

IS JUSTICE TRULY JUSTICE FOR ALL?



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BACKGROUND

- Implicit bias impacts the lives of people of color at multiple levels of the Social Ecological Model
 - Ex. Education, incarceration, income, employment
- Implicit biases is attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.
- Few studies have examined implicit bias in the judicial system
 - At least one has shown implicit bias in criminal cases
- If such disparities exist, they pose imminent threats to the social and economical determinants of health for those experiencing the bias.
 - For example, loss of income, short or long term disability
 - Empirical data is required to argue for the presence of implicit bias in the court systems.
- Other factors may compound consequences of bias.
 - For example, Latinx as group are more likely to be uninsured (% uninsured), workers compensation is only way to afford long-term care in case of work injury

POPULATION

- Accounting for 182,606 of the 3.15 million people living in Iowa, Latinx people comprise 5.8% of the state population.
- Almost 70% of the Iowa Latinx population work in the service, manufacturing, transportation, and construction industries.
- Currently, 11.8% of the cases that have been reviewed contain claimants of Latinx descent.
- The Iowa Workers Compensation Judicial System includes 1 Commissioner, Joseph Cortese II, and 12 Deputy Commissioners, James Christenson, James Elliot, Erica Fitch, Toby Gordon, William Grell, Jon Heitland, Jennifer Gerrish, Lampe, Stan McElderry, Michelle McGovern, Heather Palmer, Erin Pals, Joseph Walsh, and Larry Walshire. The positions, unlike judges, are appointed, the Commissioner by the Governor and the Deputies by the Commissioner.

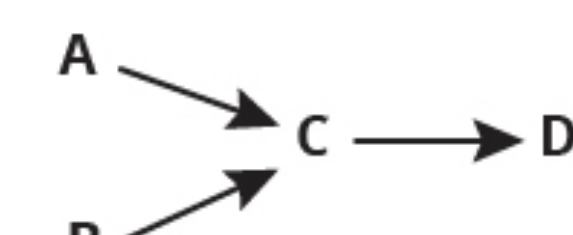
PURPOSE

This research project serves to discover the existence and/or scope of the issue of implicit racial biases against those of Latinx descent within the Iowa workers compensation system.

- The purpose of this methodology poster is to demonstrate the materials and methods used in this research project, with the overall goal of investigating implicit bias in the Iowa legal system.
 - This poster provides explanations on why we are conducting this research, how we are accomplishing it, and how we are improving the study day by day.

Event Oriented Thinking

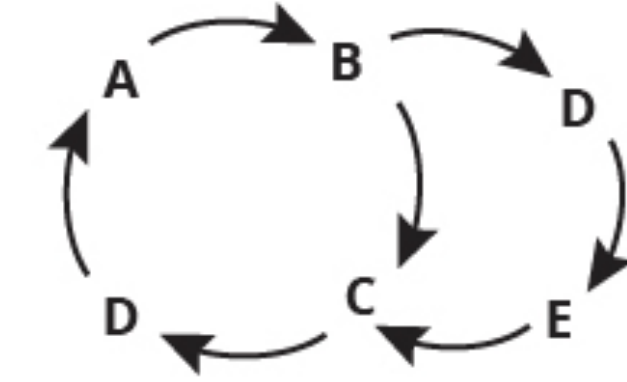
Thinks in straight lines



In event oriented thinking everything can be explained by causal chains of events. From this perspective the **root causes** are the events starting the chains of cause and effect, such as A and B.

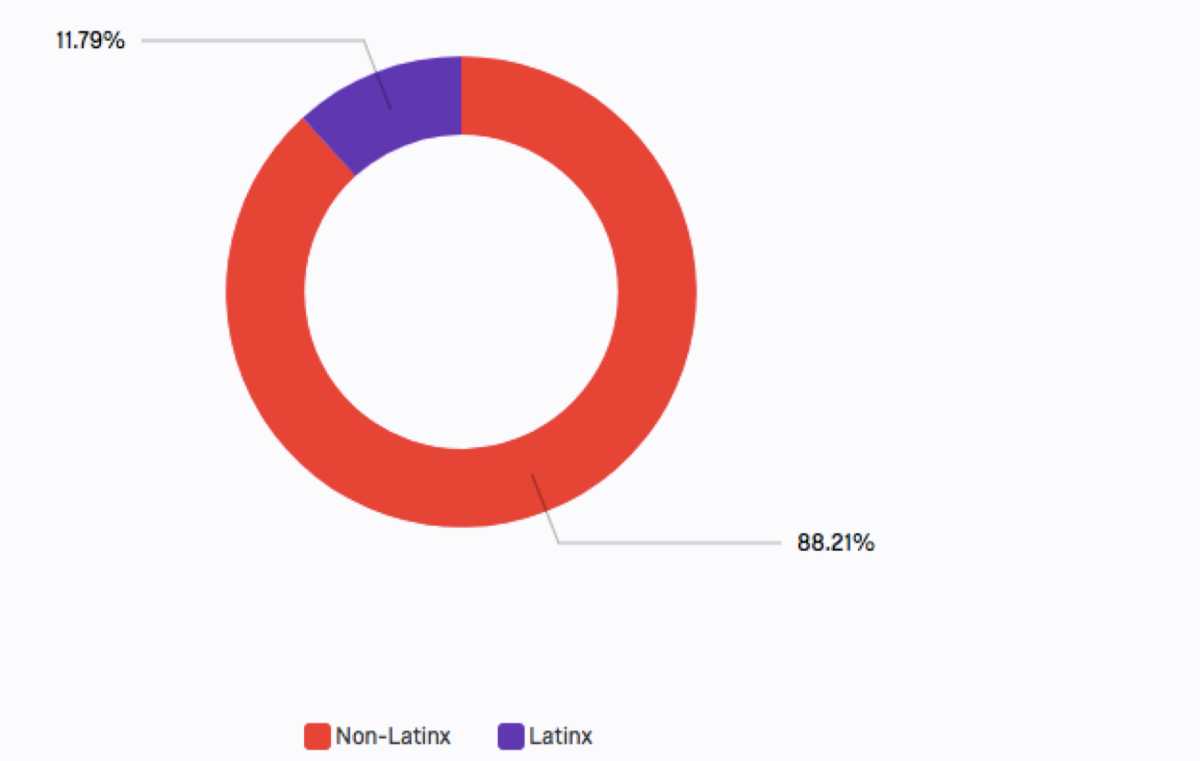
Systems Thinking

Thinks in loop structure



In systems thinking a system's behavior emerges from the structure of its feedback loops. **Root causes** are not individual nodes. They are the forces emerging from particular feedback loops. <http://www.thwink.org/>

A comparison of systems thinking to event oriented thinking to demonstrate the cycle of events that plays into systems thinking.



Preliminary data based on race.

MATERIALS AND METHODS

Data Sources and Collection Methods

All cases were accessed and downloaded via the Iowa Workers' Compensation Appeals directory, a database chronicling Iowa workers' compensation cases from the years 2000-2018. Nine data collectors were assigned cases from the directory to be downloaded in month-long intervals. All cases included in this study were retrieved from the years 2012-2016 for a total of 3,654 cases. Data from the cases are abstracted using a Qualtrics data abstraction survey. The project is improved in biweekly meetings where reliability and alterations are discussed and changes are made.

Qualtrics:

The abstraction tool prompts data collectors to input information pertinent to the research purpose, in addition to information about both the claimant and the defendants. Each case was reviewed by one data abstractor, with 20% double coding included between collectors to eliminate potential biases and to code for reliability among data collectors.

Process:

As each case undergoes data abstraction, the Qualtrics software compiles and sorts the data for future analysis. Each data collector will continue to review cases throughout the next several months until all cases in our given parameters (2012-2016) are coded and ready for analysis.

As the project began in 2017, cases from that year have been excluded. However, they may be added at a later date.

The cutoff date was 2012, due to a change in Commissioners in 2014. This will allow for a later comparison between commissioners, but is not the main aim of the study.

Claimant/Plaintiff Name (Last name, First)	
Latinx	<input type="radio"/> Non-Latinx <input type="radio"/> Latinx
Companies (Defendant)	<div><div><input type="radio"/> Tyson Food Inc.<input type="radio"/> Menard Inc.<input type="radio"/> Wal-Mart Stores, Inc.<input type="radio"/> John Deere<input type="radio"/> Hy-Vee<input type="radio"/> City of Des Moines</div><div><input type="radio"/> Quaker Oats Company<input type="radio"/> Wetz Industrial LLC<input type="radio"/> Kinseith Hotel Corp d/b/a Holiday Inn<input type="radio"/> United Parcel Service<input type="radio"/> Van Osdell Plastering & Drywall, Inc.<input type="radio"/> Pella Corporation</div><div><input type="radio"/> HNI Corporation<input type="radio"/> Titan Tire<input type="radio"/> Premium Transportation Staffing, Inc.<input type="radio"/> Second Injury Fund of Iowa<input type="radio"/> Other</div></div>
Defendants Insurance	<input type="radio"/> Private Insurance <input type="radio"/> Self Insured
Case First Filed Date (mm/dd/yyyy)	

Page one of the Qualtrics data gathering software.

Case Types	Appeal, arbitration, alternate medical, consent order, memorandum of decision, nunc tunc, remand, rehearing, review-reopen,
Ethnicity	Latinx, Non-Latinx
Companies	Tyson Foods, Walmart, North Liberty Foods, etc.,
Company Insurance Provider	Private or self-insured
Commissioner	Change in commissioner in 2014
Deputy Commissioner	Elected by the commissioner, 12 seats
Type of Injury	Broken bone, torn muscle or ligament,
Area of Injury	Arm, head, hip, leg, torso
Health Determinants	Age, translator, income, gender, education level, marital status, health insurance
Overlap	20% overlap of case coding for reliability

Chart of abstracted data from selected cases.

DISCUSSION

Limitations:

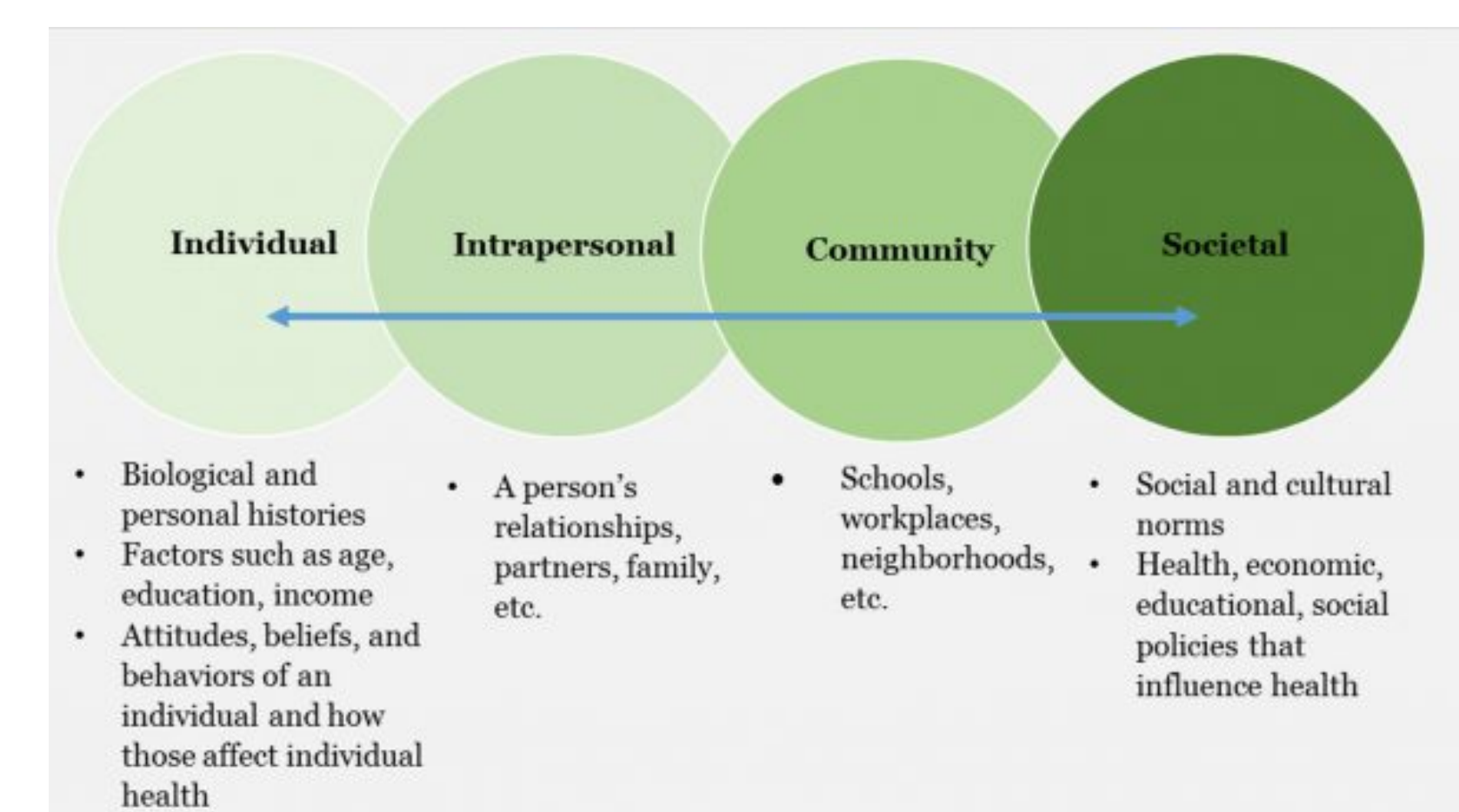
- Creating agreement between coders on what qualifies for certain data
 - For example, in the beginning of the study, coders disagreed on how to classify missing insurance information. After discussion, the team came to the consensus that missing insurance information should be classified as “not stated”.
- Several changes to the abstraction have been made “on the fly” resulting in cases having to be partially re-abstracted.
- It is not explicitly stated if a person is Latinx or not, judgements are made based off of surname.
 - Could lead to an incorrect ethnic label
 - This data will be double checked at the conclusion of the study

Implications of Perceived Hypothesis:

- If the perceived hypothesis of this research is validated, Latinx people are facing implicit discrimination in the Iowa legal system.
- The implications of this validation create major disparities for Latinx people in terms of justice, equity, equality, economic status, social status, and emotional well-being.
- This research project embodies many of the Health Equity Advancement Lab principles, such as, Systems Thinking, Cultural Humility, Social Justice Foundation, and Reciprocity and Accountability.
 - This versatile embodiment reflects the goals and purpose of the project—using circular reasoning to address a system, eliminating and identifying implicit bias, and holding people in positions of power responsible.

CONCLUSIONS

Through the work conducted by this research team, so far, no conclusions can be explicitly drawn. Additional work in data accumulation must be done, however, the current methodology being used is allowing the team to compile essential components of each legal proceeding. While this methodology does contain limitations, adjustments continue to be made throughout the course of the research. The information gathered in this case is directly related to social and economic determinants of health. The winning or losing of each case has the potential to determine several health outcomes of those involved and their families. Such health implications include social determinants of health. For example, a loss of income due to injury puts strain on the claimant and his/her family. Loss of a case can also lead to psychological detriments caused by discrimination. The future conclusions of this research have the potential to motivate social change, enable the advancement of equity, and ensure true justice for all.



Specific levels of the social determinants of health that could be explicitly affected by implicit biases.

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