are feeling unwell, [contact CASS](#) and let your instructors know as soon as possible, so that we can work on appropriate accommodations. If you have tested positive for COVID-19, you are encouraged to report your results to [covidaction@utep.edu](mailto:covidaction@utep.edu), so that the Dean of Students Office can provide you with support and help communicate with your professors. The [Student Health Center](#) is equipped to provide COVID-19 testing.

**If you have any symptoms of COVID-19, please do not come to class. Instead, contact me and we can make other arrangements.**

### Attendance/Late Policy

Makeup assignments, activities, etc. will not be offered except under exceptional circumstances. Only approved absences for university-recognized activities, military leave, religious holidays, and illness may be excused if documentation is provided in accordance with the university policies listed in the Student Handbook. In such cases, you will be required to complete an alternative assignment.

## ADDITIONAL INFORMATION

### Academic Integrity

Academic dishonesty is prohibited and is considered a violation of the [UTEP Handbook of Operating Procedures](#). It includes, but is not limited to, cheating, plagiarism, and collusion. Cheating may involve copying from or providing information to another student or possessing unauthorized materials during a test. Plagiarism occurs when someone intentionally or knowingly represents the words or ideas of another person as one's own. Collusion involves collaborating with another person to commit any academically dishonest act. Any act of academic dishonesty attempted by a UTEP student is unacceptable and will not be tolerated. Violations will be taken seriously and will be referred to the Dean of Students Office ([Office of Student Conduct and Conflict Resolution \(OSCCR\)](#)) for possible disciplinary action. Students may be suspended or expelled from UTEP for such actions.

By enrolling in this course, you agree to uphold a class honor code in which we trust one another and engage only in behaviors that reflect our community standards of academic integrity.

**If any part of you feels even slightly tempted to engage in academic dishonesty for the sake of a better grade, come talk to me and I'll give you all sorts of tips and tricks to earn that grade you're hoping for.**

## UTEP RESOURCES

### Classroom Accommodation

UTEP is committed to providing reasonable accommodations and auxiliary services to students, staff, faculty, job applicants, applicants for admissions, and other beneficiaries of University programs, services and activities with documented disabilities to provide them with equal opportunities to participate in programs, services, and activities in compliance with sections 503 and 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA) of 1990 and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008. Students who become pregnant or have parenting responsibilities may also request reasonable accommodations. Reasonable accommodations will be made unless it is determined that doing so would cause undue hardship on the University. The UTEP Center for Accommodations and Support Services (CASS) will process requests for accommodations based on a disability, pregnancy, or parenting. For additional information, visit the CASS website at <https://www.utep.edu/student-affairs/cass/>.

If you have a disability and need classroom accommodations, contact The Center for Accommodations and Support Services (CASS) at 915-747-5148, [cass@utep.edu](mailto:cass@utep.edu), apply for accommodations online via the CASS portal, or visit their office located in UTEP Union East, Room 106. The instructor must be notified by CASS by the end of the first week of classes to facilitate accommodations. However, if an emergency arises later in the semester, contact CASS ASAP.

### Library

A number of resources (e.g., online access to journals and eBooks, reference service, librarian assistance) are available through [UTEP Library](#).

### Technology Solutions

If you experience technological difficulties (e.g., email, Blackboard, software), you can submit a ticket to the [UTEP Helpdesk](#) for assistance. You can also find additional [remote learning resources here](#).

If you don't have access to the internet or a computer, there are a few options available:

- Check out a laptop or mobile hotspot from UTEP:  
[https://www.utep.edu/technologysupport/TSCenter/tsc\\_eqcheckout.html](https://www.utep.edu/technologysupport/TSCenter/tsc_eqcheckout.html)
- Use the computers in the Collaborative Learning Center (UTEP Library, 2<sup>nd</sup> floor)

You can download Microsoft Office (Word, PowerPoint, etc.) for free from UTEP:

[https://www.utep.edu/technologysupport/ServiceCatalog/SOFTWARE\\_PAGES/soft\\_microsoftoffice365.html](https://www.utep.edu/technologysupport/ServiceCatalog/SOFTWARE_PAGES/soft_microsoftoffice365.html)

If you experience any difficulties with Blackboard:

- Try using a different web browser. Chrome and Firefox are recommended.
- Ensure your browser is updated and clear your cache.
- Consult Blackboard or UTEP Blackboard help links, on the left side of Blackboard home page.
- Contact UTEP's help desk

### Writing Center

For assistance with writing style and formatting, to receive tutoring help, and more you can visit the [University Writing Center \(UWC\)](#).

**Military Student Success Center**

UTEP welcomes military-affiliated students to its degree programs, and the [Military Student Success Center](#) and its dedicated staff (many of whom are veterans and students themselves) are here to help personnel in any branch of service to reach their educational goals.

**Financial Resources**

The Dean of Students can help with [financial resources](#), including emergency loans to purchase textbooks.

**Mental, Physical, and/or Academic Challenges**

As a student, you may experience challenges such as struggles with academics, finances, student life, or your personal well-being. Please know this is completely normal, and you shouldn't hesitate to ask for help. Come to me, or if it's about an issue beyond the scope of our class, please contact your advisors or get help from any number of support services and resources available (see below).

Note, faculty have a legal obligation to report incidents of sexual harassment, sexual assault, dating violence, or stalking allegedly committed by or against a student or employee of the university to a Title IX Coordinator or Deputy Title IX Coordinator. This means that if you report such an incident, I have a legal obligation to report it and cannot guarantee confidentiality. Any reports of suicidal thoughts will also be reported. As such, it is important to make you aware of the following resources available to you that do allow for confidential reporting:

- [The University Counseling Center](#) offers counseling services for UTEP students. You may contact them at 915-747-5302, [caps@utep.edu](mailto:caps@utep.edu), or 202 Union West.
- [The Campus Advocacy, Resources, & Education Office](#) seeks to empower students who have been impacted by violence by providing private advocacy, resources, and support services. You may contact them at 915-747-7452, [care@utep.edu](mailto:care@utep.edu), or 1101 N. Campbell St.
- [UTEP Student Health and Wellness Center](#) addresses health care needs of UTEP students. You may contact them at 915-747-5624, [studenthealth@utep.edu](mailto:studenthealth@utep.edu), or 100 Union East.

**Syllabus Disclaimer:** This syllabus is intended to give you guidance on what will be covered during the semester and will be followed as closely as possible. However, I may modify, supplement, and make changes throughout the semester.



**TENTATIVE COURSE SCHEDULE**

The course schedule is tentative and subject to change. Readings should be completed prior to Tuesdays' class. Annotations are due by Mondays at 5pm to allow the discussion leader time to review and consolidate them.

Week	Topic	Readings	Discussion Leader
1: Aug. 27 & 29	Intro to Racial Bias in the Legal System	Tues: Review syllabus, sign up for discussions & presentations.  Hunt (2015). Race in the justice system. <i>*We will cover this on Thurs. (not Tues.)</i>  <i>Optional:</i> Bodenhausen & Richeson (2010). Prejudice, stereotyping, and discrimination.	Kelly
2: Sept. 3 & 5	Crime/ Criminalization	Goff et al. (2014). The essence of innocence: Consequences of dehumanizing Black children.  Provine (2011). Race and inequality in the war on drugs.	Morgan  Betel
3: Sept. 10 & 12	Eyewitnesses	Brigham et al. (2007). The influence of race on eyewitness memory.  Katzman & Kovera (2023). Potential causes of racial disparities in wrongful convictions based on mistaken identifications: Own-race bias and differences in evidence-based suspicion.  <i>Optional:</i> Wilson et al. (2013). The cross-race effect and eyewitness identification: How to improve recognition and reduce decision errors in eyewitness situations.	Vianney  Betel
4: Sept. 17 & 19	Policing	Swencionis & Goff (2017). The psychological science of racial bias and policing.  Kahn & Martin (2020). The social psychology of racially biased policing: Evidence-based policy responses.	Ashley V.  Kelly
5: Sept. 24 & 26	Policing	Worden et al. (2024). Implicit bias training for police: Evaluating impacts on enforcement disparities.  Hetey et al. (2024). "When the Cruiser lights come on": Using the science of bias & culture to combat racial disparities in policing.	Julianna  Jayce
<b>Oct. 1</b>		<b>Research Idea DUE</b>	
6: Oct. 1 & 3	Interrogations & Confessions	Najdowski (2011). Stereotype threat in criminal interrogations: Why innocent Black suspects are at risk for confessing falsely.  Lloyd et al. (2017). Black and White lies: Race-based biases in deception judgments.	Claudia  Claudia

7: Oct. 8 & 10	Juror/Jury Decision Making	Sommers & Norton (2007). Race-based judgments, race-neutral justifications: Experimental examination of peremptory use and the Batson challenge procedure.  Smalarz et al. (2023). Counterintuitive race effects in legal and nonlegal contexts.	Ashley V.  Julianna
8: Oct. 15 & 17	Juror/Jury Decision Making	Peter-Hagene (2019). Jurors' cognitive depletion and performance during jury deliberation as a function of jury diversity and defendant race.  Salerno et al. (2019). Women and African Americans are less influential when they express anger during group decision making.	Morgan  Angie
9: Oct. 22 & 24	Sentencing & Punishment	Spohn (2013). Racial disparities in prosecution, sentencing, and punishment.  Girvan & Marek (2023). The eye of the beholder: Increased likelihood of prison sentences for people perceived to have Hispanic ethnicity.  <i>Optional:</i> Eberhardt et al. (2006). Looking deathworthy: Perceived stereotypicality of Black defendants predicts capital-sentencing.	Tia  Vianney
10: Oct. 29 & 31	Forensic Assessment	Marlowe et al. (2020). Employing standardized risk assessment in pretrial release decisions: Association with criminal justice outcomes and racial equity.  Lowder et al. (2019). Racial bias and LSI-R assessments in probation sentencing and outcomes.	Tia  Kelly
<b>Nov. 5</b>		<b>Outline of Grant Proposal DUE</b>	
11: Nov. 5 & 7	Immigration	Thronson & Thronson (2020). Child immigration: Barriers predicated on national origin and racial identity.  Craig et al. (2018). Racial and political dynamics of an approaching "majority-minority" United States.  <i>Optional:</i> Zatz & Smith (2012). Immigration, crime, and victimization: Rhetoric and reality.	Kelly  Angie
12: Nov. 12 & 14	Children	Cleveland & Quas (2020). Juvenile dependency court: The role of race in decisions, outcomes, and participant experiences.  Farr & Hrapczynski (2020). Transracial adoption: Psychology, law, and policy.	Ashley L.  Kelly
13: Nov. 19 & 21	Attitudes & Perceptions of Legal Authorities	Fine & Cauffman (2015). Race and justice system attitude formation during the transition to adulthood.	Ashley L.

		Sun & Wu (2006). Citizens' perceptions of the courts: The impact of race, gender, and recent experience.	Kelly
		Jackson et al. (2023). Centering race in procedural justice theory: Structural racism and the under-and overpolicing of Black communities.	Jayce
14: Nov. 26 & 28	Work Day/ Thanksgiving	Use this time to work on your grant proposal.	
15: Dec. 3 & 5	Solutions	Kovera (2019). Racial disparities in the criminal justice system: Prevalence, causes, and a search for solutions.  Bronfenbrenner (1994). Ecological models of human development. <i>As you read this, consider how to apply the social ecological model to various aspects of the legal system. How can we target these different aspects to mitigate bias?</i>  Perry et al. (2022). Applying the evidence we have.	Kelly  Kelly  Kelly
<b>Dec. 11</b>		<b>Grant Proposal DUE</b>	

**Other Important Dates:**

- Sept. 11: Fall Census Day, last day to register for classes.
- Nov. 1: Drop/Withdrawal Deadline.

*\* Portions of this syllabus were adapted from Professors Hannah Volpert-Esmond, Krystia Reed, Katherine Serafine, and Rebecca Littman.*