Panel Discussion: Possible Facilitator Questions

**Audience (Judges, Law Enforcement, Service Providers, Community Leaders)**

* What is race is James?
* What led you to think that? (Urban? CPS? School fight? Poverty?)
* Do you think that James should be prosecuted? Offered services? Both?

**Child Protective Services Caseworker – Tamara Hansen, Training Specialist, former Conservatorship Supervisor**

* How long have you been a CPS Caseworker?
* How many cases do you have right now?
* How do you decide where to place a child?
* Do you consider a child’s race and ethnicity when making placements?
* Are there enough foster homes for children of color to be placed with a family of the same race?
* Would you think twice about this placement choice if you knew James was going to be the only African American kid in his new school?
* James’s parents had substance use problems. Do you currently refer families to specialty court for substance-using parents? Would it surprise you to know that one Texas judge, after receiving training on unconscious bias, noticed that in his drug court mostly white parents were being offered participation in drug court which includes specialized services?
* Do you receive training on unconscious bias?

**School Principal – Joe LaPuma, Principal at Creekview High School in Carrolton/Farmers Branch**

* How do you decide whether to recommend to arrest a youth?
* How do you decide whether to pursue in-school discipline for a youth, and the level of such discipline?
* How might it make a difference if the young man is the grandson of your family friend, a kid you’ve known since birth?
* *Breaking School Rules* was a 2011 report describing a study of all 7th grade public school students in Texas over a six-year period. It was a multivariate analyses, which enabled researchers to control for 83 different variables in isolating the effect of race alone on disciplinary actions. The study found that African-American students had a 31 percent higher likelihood of a school discretionary action, compared to otherwise identical white and Hispanic students. White, Hispanic, and African-American students were removed from school for mandatory violations at comparable rates. Can you tell us what you may have noticed throughout your career that is similar or dissimilar to the results of this study?
* Do you receive training on unconscious bias?

**School Resource Officer/Police Chief – Chief Paul Thompson, West Rusk County Consolidated Independent School District**

* How do you decide if a crime was committed during a school fight?
* What factors influence your decision whether to arrest youth or not?
* How do you decide whether to detain youth or not?
* What is your training on how much force to use to control situation?
* Would it matter if you knew the kid? Have you observed situations where a decision is influenced by whether or not the adult decision-maker knew the kid?
* If you knew the youth was in foster care, would that influence your decision in any way?
* Do you receive training on unconscious bias?
* **As Chief** - Who decides whether to investigate excessive force by an officer? How?
* After a case like this, what kind of debriefing do you give your officers?

**Back up Police Officer – Sergeant Lawrence Lujan, El Paso Police Department and Tribal Judge for Ysleta del Sur Pueblo**

* What is running through your mind when you pull up to the school, see a kid bleeding profusely, and a kid running away?
* How do you decide how much force to use to control situation?
* When a police officer decides to use a weapon, why can’t police officers just shoot someone in the leg? Why is it often fatal?
* Do you feel safe when you patrol in your community? Does being in a neighborhood that is different from your own have an effect on whether you feel safe patrolling?
* Do you receive any training on unconscious bias?

**Prosecutor – Patricia Cummings, former Prosecutor, Williamson County District Attorney**

* What factors affect your decision about whether to prosecute a case like this?
* Would you request a determinate sentence for James under these facts?
* If you request a determinate sentence, is there anything that would make you willing to waive it in plea negotiations?
* Would you request probation for James, or placement with the Texas Juvenile Justice Department (TJJD)?
* Would it matter if you knew he didn’t throw the first punch? If you knew the injured boy, Matthew, was on the baseball team and had access to his bat?
* If James receives a determinate sentence, what are the consequences of being unable to seal his juvenile record if James ages out of foster care? Employment? Housing?
* Do you feel that a defendant’s race can influence a prosecutor’s decision to prosecute?
* Do you receive any training on unconscious bias?

**Defense Lawyer – Carmen Roe, Attorney in Houston**

* For a kid like James, do you research his back story, find that pastor who knew him growing up as a witness?
* How do you decide whether to counsel a client to accept or reject a plea?
* Does your client’s race make a difference to you as you create your case strategy? For example, would your client’s race affect how you would counsel him regarding a determinate sentence plea offer?
* Do you think unconscious bias affects outcomes for kids like James?
* Do you think about bias when choosing juries? Do you believe that unconscious bias affects jury selection? Jury verdicts? If so, do you present this information to a jury either subtly or overtly?
* Do you receive any training on unconscious bias?

**Judge – Cyndi Wheless, District Judge in Collin County**

* When this case is in your court, how do you make decisions about the future of James? What factors do you consider?
* How do the rules of evidence affect what reaches the court?
* How do the rules of judicial conduct affect whether you can discuss a case?
* Have you seen bias come into play in any of the cases in your court? If so, how?
* Do you believe that unconscious bias affects jury selection? Jury verdicts?
* If so, is there a difference in how non-Anglo defendants are treated across different races? For example, what if James is Native American? Hispanic? Asian American?
* As a judge, you take great care to be impartial. Did it surprise you to hear Dr. Rachlinski’s research that about 80% of white adults in the United States have implicit pro-white biases that have been shown to affect findings of guilt/innocence and sentencing?
* Do you receive training on unconscious bias?

**Mental Health Provider – Dr. Griselda Villalobos, El Paso Therapist, Licensed Clinical Social Worker**

* How do you decide if a young adult needs mental health treatment and rehabilitation or to be incarcerated?
* Can the youth be treated in the community while mitigating the risk of future arrest? What factors into this decision?
* Do you recommend therapeutic foster home or a residential treatment center here?
* How do you address the trauma and history of observing domestic violence?
* Does your opinion change if the child has learning delay issues?
* In your career have heard of the research stating that African American adolescent males are significantly more likely than their Caucasian peers to receive a diagnosis of Conduct Disorder? In contrast, their Caucasian peers are more often diagnosed with Attention Deficit-Hyperactivity Disorder and receive services rather than behavioral correction.
* Do you receive training on unconscious bias?

**Faith-Based Leader/ Foster Parent – Bishop Aaron Blake, Greater Faith Community Church, Dallas, former school counselor, current advocate in Clergy in Courts**

* As a minister and a foster parent, have you ever met a kid like James?
* Do you see systems treating kids differently?
* Have you seen past experiences and trauma affect the way someone reacts to law enforcement or other authority?
* As a foster parent, how have you seen race affect the kids in your care?
* Do you receive training on unconscious bias?

**Youth – Kevin Lee, student at Paul Quinn College**

* What was it like to be the only African American kid in a school?
* How have your interactions been with housing authorities, CPS, law enforcement?
* Have you ever been followed by a security guard in a store?
* What have you been told about what to do in a stop and frisk?
* Have you ever received training on unconscious bias?