



April 21, 2021

Mandated Reporter Commission  
c/o Office of the Child Advocate  
One Ashburton Place, 5th Floor  
Boston, MA 02108

RE: Implicit Bias Training Will Not Address Racial Disparities in Reporting

Dear Mandated Reporter Commission,

I submit this testimony in furtherance of MLRI's goal to advance racial equity in the Commonwealth and in support of and in conjunction with my colleagues in the Massachusetts Child Welfare Coalition and the Children's Law Support Project.

A universal reporting scheme will undoubtedly exacerbate the problem of over-reporting and disproportional reporting of Black, Latinx, Asian and Native American parents. Implicit bias trainings will not address and will not reduce overreporting or reporting that does not rise to the level of child abuse and neglect that is a result of mandated reporter bias and biases in society. Any belief that implicit bias training can produce such results woefully misunderstands the science behind how our minds work, how our biases form, and how such trainings affect our behavior.

We all have biases against different social and racial groups that we are unaware of and that are not always in concert with our own convictions and beliefs.<sup>1</sup> Scientists have studied the human brain and mind for centuries. In the last four decades, scientists have particularly examined how we form biases. To safeguard against harm, our minds have evolved to make automatic unconscious positive and negative associations based on information we consumed over a lifetime through media, education, things we have read, observed, and heard.<sup>2</sup> For example, a

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<sup>1</sup> Mahzarin R. Banaji and Anthony G. Greenwald, *The Blind Spot: Hidden Biases of Good People* (2013).

<sup>2</sup> Implicit Association Test, Project Implicit, <https://implicit.harvard.edu/implicit/takeatest.html> (last visited Apr. 21, 2021). See also Keith Payne, Laura Niemi, John M. Doris, *How to Think about Implicit Bias*, *Scientific American* (Mar. 27, 2018) <https://www.scientificamerican.com/article/how-to-think-about-implicit-bias/> (An individual's IAT score doesn't tell you whether the person will discriminate on a particular occasion. What the IAT does, and does well, is predict average outcomes across larger entities like counties, cities or states. For example, metro areas with greater average implicit bias have larger racial disparities in police shootings. And counties with greater average

study showed that New Englanders associated good things with the Red Sox and negative things with the New York Yankees.<sup>3</sup> Our environments, our cultural attitudes and values leave an indelible imprint on our brains. Research has shown that we are not fully aware of these imprints and that many of our decisions are influenced by not what we believe but what we learn. Though we may have a conscious aspiration of being fair and neutral, we simultaneously are making unconscious judgments.

These type of unconscious judgments are why physicians will order skeleton scans significantly more for Black children with *accidental* fractures or why they will *miss* abuse in head traumas of White children more than non-white children.<sup>4</sup> Black and other non-white parents are unconsciously, and consciously, associated with violence, lack of family values and humanity, and with benefiting from DCF intervention. Additionally, our country has a long history and a sordid comfortability of separating non-white children from their parents, starting with tearing Black children away during slavery, sending Native American children to reform school, separating Japanese children during internment, and most recently separating Latinx children at the southern border. This history informs the unconscious associations our minds make.<sup>5</sup> Negative unconscious associations or implicit biases against Black, Latinx, Asian and Native American families result in the overreporting of families of color especially families of color from low-income households.

There is no scientific evidence that implicit bias trainings eliminate implicit bias.<sup>6</sup> There is no scientific evidence that any training does what Gwyneth Paltrow coined, a conscious uncoupling, of these associations that were created over a lifetime. More importantly, there is no scientific evidence to support that such trainings will change anyone's behavior.<sup>7</sup> In fact, there is scientific evidence that bias training can actually induce anger and frustration among White participants.<sup>8</sup> That is not to say those trainings do not have value, because they do, but such trainings are not a

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implicit bias have larger racial disparities in infant health problems. These correlations are important: the lives of Black citizens and newborn Black babies depend on them.)

<sup>3</sup> Brett Milano, Taking a Hard Look at Our Implicit Biases, HARVARD GAZETTE (Dec. 10, 2020), <https://news.harvard.edu/gazette/story/2020/12/taking-a-hard-look-at-our-implicit-biases/>

<sup>4</sup> Tara Haelle, Disparities in Child Abuse Evaluation Arise From Implicit Bias, MEDSCAPE (Jan. 6, 2021), <http://www.medscape.com/viewarticle/943639>.

<sup>5</sup> Outsmarting the Human Mind, Implicit Revolution 1: How We Develop Implicit Bias, HARVARD UNIVERSITY, <https://outsmartinghumanminds.org/module/implicit-revolution-part-1/> (Last visited Apr. 21, 2021)

<sup>6</sup> Tiffany L. Green Hagiwara Nao, "The Problem with Implicit Bias Training," Scientific American, accessed March 29, 2021, <https://www.scientificamerican.com/article/the-problem-with-implicit-bias-training/>. See also, "NYPD Study: Implicit Bias Training Changes Minds, Not Necessarily Behavior," NPR.org, accessed March 29, 2021, <https://www.npr.org/2020/09/10/909380525/nypd-study-implicit-bias-training-changes-minds-not-necessarily-behavior>; Frank Dobbin and Alexandra Kalev, "Why Doesn't Diversity Training Work? The Challenge for Industry and Academia," *Anthropology Now* 10, no. 2 (May 4, 2018): 48–55, <https://doi.org/10.1080/19428200.2018.1493182>.

<sup>7</sup> Alan Yu, *Can You Train People to be Less Bias*, PBS (Sept. 25, 2020) <https://why.org/segments/can-you-train-people-to-be-less-biased/>

<sup>8</sup> See Tiffany L. Green Hagiwara Nao, "The Problem with Implicit Bias Training"

substitute for real solutions and not a sufficient way to address a systemic issue.<sup>9</sup> Only with awareness can individuals do the arduous work of recognizing their own biases and of changing the culture of racism and white supremacy that created the biases. I implore the Commission to do the work to overhaul the system that takes into account everyone's implicit bias and the societal biases against Black, Latinx, Asian, and Native American families and create a system where the implicit biases of individual reporters have an inconsequential impact.

If policies or practices reinforce differential outcomes by race, then systemic racism exists. No training will fix a systemic problem. No training will fix an injustice. I urge you not to adopt these proposals.

Respectfully submitted,

*Virginia Benzan*

Virginia Benzan  
*Racial Equity and Justice Project Director*

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<sup>9</sup> Meryle Davide Landau, To Overcome Unconscious Bias, You Must Recognize That It's Deeply Ingrained in Your Brain, PREVENTION (Apr. 7, 2021) <https://www.prevention.com/life/a35380041/unconscious-bias/>