ANNOTATED BIBLIOGRAPHY

DECRIMINALIZING ADOLESCENT SPEECH & CONTEMPT OF COP

The resources in this annotated bibliography were compiled as part of the September 2022 session of the Racial Justice Training Series co-hosted by the Georgetown Juvenile Justice Clinic & Initiative and the Gault Center based on Chapter 7: Contempt of Cop in *The Rage of Innocence: How America Criminalizes Black Youth* by Kristin Henning.

The descriptions of the resources are drawn from the linked and cited sources. They are listed in reverse chronological order. Please find the most recent articles at the beginning of each section.

Shameka Stanford, *The School-Based Speech-Language Pathologist's Role in Diverting the School-to-Confinement Pipeline for Youth with Communicative Disorders,* 5(4) Perspectives (2020), available: https://pubs.asha.org/doi/abs/10.1044/2020_PERSP-20-0002.

- This article discusses the intersectionality of the school-to-confinement pipeline and its detrimental effect on the societal and academic success of youth with communication disorders.
- These disorders can be adequately addressed by a speech-language pathologist (SLP), which would help decrease the youth's involvement with the school-to-confinement pipeline.
- The SLP's role in interrupting the school-to-confinement pipeline is vital to providing and increasing the societal and academic success of youth with communication disorders placed at risk for delinquency. They can become an active member in the individualized education plan, can advocate for opportunities to collaborate and interact with the youth, and create consistent and streamlined opportunities for culturally relevant goals and interventions.

Marie Pryor, Kim Shayo Buchanan, and Phillip Atiba Goff, *Risky Situations: Sources of Racial Disparities in Police Behavior*, 16 Annual Review of Law and Social Science 343 (2020).

- This article identifies 5 factors that tend to increase the likelihood a police officer may behave in a racially disparate way:
  1. Discretion
     a. In the absence of clear rules, officers are more likely to act in ways that favor white people and harm non-white people.

b. This arises in many areas of policing (e.g. conducting stops, using force, alleging a person is involved in a gang, working alone or on a small team in a school as an SRO).

2. Inexperience
   a. Newer officers may be even more susceptible to acting in biased ways.
   b. Some research shows that increased training and practice may lower the chance an officer shoots an unarmed Black person.
   c. Skills training can reduce bias only if the program does not itself reinforce racial biases.

3. Salience of crime:
   a. Powerful social stereotypes associate Black people with crime.
   b. When shown Black faces, police officers are more likely to think of crime. When primed with thoughts of crime, police officers are more likely to discriminate against Black people.
   c. This bias is reinforced in many officers' work assignments (e.g. being assigned to patrol a majority-Black neighborhood).

4. Cognitive demand:
   a. Police officers' work requires them to make life-altering decisions under intense time limits. This stress can reduce cognitive resources, making it more difficult to think clearly and make sound choices. In these frequently-occurring situations of high cognitive demand, police are more likely to act on racial bias. Long shifts or night shifts can make this worse.
   b. Cross-racial interactions themselves may be an additional stressor, further increasing the likelihood a white officer will act in a racially disparate way toward a Black or Latinx person.

5. Identity threat:
   a. Police officers may experience "identity threat" when they fear they will be unfairly judged in accordance with the stereotype that police officers are racist. This identity threat causes stress and increased cognitive demand.
   b. Officers who are concerned about being judged as racist are more likely to act in racially disparate ways.
   c. Research shows police officers are more likely to use force if they believe community members view them as racist.
   d. Some officers may also experience identity threats related to gender, including "masculinity threat" (a man's fear he will be judged as unmanly). While male officers in all roles are vulnerable to masculinity threat, officers assigned to less-confrontational roles, such as SROs or community-orientated policing, may especially fear their work is devalued and seen as less masculine. Officers may respond to masculinity threat by redoubling their commitment to violence or physical strength as means of affirming their alignment with masculine identity.
   e. When men experience "masculinity threat," they often seek to restore threatened identity by using violence against people, such as women, effeminate men, or belligerent men, who might threaten that masculine identity. Racial disparities in use of force may be shaped in part by the interaction of racialized and gendered stereotype threats.

- The circumstances of police work in general tend to aggravate the risk for racially disparate behavior to occur. Given the large amount of power and discretion they are afforded, police

officers are also less likely to face consequences and be held accountable for their discriminatory actions.

- Police departments should:
    a. Review their training curricula to ensure they do not reinforce the stereotypical association between Blackness and crime;
    b. Decrease cognitive demand by shortening shifts;
    c. Train officers to manage their identity threats so they do not act in biased ways; and
    d. Reduce discretion by creating systems of accountability for discrimination and inappropriate use of force.

Phillip Atiba Goff and Hillary Rau, *Predicting Bad Policing: Theorizing Burdensome and Racially Disparate Policing through the Lenses of Social Psychology and Routine Activities*, 687(1) The ANNALS of the American Academy of Political and Social Science, 67-88 (2020).

- This study attempts to fill a research gap where there have been few attempts to theorize which factors predict disparate policing, despite an increase in research relating to racial disparities in policing.
- Researchers found that biased policing is most likely to occur when officers who are vulnerable to situational risk factors for bias encounter citizens who are members of vulnerable out-groups. They argue that situational risk factors for bias and aggression among police provoke feelings of disgust and out-group derogation. Both physical threat and perceived threats to officers' group and self-concept can provoke aggressive and biased responses towards civilians.
- Future research could rely on these findings to help others identify opportunities for reform. Because patrol officers are so frequently in contact with segments of society that broadly elicit disgust, those officers are chronically at risk for negative behaviors. Many of these encounters could be prevented by policies promoting minimal police engagement overall.

Shameka Stanford, *Black Girls in the Delinquency System: "Defiance" or Disorder*, Coalition for Juvenile Justice, March 12, 2019, available: https://www.juvjustice.org/blog/1117

- Black girls are consistently suspended or expelled from school for zero-tolerance status offenses like being "disruptive" or "defiant" without administrators, teachers, and school resource officers taking into account their developmental, behavioral, and social abilities and/or impairments.
- However, the over generalization of certain behavior does not take into consideration how the presence of impairments in expressive and receptive language, social communication skills, executive function, problem solving, and consequential thinking directly impact said "behaviors," "tantrums," and the criminalization practices Black girls are exposed to.
- Professionals and the legal system must address: 1) the limited information about cognitive-communicative disorders available to the juvenile justice system and law enforcement, and 2) the preparation of authority who come into contact with Black girls with cognitive-communicative impairments to be knowledgeable and aware of cognitive-communicative disorders. To protect Black girls, parties must recognize the difference between defiance and disorders.

Casualties of Misunderstanding: Communication Disorders and Juvenile Injustice: Adolescents with Communication Disorders Face an Increased Risk of being Misjudged and Detained, **24(6) The ASHA Leader (2019), available: https://leader.pubs.asha.org/doi/full/10.1044/leader.FTR1.24062019.44**

- Speech-language pathologists can be key advocates for youth who have communicative disorders and are at increased risk for punishment due to professionals misinterpreting their disorder. Authorities may misinterpret difficulties with problem-solving, expressive and receptive language, and executive functioning.
- 80% of young people affected by policies such as zero-tolerance were found to have a CCD, a learning disability, or some combination of these.
- A Speech-language Pathologist (SLP) is often the first line of contact with these youth and can provide services to these students, but also educate courts and influence policy and legislative changes.
- SLP's can proved forensic assessments and evaluations, which include recommendation on how a CCD may have had an impact on the youth's decision, behavior, or actions. This article gives several examples of ways in which SPL's can help and should be included in the courts for their perspectives.

Shameka Stanford, *The Silent Epidemic: Cognitive-Communicative Disorders & Justice-System Involvement of Youth*, **Campaign for Youth Justice, February 4, 2019, available: https://campaignforyouthjustice.org/2019/item/the-silent-epidemic-cognitive-communicative-disorders-justice-system-involvement-of-youth**

- Cognitive-Communicative Disorders (CCD) are deficits or specific impairments that impact and individual's attention, memory, problem solving ability, emotional functioning, comprehension and production, literacy, pragmatics, social skills, and expressive and receptive language. CCD affects the ability to recall information, follow directions, vocabulary skills, problem solving, read social cues, and more.
- The difference between mental health Cognitive-Communicative Disorders (CCD), and the confluence of CCD and disproportionate justice-system involved for Black youth still have not been fully examined
- Black youth with CCD have an increased probability of personally interacting with the criminal justice system, and ultimately being transferred to adult court by juvenile court. Court stakeholders must become aware of how CCD impacts youth of color with undocumented and undiagnosed CCD. Other considerations could be resourcing speech and language pathologists to conduct evaluations to better understand the manifestation of CCD, increase treatment for youth, and decrease the transfer of these youth to adult court.

Dylan B. Jackson, Alexander Testa, and Michael G. Vaughn, *Low Self-Control and Adolescent Police Stop: Intrusiveness, Emotional Response, and Psychological Well-Being*, **66 J. Crim. Justice (2019).**

Purpose

- This research extends the literature on both Gottfredson and Hirschi's (1990) self-control theory and adolescent police stops by exploring the role of low self-control in the features and consequences of police stops among urban-born youth.

Results

- Youth with lower levels of self-control are more likely to be stopped by police and more likely to experience greater emotional distress and social stigma from police stops.
- Black youth were prone to more intrusive and hostile interactions with police.
- Among stopped youth, those with lower levels of self-control were more likely to
  - be stopped multiple times and in multiple locations (particularly at school);
  - report more procedural injustice and officer intrusiveness; and
  - experience greater emotional distress during police encounters and social stigma and post- traumatic stress following encounters.

Shameka Stanford and Bahiyyah Muhammad, *The Confluence of Language and Learning Disorders and the School to Prison Pipeline Among Minority Students of Color: A Critical Race Theory*, 26 American University J. Gender, Social Policy and the Law 691 (2018).

- This article examines the correlation between minority students of color with language and learning disorders and the school-to-prison pipeline from a critical race theory perspective.
- It also discusses recommendation for reducing disproportionately harsh disciplinary actions in low-income schools where adults perceive these students disparagingly and there are extremely limited resources to address language and learning needs. Low access to resources that specifically address these needs, are directly tied to the school to prison pipeline disparities.
- Addressing the subject of undiagnosed language and learning disorders warrants a greater examination.

Shameka Stanford, *Understanding The Disproportionate Representation Of Minority Youth In Special Education And The Juvenile Justice System: A Fundamental Discussion For The Justice Of Minority Youth*, 36 Howard League for Penal Reform ECAN Bulletin 19-2022 (July 2018).

- Current research on communication disorders, the impact of health barriers on individuals behaviors, and specifically on low-income minority communities has not extended to analysis factors like the presence Cognitive-Communicative Disorders (CCD) recognized as a structural determinant of future societal and academic success.
- Therefore, there is a scarcity in the research and initiatives that have looked at the influence CCD has on problem behaviors, the school to prison pipeline, and recidivism among low-income minority youth.
- This research suggests that specifically in low-income minority communities, a variety of health disparities are overlooked, specifically untreated/undiagnosed CCD, leaving a significant gap in this research and how it affects minority youth's experience with the U.S. criminal justice

system. This information is critical to create therapeutic interventions and reducing disproportionate outcomes.

Julianna Rava et al., *The Prevalence and Correlates of Involvement in the Criminal Justice System Among Youth on the Autism Spectrum*, **48 J. Autism Dev. Disord., 340-346 (2017).**

- This study examined the prevalence of involvement in the criminal justice system among a nationally representative sample of youth with autism.
- Researchers examined whether youth had been stopped and questioned by police or arrested at 14-15 years old and 21-22 years old. By age 21, approximately 20% of youth with autism had been stopped and questioned by police and nearly 5% had been arrested.
- Youth displaying externalizing behaviors were more likely to be involved in the criminal justice system.
- As the prevalence of autism rises, so does the number of young adults with autism who are transitioning into adulthood. More research is needed to identify what puts them at risk of contact with police, and how to implement school-based interventions early on for youth on the autism spectrum to reduce misconceptions and increase effective communication when youth interact with law enforcement. This research will also help law enforcement better recognize and manage encounters with youth on the autism spectrum.

M. Dreyfuss et al., *Teens impulsively React Rather than Retreat from Threat*, **36 Developmental Neuroscience 220-227 (2014).**

- How behavior is altered by changes in negative emotional processes during adolescence has received less attention than changes in positive emotional processes.
- This study uses a measure of impulsivity in combination with cues that signal threat or safety to assess developmental changes in emotional responses to threat cues.
- Their findings suggest that adolescence is a period of heightened sensitivity to social and emotional cues that results in diminished regulation of behavior in their presence. The present study demonstrates that impulsive behavior during adolescence is as likely to occur in the presence of threat as reward cues.
- Researchers show that rather than retreating or withholding a response to threat cues, adolescents are more likely than children or adults to impulsively react to them, even when instructed not to respond. This developmental pattern is mirrored by adolescent specific changes in limbic cortical circuitry implicated in the detection and assignment of emotional value to inputs and in the subsequent regulation of responses to them.

Michele LaVigne & Gregory J. Van Rybroek*, Breakdown in the Language Zone: The Prevalence of Language Impairments among Juvenile and Adult Offenders and Why It Matters***, 15 U.C. Davis J. JUV. L. & Pol'y 37 (2011).**

- The juvenile and criminal justice systems operate on the assumption that without a severe mental defect or obvious condition, most people understand what they are told and are able to use language as an effective tool for navigating through life.
- However, research is showing that there is a "striking high connection" between communication and language disorders, and what is perceived as behavioral problems by the legal world.
- This article provides more support as to why court stakeholders need to know the difference, understand the difference, and begin considering the difference in court decisions and when interacting with youth who have communication disorders.

Frank Rudy Cooper, *"Who's the Man?": Masculinities Studies, Terry Stops, and Police Training,* 18 Columbia J. Gender and Law 671 (2009).

- This article applies literature from the field of masculinities studies to criminal procedure and asks: How does masculinity affect policing? In short, police get "macho" with members of the public, and in ways that only serve to boost their own egos and masculine esteem. This helps explain patterns of law enforcement, and the pattern that male police stop racial minority males at disproportionate rates—both boosting racial and masculine esteem.
- This article looks at the often ignored intersectionality of race and gender in discriminatory stops. "He is chronically insecure that he has not sufficiently proved that he is as masculine as he should be."
- Therefore over policing may in fact be policemen "seeking" masculinity contests under the guise of serving and protecting or looking for evidence. In order to combat this, anti- masculinist training should be incorporated along with implicit bias training for police.
- The article also covers hypermasculinity and how it's deeply intertwined in policing hiring and training practices, and how the Court embraces these cultural beliefs/practices in *Terry.*