

Just Addressing Biases Against Teenagers of Color

Intro [00:00:01] RTI International's Justice Practice Area presents Just Science.

Lauren Mangum [00:00:09] Welcome to Just Science, a podcast for justice professionals and anyone interested in learning more about forensic science, innovative technology, current research and actionable strategies to improve the criminal justice system. In this special release episode, Just Science sat down with Kristin Henning, Director of the Juvenile Justice Clinic and Initiative at Georgetown Law and author of *The Rage of Innocence: How America Criminalizes Black Youth*. To discuss the biases that exist in the American criminal legal system, which disproportionately and negatively impacts teenagers of color. Decades of developmental psychology research supports that adolescence is a period marked by risk taking behaviors, experimentation and susceptibility to peer influence. While these features of adolescence are normal for all teenagers, teenagers of color are disproportionately punished by the American criminal legal system for behaviors that are developmentally appropriate. Listen along as Professor Henning describes what typical adolescent behavior looks like, the depiction of adolescence and race in the media and the movement to better inform criminal legal system practitioners about this unique developmental period. This episode is funded in part by RTI International's Transformative Research Unit for Equity and the Justice Practice Area. Some content in this podcast may be considered sensitive and may evoke emotional responses or may not be appropriate for younger audiences. Here's your host, Yamanda Wright.

Yamanda Wright [00:01:32] Hello and welcome to Just Science. I'm your host, Yamanda Wright with the Transformative Research Unit for Equity at RTI International. Today, we'll be talking about the juvenile justice system and in particular the overrepresentation of youth of color and who is accused of criminally delinquent behavior. Our distinguished guest is Kristin Henning, the Blume Professor of Law at Georgetown University, as well as director of the Juvenile Justice Clinic and Initiative at Georgetown. Kristin has practiced law in Washington, D.C. for over 25 years, representing youth accused of delinquency. Kristin, welcome to the podcast.

Kristin Henning [00:02:13] Thank you so much for having me, Yamanda! I'm excited for this conversation.

Yamanda Wright [00:02:17] And we're very excited to have you. So, let's get started. In your recent book, *The Rage of Innocence*, you talk about how legal systems over penalize youth of color for what is most often developmentally appropriate behavior. Can you describe for our listeners what that actually looks like in your practice and in juvenile court?

Kristin Henning [00:02:37] Sure. Whenever I talk about the arrest, prosecution and incarceration of children, people automatically assume I must be talking about serious violent offenses that we're all afraid of rape, murder, carjacking, gun offenses. But the reality is that the vast majority of children in our courts, especially our juvenile courts all across the country, are there for nonviolent property related offenses, offenses for which no one has been hurt. And more important, they are in the court system for truly behaviors that are considered normal adolescent behaviors. And so, I often ask folks, think about what you know, what do we know about teenagers? And folks quickly, you know, say they're impulsive and reactive and they care about peer influence, and they are risk takers and sensation seekers, and they don't think ahead to the long-term consequences. Well, those are the very key features of adolescence that lead children into what could

technically be a criminal offense. And so, in fact, we know that there is a crime bump in adolescence. So, during those teenage years, there is a point at which children do dumb things, right, you know, drinking and driving, you know, sexually promiscuous without protection. But they also do things like fighting with their peers, or they might pull pranks that have serious and harmful consequences for other people. They might steal things of that nature to show off. And so, these things are what we consider normal adolescent behavior. Even when we as adults don't approve of them, they're still normal adolescent behaviors. And so, what we see in courts across the country is that it's the prosecution of children for being children.

Yamanda Wright [00:04:55] Thank you so much for that overview. And I just have to say, as I was reading your book, that's one of the things that I really related to that stood out to me is just sort of how familiar these adolescent experiences felt like either from my own experience, having been a teenager at one point or from my peers, or just from what I know about youth as a developmental psychologist. And I think a lot of people probably relate to that in your book, but what they don't relate to is how, depending so much on race, those experiences can spiral and can have these long-term effects on youth lives. So, can you tell us a little bit more about the sort of differential consequences that you've seen for that kind of developmentally appropriate adolescent behavior?

Kristin Henning [00:05:46] Absolutely. We see all across the country that Black children and Latino Latina children are disproportionately overrepresented in courts all across the country. And of course, other racial and ethnic groups are disproportionately represented depending on what part of the country they live in. So, what the research shows is that those key features of adolescence that we just talked about are the same regardless of race, regardless of class, regardless of geography. And children all over the world, not just here in the United States, are impulsive and reactive and care about peer influence. Yet in the United States, we see time and time again that we perceive and respond to Black and brown children as criminal, as dangerous, as threatening, as deviant from the norm, even when they are engaged in those typical normative behaviors. And so, you know, I might just offer you an example. So, in my book, I share a number of examples of clients that I've represented and some high-profile examples of Black and brown children who were treated criminally for normal adolescent behaviors. One of the most disturbing stories is a client I represented, a young African American girl who is 17 years old, got into an argument with her boyfriend at school, and during the course of the argument, she became convinced that her boyfriend was cheating on her with another girl. So, she grabs his cell phone and begins to walk off down the hall. As she's walking away, she's scrolling through his text messages to see if he's been communicating with someone else. A school resource officer sees this and decides to intervene. Unfortunately, his intervention was to arrest her, arrest her in front of, you know, her classmates. She gets picked up by the local police department, taken to a secure detention held overnight, brought to court the next day and formally prosecuted for robbery, taking the property of another by stealth or force. And so, it's just so disturbing that when we think about it, you see this on paper and you now think we have a serious violent felon, according to the FBI Index of Crimes. You hear this story, and you immediately recognize that this is a child doing what many of us, dare I say, probably did when we were children. And so, this is the differential treatment of Black and brown children and not just in minor ways, but in significant ways. Right. Bringing this child into court and charging her with a robbery. You know, another more just a more general explanation is just thinking about the ways in which we as a society respond to children who experiment with drugs, sex and alcohol, and the ways in which particularly, you know, often White, middle-class children can drink alcohol, experiment with drugs well into their twenties. Right. You know, in the care and the privacy of their own home and with

little or no consequence, you know, a Black child or brown child who, you know, is engaging in those normative experimental behaviors often finds themselves arrested for a drug offense or possession of open container alcohol, things of that nature. And so, there's a real disparity in our country.

Yamanda Wright [00:09:30] Absolutely. Thank you. And I think as you're describing this, I'm thinking also about all of the popular cultural references to adolescence, some of which you mentioned in your book. I'm thinking in particular about American Pie and Mean Girls and those sorts of comedies, really, where we look at teenagers doing teenager things, mostly White teenagers in those situations. And we say, you know, that was pretty messed up, but that is a normal part of growing up. But youth of color are less often, like you said, given the opportunity to explore and make mistakes. So yeah, I think that part also really resonates with me.

Kristin Henning [00:10:14] Oh, most definitely. I think your movie selection is like, you know, spot on. It's like. So not only is it accepted and tolerated, it becomes the source of humor and entertainment for Hollywood. Right. To have all of these movies like Risky Business, you know, the list goes on of Hollywood movies that glorify and find humor in what it means to be a teenager. We call them coming of age movies. Well, think about, in contrast, The Wire, the TV show out of Baltimore, Maryland, whereby adolescent behaviors are criminalized and problematized. Right. So, think about the average joyriding. That was a feature of the movie Ferris Bueller's Day Off. Right. And Ferris takes a car, his friend's father's Jaguar, I believe it was, and driving through the city for an entire day. It's, you know, humorous and without punishment in consequence. And police officers don't pull them over. Whereas you see in The Wire, a Black child is sitting in a car also without permission and within seconds, you know, he is swarmed by police officers. So, it's the ways in which that joyride becomes something else for a Black teenager than for a White teenager. So, so many examples like that. You're absolutely right. From music to clothes to who are your friends, all of that is really treated quite differently.

Yamanda Wright [00:11:51] Yeah, and totally different genre is right. I can think of a couple of movies, but not a time where that coming-of-age experience for Black youth is a comedy, is lighthearted and joyful. Instead, it's usually tragic and we sort of look at those movies and we say, well, you know, that's the way things are, which is really, really sad to think about. Another sort of feature of popular cultural references to Black adolescence is just this characterization of Black children as children and how hard it can be sometimes for our society to acknowledge Black children as children. One feature of that being this adultification of Black youth that you talk about in your book, where Black kids are viewed as adults, are viewed as being more intentional, should be more accountable, just held to a higher standard perhaps than they're all of young people's brains are capable of doing at a stage when they're still so much in flux. So, I was wondering if you could speak to how adultification appears in your practice.

Kristin Henning [00:13:02] Absolutely. You know, I could talk about it both in practice and in research. I mean, there has been a wealth of research lately demonstrating how Black boys in particular are perceived to be significantly older than they actually are. And in fact, more than four and a half years older than they actually are is a really important study by Dr. Phillip Atiba Goff called Essence of Innocence that I recommend for folks to read. There is also research demonstrating that both police officers and civilians perceive Black boys to be taller, bigger, more muscular, more capable of harm than they actually are. Similar research has been done with Black girls showing that adults are more likely to perceive Black girls to be older, more mature, more knowledgeable about adult like topics,

less innocent, less in need of protection than they actually are. All of that has a profound impact upon the ways in which we perceive the normal adolescent behaviors of Black and brown children, as well as how we respond to those. Right. Do you see a child as threatening? There was a really powerful study not too long ago on facial expressions and how Black boys and girls, an ambiguous facial expression on a Black girl or boy would be perceived as angry, whereas that same ambiguous facial expression would be perceived as sad, for example, on a White child. All of those, you know, perceptions, factor in or end in part and parcel of this adultification, this perception that these angry emotions must be attached to this child, but more importantly, just even the physicality that people look at a 12-year-old Tamir Rice. And if folks will remember it, Tamir Rice was shot and killed within 3 seconds of police arriving at a gazebo in Cleveland, Ohio. And when the officers were interviewed afterwards, they said that he looked older than his 12-year-old face. And I always urge people just to Google his face that was so unequivocally a child by every stretch of the imagination. But the officers kept talking about how he was standing five feet, six inches tall and wearing an extra-large jacket and a size 36 pants. And so, I think Dr. Phillip Atiba Goff's research shows that Tamir Rice is not alone, that children are Black children in particular are being perceived as significantly older than they are.

Yamanda Wright [00:15:54] I mean, this just seems so pervasive. It seems so implicit in addition to sometimes being explicit. And I just generally, when I read the literature on this, gets so overwhelmed by how much the cards feel stacked against Black and brown children when they do things that sort of step outside of the bounds of what society believes that they should be able to do. Are there mistakes that they should be able to make? And so, I'm wondering what sort of corrective steps are happening in the legal field to counteract these biases or at least minimize the long-term impact that they have on kids who are looped into the system?

Kristin Henning [00:16:38] Great question. There's a ton of work to be done, so I got to start there. Of course, I think that there is some movement in the legal field around these questions and it actually starts in what I will call a safer space, a safer entry space. And one of the entry spaces I'm speaking about is educating all of the legal actors, including police officers, prosecutors, judges, probation officers, all the people who have a hand in this, as well as civilians, like teachers, counselors, other folks who might be referring children to the juvenile legal system. And that entry point is adolescent development, really helping the legal actors understand the science in ways in which they've never grappled with. Fortunately, we have some United States Supreme Court cases that have finally acknowledged that adolescents are different and that the differences between adolescents and adults is relevant for purposes of the law and legal question and legal enforcement. So that's the first entry point, is if we can get by and around that, that helps move the needle and reduce the total population of children who are prosecuted, period. The total number of children who are transferred over to adult court and receive serious sentences, including incarceration with adults. So that's some movement that has a net positive impact for Black and brown children. But beyond that, there has been now over the last ten years or so, the developmental psychologists have recognized that this race question is still a piercing question in the system. And so that even when we reduce the overall numbers of youth referred into the system, we're still seeing racial disparities. And in fact, the racial disparities are often higher when you reduce the population, the total population of youth in the system. And so, some of the research now that is being done is research that controls for race and socioeconomic class and finds that adolescence looks like adolescence all over the world. Right. So, no matter where you live, no matter what you look like, those key features of adolescence that we've been talking about, impulsivity and peer influence still persist. And so, part of that work is to get the legal world to recognize

that there's no good adolescence and bad adolescence. There's no Black adolescence and White adolescence. There's no Latina adolescence. And so that has done some of the work. Right. Is beginning to do some of the work in addressing some of those racial disparities. Another thing that we are seeing in the field is that more and more state actors are interested in and mandating that their teams participate in some implicit racial bias training. And I'm always careful when I say that. I'm not talking about the type of implicit racial bias training where you just check off the box and say you understand the concept of cognitive science and of bias, but it's more than that. It is scenario based, practical, interactive, hands on implicit racial bias workshops whereby we identify a series of scenarios at every single stage of the legal system, from arrest, through sentencing, through trial, guilt and innocence phase. And we ask the various stakeholders to see and name the ways in which Black and brown children are treated and perceived differently. And to think about and identify strategies to interrupt those moments of bias. And so, you know, I have, you know, been doing a lot of that training around the country, getting folks to engage in this work in a very concrete, practical application of it. And then the third and final way I think I see changes in the legal system is that we are finally getting state high court opinions, state high court to recognize in the same way they recognize that adolescent development was relevant for critical legal questions, that race is also relevant for critical legal questions. And so, you know, I know this is a non-legal audience, but think about stop and frisk or search and seizure. Right? The question, the legal question is, does a police officer have a right to stop you or do you have a right to go freely about your community and your neighborhood? And one of the critical questions is whether or not the suspect has engaged in some suspicious behavior that would cause a police officer to believe that a crime had been committed. Well, race is relevant to that question for all of the things that we just talked about. So, helping officers understand that implicit racial bias causes officers to misinterpret those ambiguous behaviors. That's the harder work. The easier work is helping the decision makers, the judges understand that a child of color or an adult of color even might run away from the police because they are terrified of the police. And so therefore, what we previously in the law interpreted as consciousness of guilt, I'm running from the police because I know I've done something wrong. We are having to get the courts to reevaluate that factor and say, no, no, no, no, no. They weren't running because they were guilty or had some guilty conscience. They were running because they were afraid of violence. They were afraid of a corruption or afraid of mistreatment. And so that's one of the examples of how the law is slowly beginning to change around race.

Yamanda Wright [00:22:48] I am so encouraged to hear about these newest developments because I feel like over the past decade or so, there has been so much conversation about implicit bias. And I think across fields, not just in the criminal justice, criminal legal system, but across psychology, across a bunch of different fields. We've talked more about how our cognitive biases affect our behavior. But a lot of those conversations have been very abstract. They've been very theoretical. People have a conceptual understanding of implicit bias, but that doesn't necessarily translate into practice, into when people, adults are making decisions on the street, when they're making decisions in court. And that's when we know, like when you're in a stressful or a high stakes environment, that's when your implicit biases are really activated and can really act on your behavior. So, I'm just I'm so happy to hear about those practical applications, about sort of like in vivo practicing of counteracting implicit bias.

Kristin Henning [00:23:57] Yeah, that's what's so incredibly important. And I will say, you know, I share all of that because I'm an optimistic person and I see it happening, I mean, involved in some of this, but there is a lot of work to do. And we know across the country

that geographically there are some courts, some states, in fact, that are more resistant to these kinds of conversations and in fact, will prohibit trainings of this nature, but we are seeing movement in all of these regards. And you're absolutely right it's got to be, you know, in practice.

Yamanda Wright [00:24:30] Yeah. And I think you're anticipating the next couple of questions I had in mind there, which are about resistance to this kind of thinking, this kind of training, kind of legal change. I'm especially wondering about all of these issues in the context of school shootings and school violence, because I think a lot of people, a lot of maybe even communities might say we have a real fear that our children aren't as safe at school as they previously were. And there is a perception that school violence is everywhere all the time. And that we need these sort of tougher on crime solutions in schools to protect children. How do you balance all of your knowledge about how Black and brown youth are criminalized and not viewed as children with people's fears about school safety?

Kristin Henning [00:25:23] Yeah, such a great question and I have to say it is indeed the central question, I think, on everybody's minds right now. We all want to be safe. I want to be safe. But what I always say is that we also have to choose the right strategies to get the results that we want and that we as a community are quick to default to the traditional law enforcement strategies, to be quite frank, that haven't worked in the past. And so, think, for example, in response to your question about school shootings, right. That the research has not shown at all that police in schools will prevent school shootings. And in fact, people forget that in, you know, Columbine and Sandy Hook and places where we've seen mass shootings, Uvalde more recently, that there have been school resource officers, and they did not prevent the school shooting. And so that we are misplacing our resources around strategies that don't work, but that allow your state leaders or your city leaders to say, hey, I did something about this problem. Instead of digging in and looking at the root causes and providing, you know, a continuum of mental health services in the school system, ensuring that every school has social emotional learning conflict resolution. And there's been a lot of talk about threat assessment teams where if you're going to have a threat assessment team, the threat assessment team needs to be a mental health model, one that is attentive to young people who need more engagement, more support, a system, a public health framework that is attentive to what's going on in kids families that lead them to the space where they are engaging in crime. So that's one thought. The other concern that I have is when we have these mass shootings, rightfully so, everyone is in arms. Or right now we're here on September 1st in 2023, we've seen a little uptick in crime across the country, especially around carjackings or, you know, some shootings. And so, everyone is on high alert right now. And what we're forgetting is a couple of things. One, we're forgetting that, you know, even in these moments when it appears that crime is on the rise, we are still nowhere near the crime level that we were in the eighties, and the nineties. To be clear, any one crime, any one victim that is hurt is one too many. But our strategy, we can't overcompensate. We can't have an overbroad strategy out of fear that we're back in the eighties, in the nineties, and we're not. And what we're seeing is that people are reverting back to some very draconian strategies, you know, trying more children as adults, more detention, more incarceration on the back end. We're also seeing some of the really ineffective, low-level responses like curfews, right. So having, you know, Memphis, you know, Baltimore, D.C., as of today, September 1st, I'm sitting in D.C. and they're, you know, launching today youth curfew enforcement. We've always had one on the books, but we go through phases of enforcement where they're going to pick the kids up who are on the street after hours and drive them to our Department of Youth Services. So, the reason why I offer these examples, what we're doing is we are casting too wide of

a net. We are punishing the whole for the sins or the crimes of the few because the data is still clear. Very few children of any race in any class are engaged in the types of serious violent offenses that we are most afraid of. But when we go through these moments, we forget, and we overcompensate, and we revert back to those strategies in the school and in the community that don't work. And I'll say that the we know statistically the kids who get hurt the most by those strategies are Black and brown children.

Yamanda Wright [00:29:27] Yes, and that there are consequences to that overcorrecting strategy that are above and beyond like, woops, we were wrong, or maybe we overreacted. Go back to your life and live a normal childhood. It's not as cut and dried as that. And sometimes even encounters with police or with the juvenile court system that don't end in a conviction can have a long-term lasting effect on children.

Kristin Henning [00:29:56] That's absolutely right, and there is a growing body of research demonstrating the extraordinary psychological trauma that children experience in contact with police, and even more so with Black and Latino children who have been studied. The research shows that children who grow up in heavily surveilled neighborhoods, heavily surveilled schools, or who have been the significant target of stops and frisk report high rates of fear, anxiety, depression, hopelessness. They become hyper vigilant, just meaning that they're always on guard, not trusting police officers, and that distrust of police officers carries over to other authority figures like teachers, counselors, other folks who might be an ally for them. What is so powerful about that research is that it shows that trauma occurs even when young people are not the direct target of that police contact, but also when they see it, they hear about it in friends, family, in their school, among people that they know. And so, the vicarious trauma leads to the similar outcomes, the depression and anxiety. The research also shows that watching the television and the Internet involving police incidents, isolated incidents of police brutality and police violence is just as traumatic as being there. So, there's been some really powerful research around post-traumatic stress disorder and other traumatic symptoms that are associated just from watching those kinds of encounters on the television or Internet involving people that they don't even know. And those studies have been done with teenagers between the ages of 11 and 19. So that's some really powerful work. And so, as you said, when policymakers are making decisions about how to respond and how to intervene after a mass shooting or when there appears to be an uptick in crime, people are ignoring that cost, right? They're ignoring that social and psychological cost of those police encounters, and we're ignoring the long-term collateral impact on crime itself. In fact, the research, really powerful research done by folks like Juan Del Toro, Phillip Atiba Goff again, and some others showing that when we overpolice, we actually increase crime instead of reducing crime. So, it's called criminal genic. Right. We have big fancy words to tell us. Look, when you get it wrong, when you intervene the wrong way is we actually increase crime and so we increase stress and anxiety actually increases the likelihood or the risk that a child will engage in criminal behavior. Even children who weren't guilty in the first place, who weren't involved in criminal activity, might now turn to criminal activity. And those kids who are already engaged in normative, normal delinquent behaviors will increase those behaviors. So, we've got to get the intervention right.

Yamanda Wright [00:33:04] We absolutely do. It's all about calibration, right? It's all about making sure that you don't cause additional harm or trauma while you're also trying to correct sometimes problematic behavior. So important and really makes me wonder about what it's like for young people to watch these experiences. As you say, they see it. They may not only experience it themselves, but they'll see it on TV or in their communities. And in my research, I'm really interested in whether and how young people internalize these

messages about Black and Latino youth. And I'm wondering, I'm sure that in your practice, you've talked to so many kids and talked to so many parents and have seen sort of the aftermath of these experiences. And I'm wondering sort of what the range of that has been in terms of how children unpack these experiences after they happen.

Kristin Henning [00:34:04] Yeah, it's such a great question, and I think there are several different threads to that as well. You know, at least one starting place is, you know, connecting the research is research on adolescent identity development. So, there is also a wealth of research about the ways in which negative police encounters has an impact on a child's sense of who they are, who they can become and how they fit into the rest of society. And, you know, the research is also clear that adolescence is the time when our views of law and law enforcement really become fixed in our brains. Right. And so, when we have these early negative encounters with the police, it naturally. Right. Not only leads to fear and resentment of the police, but it causes the child to question the fairness and legitimacy of policing as an institution. And it causes the child to question whether or not it even makes sense to participate in mainstream society. So, then we see both that internal identity development response, but also this sort of negative response to socialization, both legal socialization and socialization more broadly within society. So that's one, one piece of it. Another piece of it, just on the very sort of real-life narrative level, you ask. I think it's a great question you asked me. You know, what have I seen? One of the other young people that I talk about in my book is a kid. I call him Kevin for purposes of my book, But I will never forget the day I was sitting in my office, the same office I'm in today, and the phone rings and it is Kevin calling to ask whether or not there was a warrant out for his arrest. And we thought that was such an odd question because, you know, we had been to court with him the day before and had there been a warrant out for his arrest, then the marshals would have taken him into custody at that time. And so, we just thought it was an odd question and we could hear his mother in the background yelling, "Boy, you're just being paranoid. You're just being paranoid." Come to find out that our client had been sitting he lived in an apartment building and had been sitting in his window looking out, and he could see a police car parked out in front of the apartment building. It had been sitting there for 2 hours. He was convinced that the police officers were waiting for him to come out so they could snatch him up and take him into custody. And so, you know, somebody listening to this story might be saying, well, wait, if he had never done anything wrong, if he was a good child, then he would never have to worry about police officers, you know, outside waiting for him. Well, what folks don't realize is this is a teenager who had grown up really all of his life, living in a neighborhood that was so over-surveilled and that this was a child that by the age of 17 years old had been stopped no less than 50 times for doing nothing criminal at all. This is a child who had been stopped walking into a convenience store, walking out of the convenience store, officers asking him, where are you going? Where you coming from? Lift up your shirt, because the officers wanted him to lift his shirt so they could see his waistband and see whether or not he was carrying any weapons. This is a child who had been, you know, because he lives in an apartment building, apartment buildings or the actual apartments are small. So, the kids come out and they bring out their little folding chairs and they sit in front of the apartment building laughing and talking, doing what kids do. Police officers walk up to them and ask them all to stand up and they would frisk them and search them. You know, this is what this child had grown up with. Right. And so, yes, he's very annoyed even when he hadn't done anything. Yes. I had represented him in court for selling marijuana. Right. Which kids have done. But here, this was a child who had been targeted and labeled and harassed pretty much all of his life. So, yes, he is paranoid, as his mother would say. You know, as I said to his mom, you know what? He's not paranoid. He's just traumatized. And so, then your other part of your question is just that about parents. What does it mean, right, to grow up

in today's society and to have to worry about your child, you know, getting not harassed and bullied by your classmates, but getting harassed by police officers or by civilians who think of them and label them as criminal? So that when every time your child walks out the door, you have to worry about, will my child come home, or will he be shot or killed or harassed by a police officer? And I always say to people, this isn't an anti-police conversation. It's the reality of what we see. It's the even if the incidents, the George Floyd's and the Breonna Taylor's and the Tamir Rice's and even if we want to count those as isolated. Right. Even if we want to say that it has created such a sense of trauma and fear in our society that children are impacted and parents are impacted in ways that have a profound effect on the well-being of our children, the psychological health of our children, the capacity for children to go to school safely and learn in an environment that is free and supportive of learning. So, there are a lot of collateral consequences and impacts from the ways in which we are engaging and responding with Black and brown children today.

Yamanda Wright [00:39:41] Hmm. So well said. So Kristin, this is so interesting to hear the overlap between what we know as researchers in the behavioral sciences and what you know as an attorney and legal scholar. And I'm wondering how much that is getting into policy. I'm familiar with some policy changes in my local jurisdiction and in my local state, but I'm wondering how that looks across the country and maybe even how it looks at the federal level.

Kristin Henning [00:40:15] I have to say one of the greatest benefits or blessings that I stumbled upon in writing my book, *The Rage of Innocence: How America Criminalizes Adolescence*, was that I had a lot of questions. I had a lot of questions about why things were happening to the young people that I was working with. And I made a ton of friends who were psychologists and empiricists and social scientists and developmental psychologists. And I realized that there was both space for and an extraordinary need for interdisciplinary work, that my work was richer, if you will, or more effective, more successful when I understood the science. And when I say more successful and effective, I mean in individual case advocacy. But in addition to representing individual clients, I also am engaged in policy reform, both at the local level and across the country. And what we also began to find was just as you asked, was that science was having an extraordinary impact on the policy reform work and that people would look at me. I would show up. Sometimes, I put on my professor hat, I'm okay. But the second folks read my bio and really understood that I also am an advocate, that I lose a little bit of credibility, but I can always restore that credibility by citing the science or going to a legislative hearing and bringing with me one of my psychologist friends who can make the same point but could make it in a way that would be received. There's a level of credibility that I think science brings to the table. And so, you've seen a lot of that. I will say that in the court houses I mentioned earlier that there are some Supreme Court cases that finally acknowledge that adolescence is different, and that is because neurologists, developmental psychologists were coming to the court testifying as experts were writing and submitting amicus pleadings, and it was having an extraordinary impact. And that was a very intentional effort for folks don't realize that some of those Supreme Court cases get teed up years in advance. And there are meetings where people fly in across the country, meetings between lawyers and psychologists and other, you know, relevant experts, and they tee the arguments up for the Supreme Court. And so, you see it the interdisciplinary work is powerful on the ground, in the courtroom in individual cases, but also in the state house, in the legislative bodies.

Yamanda Wright [00:43:11] Your job seems very challenging. Let me just say that I've been thinking about that the whole time that we've been talking. But then at the same time,

I've been thinking, I'm so grateful that you are in the field with the lens that you have, and it makes me wonder what brought you into this work. And now that you're in this work, what gives you hope?

Kristin Henning [00:43:33] Well, I come from a family of teachers and preachers, and they all instilled in me a passion for working with young people, young people who are most vulnerable to the neglect and abuses by the state, if you will. And so, I think that's where my first inkling of passion came from about children. But I have moments where I distinctly remember where my career path was set. And one of those moments was I was an apprentice in juvenile court in North Carolina. So, my freshman year in college, I had this apprenticeship, and I will never forget the first day I was scheduled to meet with the local prosecutor who I was going to be working with in juvenile court. And I walk into that courthouse, walking down the hall, I turn the corner and I see a line of children shackled together at their arms and in their legs being shuttled down the hallway, and I was blown away as a college freshman. I had no idea that we shackled children in American society and in contemporary American society. And I immediately thought about the Alex Haley documentary Roots and how people and children were shackled, Black people and children were shackled during the era of enslavement. And I just was blown away. And I walk into the courtroom, and I sat down with the prosecutor, introduce myself, and I recall saying to her, pointing across the room, I said to her, I want to be over there. I want to be at the defense table with those children representing those kids. And so that was my moment that I knew I wanted to be a defense attorney and specifically working with kids, and I went off to law school with that goal in mind. I consider myself one of the lucky ones who was so clear about what I wanted to do. And indeed, it has been, you know, a painful road at times, oftentimes daily. You know, it's a challenging road. It's a sad road, but there's an extraordinary amount of hope. And I couldn't do the work if I didn't have hope. And I think the greatest hope for me comes from watching young people serving young people. And particularly, you know, I have been doing this work for 26 years. And in that entire 26 years, I have only represented four White children. Every other child who has been assigned to me has been an African American child. That is just so devastating. We should all be ashamed of that. This is not a city where White kids, you know, don't live. This is not a city where White kids don't commit crime, but we only criminalized Black kids. But those children are children. They are beautiful and funny and brilliant and resilient. And I think that's the word where I want to land is that our children are resilient. And that gives me hope if that we learn to intervene at the policy level, at the legal level, at the research level, you know, thinking about science and adolescent development and understanding how Black kids and brown kids are the same as White kids, that's what gives me hope. That is really what gives me hope.

Yamanda Wright [00:46:54] I think that is a beautiful note to end on. I'd like to thank our guest, Kristin Henning, for sitting down with just science to discuss racial disparities in juvenile justice. Thank you so much, Kristin.

Kristin Henning [00:47:06] Thank you, Yamanda. It was great to be here with you. Such fabulous questions and great insights. I love your research and all you're doing. So, thank you.

Yamanda Wright [00:47:16] I'd also like to thank you, the listener, for tuning in today. If you enjoy today's conversation, be sure to like and follow just science on your podcast platform of choice. For more information on today's topic and resources, visit RTI.org. I'm Yamanda Wright and this has been another episode of Just Science.

Lauren Mangum [00:47:39] Next week, Just Science begins its annual case study season with host Jaclynn McKay. Opinions or points of views expressed in this podcast represent a consensus of the authors and do not necessarily represent the official position or policies of its funding.